

## CHAPTER 56 – EMERGENCY MANAGEMENT AND SERVICES

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### 56.01 Purpose.

A. To prepare the County to cope with emergencies resulting from a disaster, or the imminent threat of a disaster, it is necessary to establish protocol for emergency management, conferring with the County Board and others specified, pursuant to the powers and duties provided by this Chapter.

B. Unless otherwise specified by law, the role of any County department or agency, including the Emergency Management Department, in an emergency declared under this Chapter, is to assist local units of government and local law enforcement agencies in responding to a disaster or the imminent threat of a disaster.

### 56.02 Definitions.

The following terms as used in this Chapter shall, unless the context clearly indicates otherwise, have the following meanings:

- A. **Board** means the County Board of Supervisors.
- B. **Emergency Management Director** means the head of the County Emergency Management Department, who shall, in addition to fulfilling departmental responsibilities, provide direction and control of Emergency Management during times of emergency or disaster.
- C. **Emergency Management** means all measures undertaken by or on behalf of the County and its subdivisions to do any of the following:
  1. Prepare for and minimize the effect of a disaster or the imminent threat of a disaster.
  2. Make repairs to or restore infrastructure or critical systems that are destroyed or damaged by a disaster.

**D. Emergency** means a severe or prolonged, natural or human caused, occurrence that threatens or negatively impacts life, health, property, infrastructure, the environment, the security of the County or a portion of this State.

**E. Disaster** means a severe or prolonged, natural or human caused, occurrence that threatens or negatively impacts life, health, property, infrastructure, the environment, that exceeds the County's capability to respond to provide the adequate resources or support and may require the additional assistance from state and federal agencies or traditional mutual aid partners.

**F. Adjutant General** means the Adjutant General of the Wisconsin Department of Military Affairs.

**G. Administrator of Emergency Management** means the Administrator of the Division of Emergency Management.

### **56.03 Lines of Succession for Emergency Management Declaration Decisions.**

If an emergency condition exists and the full County Board is unable to meet with promptness, the designees in a line of succession for proclaiming an emergency or disaster in the County shall be as set forth below.

The succession designees are allowed to exercise all of the powers of the County Board which appear necessary as the result of an emergency or disaster, including issuing a mandatory evacuation order. Any proclamations so declared shall be subject to ratification, alteration, modification or repeal by the County Board as soon as the Board can meet.

**A. County Board Chairperson.** The Chairperson of the County Board is empowered to declare an emergency, as emergency is defined in this Chapter.

**B. Alternates.** In the absence of the Chairperson, alternates in the line of succession are:

1. County Board Vice Chairperson
2. County Sheriff
3. County Emergency Management Director

**C. Emergency Management Director Absence.** In the event the County Emergency Management Director is absent, the Patrol Captain of the Sheriff's Office is the alternate. The Wisconsin Emergency Management Regional Director may, upon request of law enforcement or emergency first responders responding to an emergency, request a local declaration of emergency.

## **56.04 Emergency Declarations and Emergency Powers.**

### **A. Declaration by County Board.**

1. The Board may declare by resolution, an emergency existing within the County whenever conditions arise by reason of disaster or an imminent threat of a disaster, as defined in this Chapter exist or are likely to exist.
2. A state of emergency shall not exceed sixty (60) days, unless the state of emergency is extended by Resolution of the Board. The existing declaration of emergency may be revoked at the discretion of the Board by Resolution.

**B. Powers of the Emergency Management Director.** During a state of emergency declared by the Governor or the Board, the County Emergency Management Director, may obtain supplies, equipment, and services or contract with any person to provide equipment and services on a cost basis to be used to respond to a disaster, or the imminent threat of a disaster.

**C. Emergency Powers of the Board Chairperson.** In the event of a local emergency or the proclamation of a state of emergency by the Governor, Board Chairperson, or when applicable his or her alternate is empowered as follows:

1. Whatever is necessary and expedient for the health, safety, protection, and welfare of persons and property within the County in the emergency; including the power to bar, restrict, or remove all unnecessary traffic from the highways, notwithstanding any provision of Chapters 341 to 349, Wis. Stats., and their succession Chapters.
2. If, because disaster conditions exist or are likely to exist and the Board is unable to meet promptly, the Board Chairperson may exercise by proclamation a local State of Emergency. The proclamation shall be subject to ratification, alteration, modification, or repeal by Resolution as soon as the Board can meet.

**D. Initial Emergency Measures.** All emergency measures taken by the Emergency Management Director prior to the issuance of an official proclamation of emergency, or prior to any decision of the Board not to issue such proclamation, shall be legal and binding upon the County.

**E. Expenditures.** Any expenditure made in connection with such emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the County.

## **56.05 Emergency Management Committee.**

The Public Safety Committee is designated as the Emergency Management Committee, § 323.14, Wis. Stats. The Public Safety Committee shall be an advisory and planning group and shall advise the County Emergency Management Director and the County Board on all matters pertaining to emergency management.

## **56.06 Emergency Management Director.**

Duties and responsibilities of the Emergency Management Director shall be as follows and as set forth in § 323.14, Wis. Stats., shall be:

**A.** Develop and promulgate emergency management plans for the County, including planning for joint action with municipalities consistent with the State plan of emergency management.

**B.** Coordinate and assist in the development of municipal emergency management plans within the County and integrate such plans with the County's plans.

**C.** Direct the County and joint action municipality emergency management programs.

**D.** Direct the County-wide emergency management training and exercises.

**E.** Advise the State Director of all emergency management 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 management activities and coordinate the municipal emergency management activities within the County, subject to the coordinating authority of the State Director.

**G.** Perform such other duties relating to emergency management as may be required by the County Board.

**H.** Act as a Municipal Emergency Management Director as provided for in Wisconsin Statutes Chapter 323 and work in consultation with the County Hazardous Materials Team and Local Emergency Planning Committee as the Emergency Information Coordinator and Community Emergency Coordinator until such time as that Committee has revoked those responsibilities.

## **56.07 Joint Action.**

The Emergency Management Director shall coordinate and assist in developing city, village and town emergency management plans within the County, integrate the plans with the County plan, advise the Department of Military Affairs of all Emergency Management Planning in the County and submit to the Adjutant General the reports that he or she requires, direct and coordinate emergency management activities throughout the County during a state of emergency, and direct County-wide emergency management training programs and exercises.

**A. Joint Action Chapter.** Municipalities entering into a joint action agreement with the County shall provide for utilization of existing services of municipal government by enactment of a Chapter parallel to this Chapter.

**B. Municipal Emergency Management Coordinator.**

1. Each municipality enacting a joint action agreement with the County shall appoint an Emergency Management Coordinator.
2. The municipal Emergency Management Coordinator will operate under the administrative direction of the County Emergency Management Director.
3. Remuneration, if any, for the municipal Emergency Management Coordinator will be determined and paid by the governing body of that municipality.

**56.08 Marquette County Emergency Response Plan (ERP).**

Under the direction of the Public Safety Committee, the Emergency Management Director shall be responsible for ensuring the development and maintenance of the County Emergency Response Plan, which shall provide for the effective mobilization of all of the resources of the County, both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency; and shall provide for the organization, powers and duties, and staff of the emergency organization.

**A. Compliance.** The plan shall comply with applicable local, state and federal planning criteria. The plan shall contain an analysis of the risks faced by the County, assign functional responsibilities to the County agencies/departments and personnel, and assign lines of succession for the members of the emergency organization.

**B. Functional assignments.** The plan shall include the functions assigned to the County agencies or departments and it shall be the responsibility of each agency director/department head to develop and maintain an agency/department plan to fulfill the roles and responsibilities in the County Emergency Response Plan and appoint coordinators who shall report to the Emergency Operations Center and carry out assigned duties as appropriate.

**C. Adoption.** The Emergency Response Plan shall not be effective until adopted by the Board of Supervisors. Nothing in this Section shall be construed so as to limit the Emergency Management Director from immediately commencing organizational and planning programs as required by the County Emergency Response Plan adopted by the County Board.

**56.09 Incident Command System.**

The emergency management plans shall require the use of the incident command system (ICS) by all emergency response agencies, including local health departments, during a state of emergency declared.

**56.10 Hazardous Waste Spill – §§ 323.60, 323.70, Wis. Stats.**

**A. Containment, cleanup and restoration.** The entity responsible for containment of a solid, liquid, vaporous or gaseous substance at the point of release into the ecosystem of the County, including owners, controllers, and possessors of those substances, except those specifically sanctioned to perform waste disposal, hazardous materials collection or landfill

activities, which presents a known, potential or suspected material, safety, health, or environmental hazard or public nuisance, shall begin immediate actions to contain and cleanup the offending substance and restore the site to its original condition upon direction of any emergency management, law enforcement, or fire department representative having jurisdictional authority. This entity includes owners, controllers, and possessors of those substances, except those specifically sanctioned to perform waste disposal, hazardous materials collection or landfill activities. Should any entity fail to comply for any reason or is not capable of completing the requirements of this Subsection in a time frame that is acceptable to the incident commander, emergency management, law enforcement or fire department representative having jurisdictional authority, such public official may order containment, cleanup, and site restoration actions to be taken by public or private agencies.

**B. Strict liability.** The entity responsible for containment of a solid, liquid, vaporous or gaseous substance at the point of release into the ecosystem of the County, including owners, controllers, and possessors of those substances, shall be strictly liable for all reasonable and necessary containment, cleanup and restoration expenses, as determined by the local emergency planning commission (LEPC), for those releases, per above Section.

**C. Reimbursement.** Agencies involved in the containment, cleanup, and restoration of substance releases shall be allowed to recoup expenses for personnel hours, equipment hours, supplies, and equipment losses as per above Section. Agencies seeking reimbursement under this Section shall develop charge-back criteria for substance release response operations and submit that criteria to the local emergency planning commission (LEPC) for claims review determinations. Agencies seeking reimbursement under this Section shall submit claims stating their expenses to the responsible entity with a copy to the local emergency planning commission (LEPC) within thirty (30) days of the incident date. Claims for reimbursement received after thirty (30) days of the incident date will not be reviewed or approved by the local emergency planning commission (LEPC), except in cases of protracted site restoration or extenuating circumstances, as determined by the local emergency planning commission (LEPC). The local emergency planning commission (LEPC) shall review claims submitted in accordance with this Section and determine those expenses that were reasonable and necessary under this Section. The agencies seeking reimbursement shall provide those entities that are strictly liable with written notice of the final determinations under this Section. If an entity receiving notice objects to the amount of claimed expenses, that entity may petition the local emergency planning commission (LEPC) in writing within ten (10) days of receiving such notice that the commission reviews its determinations. Such request must state specific objections to claimed expenses and offer concise rationale for those objections. The local emergency planning commission (LEPC) may modify its determinations and shall notify the entity of the results of its review. The local emergency planning commission (LEPC) shall be allowed to recoup expenses for processing claims under this Section. The entity that is strictly liable under this Section shall make direct reimbursement to each agency that submitted a claim in accordance with this Section.

**D. Site access.** Access to any site, public or private, where there is a known, potential or suspected substance release will be provided to the incident commander, emergency management, law enforcement or fire department representative having jurisdictional authority.