

**6.01 EMERGENCY GOVERNMENT/EMERGENCY PLANNING/COMMUNITY RIGHT TO KNOW
ORDINANCE**

(1) Title/Purpose

This ordinance is entitled the "Emergency Government/Emergency Planning/Community Right to Know Ordinance." The purpose of this ordinance is to ensure that the county and Town will be prepared to cope with emergencies resulting from enemy actions and with emergencies resulting from natural disasters.

(2) Authority

The Town Board has the statutory authority, powers and duties, pursuant to Sec. 60.22, 60.24, 60.47, 166.03(4), 166.03(5), 166.03(6), 166.03(7), 166.03(9), 166.03(10), 166.03(11), 166.06(1), 166.06(2), 166.07, 166.08(5), 166.08(6), 166.20(5), and 166.20(6), (1991-1992) Wis. Stats., to manage and direct certain affairs of the Town related to emergencies in the Town.

(3) Adoption of Ordinance

The Town Board has, by adoption of this ordinance and/or by adoption of village powers, pursuant to Sec. 60.22, (1991-1992) Wis. Stats., confirmed the above noted statutory authority, powers and duties pursuant to Chapters 60, and 166, (1991-1992) Wis. Stats., and has established, pursuant to these chapters and this ordinance, the power and duties of the Town, its officers, its employees and its agents.

(4) Powers of Town Chairperson in Emergency

The Town Chairperson has, pursuant to Sec. 60.24, (1991-1992) Wis. Stats., the powers to act on behalf of the Town Board to obtain necessary assistance, if available, in case of emergency, except as provided in Chapter 166, (1991-1992) Wis. Stats.

(5) Waiver of Bid or Lowest Bidder Requirement in Emergency

The Town Board may not be required to bid or require to be available to the lowest bidder, pursuant to Sec. 60.47, (1991-1992) Wis. Stats., public contracts, if the public contracts for the repair and construction of public facilities, when damage or threatened damage to the facility, creates an emergency, as declared by resolution of the Town Board, that endangers the public health or welfare of the Town. This exception no longer

applies when the Town Board declares that the emergency no longer exists.

(6) Powers of Town Board in Emergency/Emergency Officer

The Town Board shall develop and maintain, pursuant to Sec. 166.03(4), (1991-1992) Wis. Stats., a policy and plan for emergency government consistent with the State of Wisconsin plan for emergency government. The Town Board shall appoint a head of emergency government service. His or her title shall be "Town Emergency Government Officer." The Town Board may appropriate funds and levy taxes for this purpose.

(7) Temporary Emergency Locations

The Town Board, pursuant to Sec. 166.06, (1991-1992) Wis. Stats., whenever it cannot, during a state of emergency, conduct the affairs of Town at a regular location, may meet in the Town of Wheatland, the Town of Bloomfield or any other place on the call of the Town Chairperson or his or her successor and the Town Board shall proceed to establish and designate, by ordinance, resolution or otherwise, alternative sites where all or part of the public business of the Town may be transacted and conducted during the emergency.

(8) Succession

The Town Board does, by this ordinance, establish the line of succession for Town officers. This ordinance shall only be effective upon and as a result of enemy action that effectively, kills or seriously harms the Town officers to the extent that all or part of the Town officials cannot mentally or physically serve in office.

The original succession shall be as follows:

- (a) Town Chairperson
- (b) Town Clerk
- (c) Supervisor with most Seniority
- (d) Supervisor with second longest Seniority
- (e) Supervisor with third longest seniority
- (f) Supervisor with fourth longest seniority
- (g) Town Treasurer
- (h) Municipal Judge

If all of the above noted existing Town officers have been killed or seriously harmed where they cannot mentally or physically serve in office, then the following will be the second succession:

- (a) Town Enforcement Officer
- (b) Town Fire Chief
- (c) Town Water Patrol Chief

The successor will have the emergency powers of the previous Town official and any additional powers and duties provided by Sec. 166.07, (1991-1992) Wis. Stats., and as provided by formal declarations of the state government.

(9) Definitions

As used in this chapter:

(a) Enemy Action

Any hostile action taken by a foreign power which threatens the security of the State of portion thereof.

(b) Emergency Government

All those activities and measures designed or undertaken to:

1. Minimize the effects upon the civilian population caused or which would be caused by enemy action.
2. Deal with the immediate emergency conditions, which could be created by such enemy action.
3. Effectuate emergency repairs to or the emergency restoration of vital public utilities and facilities destroyed or damaged by such enemy action.

(c) Natural Disaster

Includes all other extraordinary misfortunes affecting the county, natural or man-made, not included in the term "enemy action."

6.02 COUNTY EMERGENCY GOVERNMENT COMMITTEE

(1) How Constructed

There is hereby created a County Emergency Government Committee composed of six (6) members of the County Board, who shall be appointed by the County Board and the Chairman of the County Board, who shall be the Chairman of the County Emergency Government Committee. Members of the committee shall serve for a term of one year and until their successors are appointed and shall be compensated on the basis of mileage and authorized expenses.

(2) Duties

The Committee shall be an advisory and planning group and shall advise the County Director and the County Board on all matters pertaining to emergency government. It shall meet upon the call of the chairman.

6.03 COUNTY MUNICIPAL EMERGENCY GOVERNMENT DIRECTOR

(1) Joint Director

There is hereby created the office of county director. The County Emergency Government Director shall also hold the office of Director of such municipalities of Kenosha County as may hereafter enact an ordinance parallel to this chapter. In addition to his duties as County Director, he shall have the additional duties and responsibilities of a Municipal Emergency Government Director as set out in the Wisconsin Statutes.

(2) Appointment

The Director shall be appointed by the Kenosha County Board. The County Director shall be a fulltime position and he shall hold office at the pleasure of the County Board.

(3) The County Director shall be considered to be an employee of the County not under civil service and shall be entitled to all the rights, privileges and benefits that County employees have.

6.04 SHARING OF COSTS

(1) The Kenosha County Board shall provide offices, office furniture, stenographic help and such office supplies as may be necessary for the position of County Municipal Director and the cost shall be borne one hundred percent (100%) by Kenosha County.

(2) Costs of equipment and services required to meet emergencies shall be borne one hundred percent (100%) by the government requiring the procurement with federal matching funds procured by the County Municipal Director, when applicable. Federal matching fund reimbursements shall be returned to the treasurer of the municipality procuring the equipment or services.

6.05 JOINT ACTION MEETINGS

(1) The Director, in his capacity as County Director, subject to the control and direction of the county committee and under the general supervision of the County Board shall:

- (a) Develop and promulgate emergency government plans for the County, including planning of joint action municipalities, consistent with the State plan of emergency government.
 - (b) Coordinate and assist in the development of non-joint action municipal plans within the county and integrate such plans with the county plan.
 - (c) Direct the county and joint action municipality programs
 - (d) Direct countywide training programs and exercises
 - (e) Advise the State director of all emergency government planning for the county and render such reports as may be required by the state director.
 - (f) In case of a state of emergency proclaimed by the Governor, direct the county and joint action municipalities emergency government activities and coordinate the non-joint action municipal activities within the county, subject to the coordinating authority of the State director.
 - (g) Perform such other duties relating to emergency government as may be required by the County Board.
- (2) The Director, in his capacity as director-for a municipality participating in joint action, shall, subject to the control and direction of the municipal committee concerning matters of municipal budgeting and expenditures:
- (a) Direct the municipal organization.
 - (b) Develop, promulgate and integrate into the county plan, plans for the operating services of the municipality.
 - (c) Direct participation of the municipality in such training programs and exercises as may be required on the county level or by the State director.
 - (d) Direct the municipal training programs and exercises
 - (e) Perform all administrative duties necessary for the rendering of reports and procurement of matching funds.
 - (f) In case of a state of emergency proclaimed by the Governor, direct the activities of the municipal organization.
 - (g) Perform such other duties relating to emergency government as may be required by the municipal governing body.

6.06 UTILIZATION OF EXISTING SERVICES AND FACILITIES

(1) In preparing and executing the Emergency Government Program, the services, equipment, supplies and facilities of the existing departments and agencies of the county shall be utilized to the maximum extent practicable and the officer and personnel of all the departments and agencies are directed to cooperate with and extend services and facilities as are required of them.

(2) In order to assure that in the event of an emergency all the facilities of the existing county government are expanded to the fullest to meet the emergency, the following specific responsibilities are assigned to the following department heads named as Directors of Emergency Government Service. The Director will assist them in organizing and planning for the expansion of their departments during an emergency and for recruiting necessary volunteers to supplement regular department employees.

- (a) County Sheriff - Direct of Police Services
- (b) County Highway Commissioner - Director of Engineering Services
- (c) Purchasing Agent - Director of Supply Service
- (d) Director of Public Welfare - Director of Emergency Welfare Service
- (e) Other - Other department heads not specifically named will fulfill emergency duties as assigned under the county survival plan.

(3) Joint Action

Municipalities entering into joint action with Kenosha County will provide for utilization of existing services of municipal government by enactment of an ordinance parallel to this section of the County ordinance.

6.07 OTHER EMERGENCIES

(1) Joint Actions

In the event the Governor determines that an emergency exists growing out of natural or man-made disasters, the County Municipal Director will activate and direct the services at the appropriate level of government affected by the emergency.

(2) Non-Joint Action Municipalities

In the event of a natural or manmade disaster, the County Director will coordinate the municipalities affected and rendered such assistance as is required and available from county resources.

6.08 HAZARDOUS SUBSTANCE INFORMATION/EMERGENCY PLANNING/COMMUNITY RIGHT TO KNOW

(1) Coordination with local emergency Committee

The Town Board shall, by the Town Emergency Government Officer (TEGO), consult and coordinate with the local emergency planning committee, operated by and established pursuant to Sec. 166.20, (1991-1992) Wis. Stats., as to the execution of the local emergency committee duties under Sec. 166.20, (1991-1992) Wis. Stats.

(2) Reporting

The Town shall, by the Town Board file all appropriate state and federal Community Right to Know Forms required to comply with Sec. 166.20, (1991-1992) Wis. Stats., and the federal laws.

(3) Fees

The Town shall, by the Town Treasurer, pay all appropriate filing fees required by the state and federal Community Right to Know laws.

(4) Review

The Town Board shall review all hazardous substance reports filed with the local emergency government committee, concerning residents of the Town. The TEGO shall obtain and maintain these reports. The Town shall, by the Town Board, work with the county emergency coordinator to develop, maintain and implement a local response plan. This plan, to the extent possible should be in coordination of the Town emergency government plan.

(5) Report Releases

The Town Board shall, by the TEGO, report all known releases of hazardous substances, toxic chemicals and hazard chemicals in the Town in excess of the threshold quantities as defined by Sec. 166.20, (1991-1992) Wis. Stats., to the state emergency response commission and the local emergency planning committee established by the County of Kenosha.

(6) Lawsuit

The Town may commence litigation under Chapter 160, (1991-1992) Wis. Stats., for the failure of persons to comply with the provisions of Sec. 166.20, (1991-1992) Wis. Stats., relating to notification requirements.

6.10 PENALTIES

No person shall willfully obstruct, hinder or delay any member of the emergency government organization in the enforcement of any order, rule, regulation or plan issued pursuant to this chapter or do any act forbidden by any order, rule, regulation or plan issued pursuant to the authority contained in this chapter. For a violation of any of the provisions of this chapter, he or she shall be subject to a penalty as provide in Sec. 25.04 of this Code of Ordinances.