

## CHAPTER 15

### CIVIL EMERGENCIES

15.01 **POLICY AND PURPOSE.** To prepare the city to cope with emergencies resulting from enemy action and natural or man-made disasters, it is declared to be necessary: to establish a plan for emergency government for the City, in order to provide for the common defense, protect the public peace, and preserve the lives and property of the people and businesses therein; to provide for the exercise of necessary powers during a civil emergency; to provide for an Emergency Management Director; and to provide for the rendering of cooperation and mutual aid between the City and other political subdivisions including the coordination to the maximum extent possible for the existing services and facilities of this City and the federal, state and county governmental units and also various private agencies, so as to allow for the most effective preparation and use of manpower, resources and facilities for dealing with civil emergencies.

15.02 **DECLARATION OF EMERGENCY.**

- (1) Whenever conditions arise by reason of war, conflagration, flood, heavy snowstorm, blizzard, catastrophe, disaster, riot or civil commotion, hazardous material, radiological or biological incident or acts of God and including conditions, without limitation because of enumeration, which impair transportation, food or fuel supplies, medical care, fire, health or police protection or other vital facilities of the City, the Common Council shall be empowered, pursuant to Wis. Stats. §166.23, to declare by resolution that an emergency exists in the City. The period of such emergency shall be limited by such resolution to the time during which such emergency conditions exist or are likely to exist.
- (2) The emergency power conferred by Wis. Stats §166.23 shall include the general authority to order by such resolution whatever is necessary and expedient for the health, safety, welfare and good order of the City in such emergency and shall include, without limitation because of enumeration, the power to bar, restrict or remove all unnecessary traffic, both vehicular and pedestrian, from local highways.
- (3) If, because of emergency conditions, the Common Council is unable to meet with promptness, the Mayor, or in the event of his/her inability to act, the president of the Common Council, shall exercise by proclamation all of the powers conferred upon the Common Council which within his/her discretion appear necessary and expedient for the purposes set for in this section.
- (4) Any proclamation issued pursuant to subsection (3) of this section shall be subject to ratification, alteration, modification or repeal by the Common Council as soon as it can meet, but such subsequent action taken by the Common Council shall not affect the prior validity of such proclamation.

(5) Any person violating any emergency resolution or proclamation issued under this section shall forfeit up to \$100.00 for each separate offense, or in the default of payment thereof, shall be committed to the county jail until such forfeiture has been paid, such commitment not to exceed six months for each separate offense.

15.03 **EMERGENCY INTERIM SUCCESSORS.** Pursuant to the authority granted by Wisconsin Statutes §166.07, the Common Council makes the following provisions for emergency succession to the office of Mayor:

(1) The president of the Common Council, the chairperson of the Public Works Board, are hereby designated as emergency interim successors, and for the purposes of succession they shall rank in the order named in this subsection.

(2) If the Mayor is unavailable, the highest ranking emergency interim successor who is available shall exercise the powers and discharge the duties of the Mayor. Such successor shall exercise these powers and discharge these duties only until such time as the lawful incumbent Mayor or emergency interim successor higher in rank or in order of succession exercises, or resumes the exercise of, the powers and duties of the office or until, where an actual vacancy exists, a successor is appointed to fill such vacancy or is elected and qualified as provided by law.

(3) At the time of their designation, emergency interim successors shall take such oath as may be required to qualify them to exercise the powers and discharge the duties of the office of Mayor.

15.04 **EMERGENCY GOVERNMENT LOCATION.** Whenever during a civil emergency it becomes imprudent, inexpedient or impossible to conduct the affairs of the City at City Hall, the governing body may meet at any place within or without of the City limits on the call of the Mayor or his or her interim successor and shall proceed to establish and designate by resolution an alternate or substitute site as the emergency temporary location of City government where all or any part of the City's business may be transacted and conducted during the civil emergency. If practical, such site or place shall be the location as designated in the emergency management plan.

15.05 **EMERGENCY MANAGEMENT DIRECTOR.** The office of Emergency Management Director (EMD) is hereby created, with appointment as provided in Section 1.04(1)(f) of the Municipal Code.

15.06 **EMERGENCY MANAGEMENT PLAN.** The EMD shall develop and promulgate an emergency management plan consistent with state plans, direct the emergency management program, and perform such other duties related to emergency management as required by the Common Council. Such emergency management plan shall take effect upon the proclamation of a state of emergency pursuant to Chapter 166 of the Wisconsin Statutes or a declaration of emergency under Section 15.02 of this ordinance. In developing such plan and program, the EMD shall consult with the Mayor, the Chief of Police, the Fire Chief and the Director of Public Works. Such plan shall include the designation of a temporary emergency government location. The emergency

management plan shall be submitted to and approved by the Common Council, including any future modifications or amendments thereto. The EMD shall direct local emergency management training programs and exercises, direct participation in emergency management programs and exercises ordered by the adjutant general and the Calumet County head of emergency management services, and advise the Calumet County head of emergency management services on local emergency management programs and submit to him or her such reports as he or she requires. The emergency management plan shall utilize the services, equipment, supplies and facilities of the City, including the City's employees, elected officials and appointees to the maximum extent practicable.

15.07 **VIOLATIONS.** Whoever intentionally fails to comply with the directors of emergency management authorities promulgated under this ordinance or Chapter 166 of the Wisconsin Statutes during a state of emergency, ordering any training program, or exercises may be fined not more than \$200.00 or imprisoned not more than 90 days or both.

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a Court of competent jurisdiction or by any agency or of any kind or by anyone else, the remainder of the Ordinance shall not be affected. (Rep. and Recr. #420)