

CHAPTER 6

EMERGENCY GOVERNMENT OPERATIONS

- 6.01 Emergency government defined
- 6.02 Emergency government director
- 6.03 Utilization of existing services and
 facilities
- 6.04 Declarations of emergency
- 6.05 Emergency regulations
- 6.06 Obstruction of emergency government
 organization - penalty
- 6.07 Prohibited discharges
- 6.08 Containment, cleanup and restoration
- 6.09 Emergency services response
- 6.10 Site access
- 6.11 Public protection
- 6.12 Enforcement
- 6.13 Civil liability
- 6.14 Coordination with county

6.01 EMERGENCY GOVERNMENT DEFINED. "Emergency government" means the preparation for and carrying out of all emergency functions other than functions for which the military forces are primarily responsible, to minimize and repair injury and damage resulting from disaster caused by enemy attack, sabotage or other hostile action or by fire, flood, or other natural causes.

6.02 EMERGENCY GOVERNMENT DIRECTOR. (A) Appointed. The Police Chief shall serve as emergency government director of the Village.

(B) Duties. The director shall be the executive head of the Village emergency government organization and shall have direct responsibility for the organization, administration and operation of such organization subject to the direction and control of the Village President and the Village Board. In addition to such powers and responsibilities as may be imposed on him or her from time to time by the Village Board, he or she shall:

1. Coordinate all activities for emergency government within the Village;
2. Maintain liaison and cooperate with emergency government agencies and organizations of other political subdivisions and of the state and federal governments;
3. Participate in county and state emergency government activities upon request;
4. Prepare a comprehensive general plan for the emergency government of the Village and present such plan to the Village Board for its approval;
5. Upon the declaration of an emergency, issue all necessary proclamations as to the existence of such state of emergency and such disaster warnings or alerts as are required by the emergency government plan.

(C) Assistants. Such deputy and assistant directors may be appointed by the director, subject to the approval of the Village Board, as may be deemed necessary. Such appointees shall receive such compensation as the Village Board may determine.

6.03 UTILIZATION OF EXISTING SERVICES AND FACILITIES In preparing and executing the emergency government plan, the director shall utilize the services, equipment, supplies and

facilities of the existing departments and agencies of the Village to the maximum extent practicable. When the Village Board has approved the plan, all municipal agencies and departments of the Village shall perform the duties and functions assigned by the approved plan.

6.04 DECLARATIONS OF EMERGENCY. The emergency government organization shall take action in accordance with the emergency government plan only after a declaration of emergency and the issuance of the official disaster warnings. Declarations of emergency shall be made by the Governor, the Village Board or in accordance with Section 166.23, Wis. Stats. by the Village President. Such state of emergency shall continue until terminated by the issuing authority, provided any declaration not issued by the Governor may be terminated by the Village Board.

6.05 EMERGENCY REGULATIONS. Whenever necessary to meet an emergency for which adequate regulations have not been adopted by the Village Board, the Village President or, in his or her absence, the emergency government director may proclaim, promulgate and enforce orders, rules and regulations relating to the conduct of persons and the use of property which are necessary to protect the public peace, health and safety, to preserve lives and property and to insure cooperation in emergency government activities. Such proclamations shall be posted in three public places and may be rescinded by resolution of the Village Board.

6.06 OBSTRUCTION OF EMERGENCY GOVERNMENT ORGANIZATION PENALTY. (A) 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 violate any order, rule, regulation or plan issued pursuant to the authority contained in this chapter.

(B) Any person who violates any provision of subsection A of this section shall be subject to a penalty as provided in Chapter 25.04.

6.07 PROHIBITED DISCHARGES. No person, firm or corporation shall discharge or cause to be discharged, leaked, leached or spilled on any public or private street, alley, public or private property, or unto the ground, surface waters, subsurface waters or aquifers or within the Village, except those areas specifically licensed for waste disposal or landfill activities and to receive such materials, any explosive, flammable or combustible solid, liquid or gas, any radioactive material at or above Nuclear

Regulatory Restriction levels, etiologic agents or any solid, liquid or gas creating a hazard, potential hazard or public nuisance or any solid, liquid or gas having a deleterious effect on the environment.

6.08 CONTAINMENT, CLEANUP AND RESTORATION. Any person, firm or corporation in violation of Section 8.24.010, shall so notify the fire department and begin immediate actions to contain, clean up and remove to an approved repository the offending material(s) and restore the site to its original condition, with the offending person, firm or corporation being responsible for all expenses incurred. Should any person, firm or corporation fail to engage the necessary personnel and equipment to comply or to complete the requirements of this section, the office of the emergency government coordinator may order the required actions to be taken by public or private sources, and allow the recovery of any and all costs incurred by the village as action imposed by Section 8.24.030.

6.09 EMERGENCY SERVICES RESPONSE.

Emergency services response includes, but is not limited to: fire service, emergency medical service, law enforcement and public works. A person, firm or corporation who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall be responsible for reimbursement to the responding agencies for actual and necessary expenses incurred in carrying out their duties under this chapter. Actual and necessary expenses may include, but not be limited to : replacement of equipment damaged by the hazardous material , cleaning, decontamination and maintenance of the equipment specific to the incident, costs incurred in the procurement and use of specialized equipment specific to the incident, specific laboratory expenses incurred in the recognition and identification of hazardous substances in the evaluation of response, decontamination, clean up and medical surveillance, and incurred costs in future medical surveillance or response personnel as required by the responding agency's medical advisor.

6.10 SITE ACCESS. Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to fire department officers and staff and to village police department personnel for the purpose of evaluating the threat to the public and monitoring containment, cleanup and restoration activities.

6.11 PUBLIC PROTECTION. Should any prohibited discharge occur which threatens the life, safety or health of the public at, near or around the site of a prohibited discharge, and the situation is so critical that immediate steps must be taken to protect life and limb, the fire chief, his or her assistant, or the senior police official on the scene of the emergency may order an evacuation of the area or take other appropriate steps for a period of time until the Village Board for the village can take appropriate action.

6.12 ENFORCEMENT. The fire chief and emergency government director shall have authority to issue citations or complaints under this chapter.

6.13 CIVIL LIABILITY. Any person, firm or corporation in violation of this chapter shall be liable to the village for any expenses incurred by the village for loss or damage sustained by the village by reason of such violations.

6.14 COORDINATION WITH COUNTY. Prior to the village pursuing an enforcement action, it should coordinate enforcement options with the affected county pursuant to Wis. Stats. Section 166.22. [Ord. 572 04/07]