

CHAPTER 36 EMERGENCY PLANNING

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36.01 PURPOSE AND AUTHORITY. It is the purpose of this chapter to ensure that the County of Dane will be prepared to cope with emergencies resulting from enemy action and manmade or natural disasters. To further that purpose, a county department of emergency management is created to carry out the purposes and pursuant to the authority of section 166.03 of the Wisconsin Statutes.

[History: am., OA 4, 1988-89, pub. 06/23/88.]

36.02 DEFINITIONS. For purposes of this chapter:

- (1) *Enemy action* means any hostile action taken by a foreign power which threatens the security of Dane County, the State of Wisconsin or the United States.
- (2) *Civil defense* means all measures undertaken by or on behalf of the county and its subdivisions to prepare for and minimize the effect of enemy action upon the civilian population.
- (3) *Emergency planning* includes civil defense and means all measures undertaken by or on the behalf of the county and its subdivisions:
 - (a) to prepare for and minimize the effect of enemy action and natural or manmade disasters upon the civilian population;
 - (b) to deal with the immediate emergency conditions which could be created by such action or disaster; and
 - (c) to effectuate emergency repairs to, or the emergency restoration of, vital public utilities and facilities destroyed or damaged by such action or disaster.
- (4) *Municipality* means town, village or city.

(5) *Joint-action municipality* means a municipality electing under section 36.05(2) hereof.

[History: (5) am., OA 4, 1988-89, pub. 06/23/88.]

36.03 COUNTY EMERGENCY GOVERNMENT COMMITTEE.

(1) The county board chairperson shall appoint at least 3 supervisors to a committee of the county board to be known as the emergency government committee.

(2) *Duties and Powers.* The emergency government committee shall be a policy making and rule making body with respect to emergency government matters. It shall advise the county emergency planning director, the county executive and the county board on all matters of emergency planning. It shall meet upon call of the chairperson or as otherwise provided in county board rules.

[History: am., OA 4, 1988-89, pub. 06/23/88.]

36.04 LOCAL EMERGENCY PLANNING COMMITTEE.

(1) There is created the Dane County Local Emergency Planning Committee with the powers and duties established for such committees under 42 USC 11000 to 11050 and under sections 59.07(145), 166.20, and 166.21 of the Wisconsin Statutes.

(2) The county executive, subject to confirmation by the Dane County Board of Supervisors, shall make membership recommendations to the state emergency response commission. Appointments to the local emergency planning committee shall be made by the state emergency response commission under 42 USC 11001(301).

(3) The membership of the local emergency planning committee shall consist of fourteen members. At least one member of the committee shall be a member of the Dane County Board of Supervisors. As required by the state emergency response commission, the emergency planning director shall be a member. There shall also be at least one representative from each of the following groups: law enforcement; fire service; emergency medical service; community group; environmental group; and the media. The committee shall also have at least two representatives from facilities subject to 42 USC 11001-11050, the emergency planning and community right-to-know legislation.

(4) Committee members shall serve two-year terms ending on the third Tuesday in April of the even-numbered years, or as soon thereafter as a successor is appointed and confirmed.

(5) Citizen members shall receive no compensation or mileage allowance or reimbursement for other expenses incurred in the performance of their duties. Dane County board members shall receive the same per diem for attendance as other county bodies and the same mileage and expense allowance.

(6) The Dane County Department of Emergency Management shall provide such staff assistance as may be required to carry out the functions of the local emergency planning committee.

(7) The local emergency planning committee is authorized to apply for emergency planning grants for reimbursement of expenses. Such reimbursements shall be administered by the department of emergency management in a separate cost account division.

(8) The local emergency planning committee shall develop a comprehensive hazardous materials response plan. The committee shall make recommendations and

advise the Dane County Board of Supervisors and the board's designated standing committee on matters pertaining to hazardous materials emergency planning and response.

[History: cr., OA 4, 1988-89 and then existing ss. 36.04 - 36.09 renum., pub. 06/23/88; (3), (4) and (8) am., OA 32, 1989-90, pub. 04/17/90.]

36.05 COUNTY EMERGENCY PLANNING DIRECTOR.

(1) *Creation.* There is hereby created the office of county emergency planning director. The county emergency planning director (hereafter, the "county director") shall also hold the office of municipal emergency planning director (hereafter, the "municipal director") as provided in sub. (2) hereof.

(2) Any municipality in Dane County may hereafter enact an ordinance or resolution parallel to this section. The enactment of such an ordinance or resolution and the filing of a copy thereof with the county clerk shall constitute an election by the municipality to contract with the county for the joint exercise of the powers and duties of an emergency planning director, as provided in ss. 66.30 and 166.03(7) of the Wisconsin Statutes. Effective upon the filing of such an election, the county director shall have the additional duties and responsibilities of the appropriate municipal director. Unless and until revoked by a municipality, any election under a predecessor of this section shall constitute a continuing election under this section and section 36.10(3) as presently worded.

(3) The county director shall be a full-time position. The county director shall be considered an employee of Dane County and is entitled to all the rights, privileges and benefits of such employment. The salary of the county director and his or her staff shall be set from time to time by the county board. The county director shall have no less than the powers and duties enumerated in s. 166.03(5) of the Wisconsin Statutes.

(4) *Appointment.* The county director shall be appointed by the county executive in accordance with the standard employment procedures used by Dane County.

[History: (2) and (3) am., and (5) rep., OA 4, 1988-89, pub. 06/23/88.]

36.06 DUTIES OF THE COUNTY EMERGENCY PLANNING DIRECTOR.

(1) *County-wide duties.* Subject to the control and direction of the county executive and the county emergency planning committee, the county director shall:

(a) Develop and promulgate county emergency plans and programs, including planning for joint-action municipalities, consistent with the state plan of emergency government;

(b) Coordinate and assist in the development of non-joint-action municipal emergency plans within the county, and integrate such plans with the county plan;

(c) Direct the county and joint-action municipality emergency planning programs.

(d) Direct county-wide emergency planning training programs and exercises;

(e) Advise the state administrator of the division of emergency government, through the state area director, of all emergency planning for the county and render such reports as may be required;

(f) In case of a state of emergency proclaimed by the governor, activate and coordinate the emergency plans, programs and services of the appropriate county, and joint-action municipalities; and coordinate non-joint-action municipal emergency services, rendering such assistance as is required and available from county resources;

- (g) Coordinate county emergency plans with state and federal emergency plans and programs;
- (h) Perform such other duties relating to emergency planning as may be required.
- (2) *Municipal duties.* The county director, when acting as municipal director for a joint-action municipality shall:
 - (a) Coordinate the municipal emergency planning organization;
 - (b) Develop, promulgate and integrate into the county plan, emergency plans for the operating services of the municipality;
 - (c) Coordinate participation of the municipality in such emergency planning training programs and exercises as may be required on the county level;
 - (d) Direct the municipal emergency planning training programs and exercises;
 - (e) Perform all administrative duties necessary for the rendering of reports and procurement of matching federal funds for each municipality requesting federal matching funds;
 - (f) In case of a state of emergency proclaimed by the governor, activate and coordinate the activities of the municipal emergency planning organization; and
 - (g) Perform such other duties, relating to emergency planning, as may be required by the municipal governing body.

36.07 SHARING OF COSTS.

- (1) *Office and staff.* The Dane County Board shall provide staff offices, office furniture, and such office supplies as may be necessary to carry out the functions of the county director and the cost thereof shall be defrayed by the County of Dane, with the help of federal matching funds.
- (2) *Equipment and services.* Each municipality shall bear all of the costs of providing equipment and services required by it under this chapter. For all joint-action municipalities, the county director shall apply for available federal matching funds and, upon receipt of such funds, shall reimburse the joint-action municipality.

[36.08 and 36.09 reserved.]

36.10 UTILIZATION OF EXISTING SERVICES AND FACILITIES.

- (1) *Policy.* In preparing and executing the county emergency plans and programs, 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 officers and personnel of all such departments and agencies are directed to cooperate with and extend such services and facilities as are required of them.
- (2) *Responsibility.* All officials and personnel shall fulfill emergency and non-emergency duties as assigned under the county emergency plan. The county emergency planning director will assist them in organizing and planning for the expansion of their agencies prior to and during an emergency. Nothing in this section shall be construed so as to limit the county emergency planning director from immediately commencing organizational and planning programs as required by the State of Wisconsin Emergency Operations Plan adopted by the Dane County Board.

(3) *Joint action.* Joint action municipalities will provide for utilization of existing services of municipal government by enactment of an ordinance parallel to this section of the county ordinance.

36.11 DEBRIS REMOVAL ON PRIVATE PROPERTY.

(1) *Policy.* Such ordinances under which the use of county government equipment on private property is prohibited are hereby amended under the provisions of the Disaster Relief Act of 1974, United States P. L. 93-288, as amended, to permit debris removal when such action is invoked by presidential declaration. This section shall not and is not intended to authorize compensation for debris removal from private property by private individuals except where such removal and compensation are specifically ordered by the county director and approved by the county executive. Whenever possible, debris removal from private property will be accomplished by use of local or county owned equipment. No debris shall be removed from private property under this section unless the property owner or other persons in possession of the property shall sign a certificate of release holding local, county, state and federal governments free of liability.

(2) *County director.* The county director shall:

(a) Execute, on behalf of Dane County, any application for purposes of obtaining certain federal assistance under P. L. 93-288, and file the application in the appropriate state office;

(b) Coordinate, or designate one or more persons to coordinate, debris removal from private property in Dane County; and

(c) Establish liaison and coordinate with the county agricultural stabilization and conservation committee, which shall have responsibility for debris removal on private property for all designated predominantly rural areas.

(3) *County highway commissioner.* The county highway commissioner shall:

(a) Have the responsibility for non-rural areas with authority to delegate control to departments of public works, engineering or street departments in municipalities of the county;

(b) Initiate necessary steps to ensure that responsible departments of public works, engineering or street departments in all municipalities within the county are aware of debris removal responsibilities under United States P. L. 93-288;

(c) Maintain inventories of engineering equipment of municipalities within the county;

(d) Establish liaison with private contractors for possible utilization of their engineering equipment under the provisions of United States P. L. 93-288; and

(e) Be authorized to employ short-term emergency manpower at the present Dane County part-time salary schedule, as necessary, to implement debris removal from private property under provisions of United States P. L. 93-288, with approval of the Dane County Executive.

[36.12-36.98 reserved.]

36.99 PENALTIES. It shall be unlawful for any person willfully to obstruct, hinder, or delay any member of the emergency planning organization in the enforcement of any order, rule, regulation or plan issued pursuant to this chapter, or to 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 forfeit not less than \$100.00 nor more than \$500.00, together with the costs of prosecution and court costs, and in default of payment thereof, shall be imprisoned in the county jail for a period not exceeding 90 days.

END OF CHAPTER