

CHAPTER 5  
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CHAPTER 5  
JOINT ACTION EMERGENCY GOVERNMENT  
AND EMERGENCY SERVICES

5.01 POLICY AND PURPOSE

To ensure that the county will be prepared to cope with emergencies resulting from enemy action and with emergencies resulting from man-made and natural disasters, an emergency government organization is created to carry out the purposes set out in Chapter 166 of the Wisconsin Statutes.

5.02 DEFINITIONS

(1) Emergency Government and Emergency Services will be synonymous terms which includes all civil defense, and all measures undertaken by or on behalf of the state and its subdivisions to implement all provisions in this ordinance and Wisconsin Statutes, Chapter 166, including but not limited to the following:

- (a) To prepare for and minimize the effects of enemy action and natural or man-made disaster upon the civilian population.
- (b) To effectuate emergency repairs to, or the emergency restoration of, vital public utilities and facilities destroyed or damaged by such action or disaster.

(2) Civil Defense means all those activities and measures designed or undertaken:

- (a) To minimize the effects upon the civilian population caused, or which would be caused, by enemy action.
- (b) To deal with the immediate emergency conditions which would be created by such enemy action.
- (c) To effectuate emergency repairs to, or the emergency restoration of, vital public utilities destroyed or damaged by such enemy action.

(3) Enemy Action means hostile action by a foreign power which threatens the security of this state, or portion thereof.

(4) Disaster means all other extraordinary misfortunes affecting the county and its residents/citizens, natural or man-made, not included in the term "enemy action".

5.03 LOCAL EMERGENCY DECLARATION

(1) Whenever the County Executive determines that a natural or man-made disaster has occurred, or that enemy action is imminent, the County Executive has the authority to declare a local emergency.

(2) Notification. Whenever the County Executive declares a local emergency under this ordinance, he shall notify the County Board of Supervisors forthwith by filing a written declaration with the County Clerk on the first regular business day following the declaration, in a form substantially as follows:

DECLARATION OF EMERGENCY  
IN KENOSHA COUNTY

BE IT KNOWN TO ALL PERSONS, THAT ON THIS DAY, PURSUANT TO THE AUTHORITY VESTED IN MY OFFICE UNDER CHAPTER 166 OF THE WISCONSIN STATUTES AND SECTION 5.03 OF THE MUNICIPAL CODE OF KENOSHA COUNTY,

IT IS HEREBY DECLARED A STATE OF EMERGENCY EXISTS IN THE COUNTY OF KENOSHA, FOR THE FOLLOWING SPECIFIC REASON(S):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I FIND THAT A DISASTER EXISTS WHICH REQUIRES EXTRAORDINARY MEASURES TO PROTECT THE HEALTH AND WELL BEING OF THE PEOPLE.

Dated: \_\_\_\_\_

Signed

By \_\_\_\_\_  
Kenosha County Executive

or

By \_\_\_\_\_

(Print Name and Title below signature)

Authorized successor in absence of Executive per section 5.07 of the Municipal Code of Kenosha County. The County Executive is absent and unable to take action because: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(To be filed with County Clerk on next regular business day, for presentation to Board of Supervisors at next meeting.)

- (3) The County Clerk shall present the notification described in (2) to the Board of Supervisors at its first meeting following such declaration.
- (4) In the absence of the County Executive, the successor designated in section 5.07 shall make the declaration of emergency described in (2).

5.04 EMERGENCY POWERS OF THE COUNTY EXECUTIVE

In the event of a declared statewide or local emergency covered under State law or this Ordinance, the County Executive shall have, without limitation due to enumeration, the following powers:

- (1) To assemble all Department Heads for the purpose of forming an advisory body to offer advice upon the need for and to supervise emergency services to the impacted area(s).
- (2) Without restricting the power of the Sheriff to seek mutual aid, to contract with other units of government for the use of manpower, specialized services, and equipment.
- (3) To contract on a cost basis with private industry, leasing companies or contractors for services, manpower and equipment.
- (4) To order all County employees to immediate active duty.
- (5) To order County Departments to concentrate their manpower and equipment in a given area or areas.
- (6) To authorize any County owned or leased property to be made available as emergency shelters, food and water dispensing areas, hospitals, morgues, bases of operations and the like.
- (7) To order County employees and equipment to be utilized in the transportation of equipment, supplies, food, water, materials, messages and the like, from place to place to assist any governmental, Red Cross or like charitable agency operating within the County.
- (8) To suspend ordinary County services.
- (9) To suspend the operation of any County licensed business.
- (10) Without restricting the power of the Sheriff, to order a curfew for the general public or any segment of the general public in all or any portion of the County.
- (11) To close any street, park or public facility within the County.
- (12) To close any harbor or airport in the County.
- (13) To prohibit railroad traffic within all or any portion of the County.
- (14) To order the evacuation of citizens or take other protective actions deemed necessary within Kenosha County.
- (15) To declare a state of "Local Emergency" for all or part of Kenosha County considered appropriate.
- (16) To request further disaster declarations and assistance from the Governor of the State of Wisconsin and the President of the United States, and other agencies, as appropriate.

(17) To administer the county government effectively to meet the needs of the disaster relief. This includes the power to authorize the transfer of funds from and to individual departments and agencies until such time as this can be assumed by the County Board or the appropriate committees; serve as chief spokesman for the County and take all steps required to keep the public informed on protection and survival steps that may be needed; take all necessary steps to provide for the safekeeping of all County records and documents essential to the function of government; establish priorities in the procurement of supplies and services; control the resources of all County departments and utilize these resources to the most advantage in dealing with the emergency or recovery efforts; provide for the accounting of all emergency disbursements and review their need based on the priority of the operation; direct the resources of Kenosha County anywhere within the State of Wisconsin to insure the well being of County residents; administer the relocation of County government and provide for its functional ability during an emergency; appoint and direct special task groups as required for emergency operations.

(18) To take all steps reasonably necessary to preserve the public health, safety and welfare and property of the citizens and residents of Kenosha County.

#### 5.05 LIMITATIONS.

(1) Sheriff's Powers. The above specified powers are limited to the extent that they may not restrict the constitutional powers of the Sheriff to use those resources, equipment and employees ordinarily under his direction and control and available to him to save lives and protect property.

(2) Duration of State of Emergency. The extraordinary powers given by this Ordinance and state law shall only exist during the pendency of a declared state of emergency. The county executive shall declare every state of emergency to be ended as soon as reasonably possible under the circumstances. The duration of such a state of local emergency shall not exceed 30 days unless it is extended by resolution passed by the Kenosha County Board of Supervisors.

(3) Claim for Compensation. Records shall be kept of emergency measures taken. Those persons seeking compensation from Kenosha County related to such emergency action shall file a written claim with the County Clerk.

#### 5.06 EMERGENCIES - NON-COUNTY.

The County Executive may commit County resources to the same extent of Executive powers in a County emergency to assist in an emergency in another governmental unit upon the condition that said other unit of government commits itself to repaying the County for the full cost of County provided manpower and equipment so that there shall be no out-of-pocket cost to the County, and upon the condition that unbudgeted funds in the contingency fund may not be utilized for this purpose. The County Executive must declare a state of emergency before committing resources under this section.

#### 5.07 COUNTY EMERGENCY MANAGEMENT ORGANIZATION - Line of Succession

In the absence of the County Executive, the charge of the day to day operations of the County under section 5.04 of this code when a disaster or emergency exists shall succeed as follows: Chairman of the Kenosha County Board of Supervisors, Vice-Chairman of the Kenosha County Board of Supervisors, and Kenosha County Sheriff. However, none of the successors herein specified shall have the right to exercise any Executive powers

which would otherwise succeed, as a matter of law, to the County Board of Supervisors or a committee thereof.

5.08 EMERGENCY GOVERNMENT COMMITTEE

- (1) How Constituted. There is created a County Emergency Government Committee composed of five members of the Kenosha County Board of Supervisors, consisting of the same members who form the Judiciary and Law Enforcement Committee of the Board of Supervisors. Members shall serve for a term concurrent with their term on the Judiciary and Law Enforcement Committee and shall be compensated on the basis of mileage and authorized expenses. The Committee shall elect its officers.
- (2) Duties of the Emergency Government Committee. The County Emergency Government Committee shall be an advisory and planning group and shall advise the County Emergency Services Director and the County Board of Supervisors on all matters pertaining to emergency government. It shall meet upon the call of the Chairman.

5.09 COUNTY EMERGENCY SERVICES DIRECTOR

- (1) Joint Director. There is created the office of County Emergency Services Director. The County Emergency Services Director shall also hold the office of Emergency Services Director of such municipalities of Kenosha County as may hereafter enact an ordinance parallel to this ordinance. In addition to his duties as County Emergency Services Director, he shall have the additional duties and responsibilities of a municipal emergency services director pursuant to section 166.03(5) and section 66.30, Wisconsin Statutes.
- (2) Salary, Appointment and Statutory Provision.
  - (a) Salary. The salary of the Director and members of his staff shall be as determined by the Kenosha County Board of Supervisors.
  - (b) Appointment. The Kenosha County Emergency Services Director shall be appointed by the Kenosha County Executive with the approval of the Kenosha County Board of Supervisors. The County Emergency Services Director shall be a full-time position and he shall hold office at the pleasure of the County Executive.
  - (c) Statutory Provision. The provisions of section 166.08, Wisconsin Statutes, relating to personnel, shall apply to the selection of the Director and his staff.
- (3) Status. The County Emergency Services Director shall be considered an employee of the county not under civil service. He shall report to the County Executive.
- (4) Municipal Deputy Emergency Services Director.
  - (a) Each municipality passing a joint action ordinance with the county shall appoint a Municipal Deputy Emergency Services Director.
  - (b) The Municipal Deputy Emergency Services Director will operate under the administrative direction of the County Emergency Services Director.

- (c) Remuneration, if any, for the Municipal Deputy Emergency Services Director, and all expenses of same, will be determined and paid by the governing body of that municipality.

5.10 DUTIES OF THE COUNTY EMERGENCY SERVICES DIRECTOR

- (1) County-wide Duties. The Director, in his capacity as Director, subject to the control and direction of the County Executive, shall:
  - (a) Develop and promulgate emergency management plans for the county including planning for joint action municipalities, consistent with the state plan of emergency government. Such plans shall cover mitigation, preparedness, response, and recovery for all hazards as required by federal law and regulations.
  - (b) Coordinate and assist in the development of non-joint action municipal emergency management plans within the county, and integrate such plans with the county plan.
  - (c) Direct the county and joint action municipality emergency management programs.
  - (d) Direct County-wide emergency management training programs and exercises.
  - (e) Advise the State Administrator of Emergency Government of all emergency management planning for the county and render such reports as may be required by the Administrator.
  - (f) In case of a statewide or local emergency declaration, direct the county and joint action municipalities in emergency management activities and coordinate non-joint action municipal emergency management activities within the county, subject to the coordinating authority of the State Administrator.
- (2) Municipal Duties. The County Emergency Services Director in his capacity as Director for a municipality participating in joint action shall:
  - (a) Direct the municipal emergency management organization.
  - (b) Develop, promulgate and integrate into the county plan, emergency management plans for the operating services of the municipality.
  - (c) Direct participation of the municipality in such emergency management training programs and exercises as may be required on the county level or by the State Administrator.
  - (d) Direct the municipal emergency management training programs and exercises.
  - (e) Perform all administrative duties necessary for the rendering of reports and procurements of federal matching funds for each municipality requesting federal matching funds.
  - (f) In case of a statewide or local emergency proclamation, direct the activities of the municipal emergency management organization.
  - (g) Perform such other reasonable duties, relating to emergency management, as may be required by the municipal governing body.

5.11 SHARING OF COSTS

- (1) Office and Staff. The county shall provide such offices, office furniture, clerical help and such office supplies and equipment as may be necessary, in its discretion, to carry out the functions of the County Emergency Services Director.
- (2) Other Equipment and Services. Costs of equipment and services shall be borne 100% by the municipal government requiring such procurement, with federal matching funds procured by the County Emergency Services Director when applicable. Any federal matching fund reimbursements received thereafter for such purchase of equipment or services shall be returned to the treasurer of the municipality procuring the equipment or services.

5.12 JOINT ACTION MEETINGS

Whenever it is necessary by either the County Emergency Government Committee, or the Emergency Government Committee of a municipality participating in joint action, there shall be a joint meeting of the committees to decide such matters as may arise.

5.13 UTILIZATION OF EXISTING SERVICES AND FACILITIES

- (1) Policy. In preparing and executing the emergency management program, 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 officer 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) Joint Action. Municipalities entering into joint action with the county will provide for utilization of existing services of municipal government by enactment of an ordinance parallel to this chapter.

5.14 PENALTIES

No person shall willfully obstruct, hinder or delay any person in the enforcement or execution of any order, rule, regulation, or plan issued pursuant to the authority contained in this chapter. Whoever intentionally fails to comply with the directives of emergency authorities promulgated under this chapter during a state of emergency, or during any training program or exercise, may be fined not less than \$100, nor more than \$1,000, or in default of payment thereof may be imprisoned in the county jail for a period not more than 30 days. Each act of hindrance, obstruction or noncompliance with orders of the authorities described in this ordinance shall constitute a separate offense.