

## Chapter 2.24

### EMERGENCY MANAGEMENT

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**2.24.010 Declaration of policy.**

To prepare the town to cope with emergencies resulting from enemy action and natural or manmade disaster, it is declared to be necessary to establish an organization of emergency management for the town by conferring upon the chairman of the town and others, specified duties and powers, consistent, however, with Chapter 323, Wis. Stats.

**2.24.020 Definitions.**

A. "Emergency Management" means all measures undertaken by or undertaken by or on behalf of the town:

1. To 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.

B. "Disaster" 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 town or critical systems, including computer, telecommunications, or agricultural systems.

C. "Incident Command System" means a functional management system established to control, direct, and manage the roles, responsibilities, and operations of all the agencies involved in a multi-agency or multi-jurisdictional emergency response.

**2.24.030 Emergency Management Committee**

A. How Constituted. The town board shall be the Emergency Management Committee, whose chairman shall be the chairman of the town board.

B. Duties. The Emergency Management Committee shall be an advisory and planning group and shall advise the Emergency Management Director on all emergency matters. It shall annually prepare and adopt a budget for emergency management.

C. Succession. In the event of an emergency those members of the town board who are available shall have authority to conduct the activities of the town with no requirement of a quorum. In the event the chairman is unavailable, the supervisor holding the lowest numbered supervisory position and who is available shall be the chairman of the Emergency Management Committee.

**2.24.040 Emergency Management Director, Deputies, Powers/Duties**

A. Director. There is created the office of Director of Emergency Management.

B. Appointment. The director and any deputies shall be appointed by the town board chairman and confirmed by the town board.

C. Term. The term of office of the director shall be until a successor is appointed and qualified.

D. Powers and Duties. The director, subject to the control and direction of the town board, shall:

1. Develop and promulgate emergency plans for the town consistent with state and county plans.

2. Be in compliance with all federal and state training requirements pertaining to this position.

3. Direct the emergency management program for the town as required by the town board.

4. Direct the town emergency training programs and exercises;

5. Provide assistance to town emergency departments during such emergencies requiring a major response or additional resources to support their efforts.

6. During a state of emergency declared by the governor, the emergency management director, on behalf of the town, may 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.

7. Be the National Incident Management, (NIMS), point of contact for the town and track all NIMS and ICS training to assure compliance with federal and state guidelines.

8. Aid, assist, and guide all town officials and departments in the completion of forms relating to emergencies including, but not limited to, ICS forms, emergency orders and declarations of disaster.

9. Advise Racine County Emergency Management Coordinator on all local programs and submit any required reports.

10. Deputy Emergency Management Directors shall function at the direction of the town board and the Director of Emergency Management and shall in his

absence act on his behalf in all emergency matters.

#### **2.24.050 Utilization of Existing Services and Facilities.**

A. Policy. In preparing and executing the emergency management program, the services, equipment, supplies and facilities of the existing departments and agencies of the town shall be utilized to the maximum extent practicable; and the heads and personnel of all such departments and agencies are directed to cooperate and extend such services and facilities as are required of them.

B. Responsibility. In order to assure that in an emergency all the facilities of the existing town government are expanded to the fullest to meet such emergency. Department and agency heads assigned to specific responsibilities under the town emergency operations plan will fulfill emergency and non-emergency duties as prescribed in the plan.

#### **2.24.060 Duties and Powers of the Town**

A. Declaration of Emergency. The town chairman and board of supervisors may declare an emergency existing within the town whenever conditions arise by reason of a riot or civil commotion, a disaster, or imminent threat of a disaster that impairs transportation, food or fuel supplies, medical care, fire, health or police protection, or other critical systems of the town. In the absence of the town chairman the supervisor holding the lowest numbered supervisory position and who is available may declare an emergency based on the above criteria and shall serve as interim town chairman. The period of the emergency shall be limited by this ordinance to the time during which the emergency conditions exist or are likely to exist.

1. In the absence of the town chairman or any board supervisors and based on the above criteria and an issue of expedience exists, any two of the following town officials may declare an emergency: the highway superintendent, the fire chief, the deputy fire chief, police chief, the emergency management director and the deputy emergency management director.

2. Ratification. With the exception of a declaration by the board supervisors, any other declarations shall be subject to ratification, alteration, modification, or repeal by the board supervisors as soon as they can meet. Any subsequent action taken shall not affect the validity of the declaration.

B. Powers During an Emergency. The emergency power conferred upon the town board by this ordinance and Wisconsin State Statute 323.11 includes the general authority to order whatever is necessary and expedient for the health, safety, protection and welfare of persons and property within the town in the emergency and includes the power to bar, restrict, or remove all unnecessary traffic, both vehicular and pedestrian, from the roadway and limit or restrict the operation of watercraft upon any waterway within the town. The period of the proclamation is limited to the time during which emergency conditions exist or are likely to exist.

1. Proclamation. If, because of the emergency conditions, the town board is unable to meet properly, the town chairman or the supervisor holding the lowest numbered supervisory position and who is available shall exercise by proclamation all the powers hereby conferred on the board.

2. In the absence of the town chairman or any board supervisors and based on the above criteria and an issue of expedience exists, any two of the following town officials may declare an emergency: the highway superintendent, the fire chief, the

deputy fire chief, police chief, the emergency management director and the deputy emergency management director.

3. Ratification. With the exception of a proclamation by the board supervisors, any other emergency proclamations shall be subject to ratification, alteration, modification, or repeal by the board supervisors as soon as they can meet, but subsequent action taken shall not affect the validity of the proclamation.

4. In the event of an emergency resulting in the inability of a member of the town board to be accessible, those members of the town board who are available shall have the authority to conduct the activities of the town with no requirement of quorum.

5. An interim successor may discharge the duties of the town chairman during the continuance of the emergency resulting in the need for succession or until such time that the town chairman becomes accessible. The town board, by joint resolution, may at any time terminate the authority of an interim successor to exercise the powers and discharge the duties of town chairman.

#### **2.24.070 Emergency Use of Vehicles.**

A. In responding to an official request for help during any declared state of emergency, any person may operate a boat or any motor vehicle, including a snowmobile or all terrain vehicle that is not registered in this state.

B. Emergency management personnel, in accordance with Wisconsin State Statute 340.01(3)(e), are authorized to use any vehicle of the town and/or their private vehicles as an emergency vehicle in the event of a bona-fide emergency.

#### **2.24.80 Responsibility for Workers Compensation**

A. A member of the town emergency management program is considered an employee of the town when providing his or

her labor during a disaster, an imminent threat of a disaster or a related training exercise or equipment maintenance.

B. A volunteer who registers in writing with the town emergency management to provide his or her own labor without compensation, other than reimbursement for travel, lodging, or meals during a disaster, an imminent threat of a disaster or a related training exercise is considered an employee of the town for workers compensation for purposes of any claim relating to labor provided. Wisconsin State Statute Chapter 102.

#### **2.24.090 Temporary Location of Town Government**

A. Whenever during a state of emergency it becomes imprudent, inexpedient, or impossible to conduct the affairs of the town at town hall, the town board of supervisors may meet at any place within or without the territorial limits of the Town of Burlington by call of the town chairman or his/her successor, and shall proceed to establish and designate by ordinance, resolution, or other manner, alternate or substitute places as temporary locations of the government where all, or any part of, the public business may be transacted and conducted during the emergency situation.

B. Exercise of Governmental Authority. While the public business is being conducted at a temporary location, the town board and other officers of the town government shall possess and exercise all the executive, legislative, administrative and judicial powers and functions conferred on the body and officers under state law. Those powers and functions, except judicial, may be exercised in the light of the exigencies of the emergency situation without regard to or compliance with time-consuming procedures and formalities prescribed by law. All acts of the town board and town officers shall be as valid and binding as if

performed within the territorial limits of the Town of Burlington.

#### **2.24.100 National Incident Management System – Incident Command System**

A. The Town of Burlington has resolved to adopt the National Incident Management System, (NIMS), and its component Incident Command System, (ICS), as the standard for all incident management in the town and shall endeavor to remain compliant with all standards and requests of the state and federal officials. (Prior town ordinance 2.24 Emergency Government; Wisconsin State Statute Chapter 323).