

CHAPTER 15

EMERGENCY MANAGEMENT

15.01 POLICY AND PURPOSE.

Because of the existing possibility of an enemy action, disaster, or threat of disaster, and in order, in the event of such happening, to ensure the continuation of effective, legally constituted leadership, authority, and responsibilities in the offices of the government of the City, it is necessary to provide for emergency interim officers who can exercise the powers and discharge the duties of the Mayor, Council Members, supervisors, and department heads in the event that the incumbents are killed, missing, disabled, or for some other cause unable to perform the duties and functions of their offices.

15.02 DEFINITIONS.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) ATTACK AND ENEMY ACTION.

Any attack or series of attacks by an enemy of the United States causing, or which may cause, substantial damage or injury to persons or property in the United States by sabotage, the use of bombs, missiles, shellfire, or atomic, radiologic, chemical, bacteriologic, or biological means or other weapons or processes.

(2) DULY AUTHORIZED DEPUTY.

A person who is presently authorized to perform all of the functions, exercise all of the powers and discharge all of the duties of an office in the event the office is vacant or at such times as it lacks administration due to the death, absence or disability of the incumbent officer.

(3) EMERGENCY INTERIM SUCCESSOR.

A person designated pursuant to this article for possible temporary succession to the powers and duties, but not the office, of a City officer in the event that such officer or any duly authorized deputy is unavailable to exercise the powers and discharge the duties of the office.

(4) UNAVAILABLE.

Either that a vacancy in office exists and there is no deputy authorized to exercise all of the powers and discharge the duties of the office, or that the lawful incumbent of the office, including any deputy exercising the powers and discharging the duties of an office because of a vacancy, and the duly authorized deputy are absent or unable, for physical, mental or legal reasons, to exercise the powers and discharge the duties of the office.

15.03 ENFORCEMENT OFFICERS AND CITATIONS.

The following persons are hereby authorized to enforce the provisions of this chapter and may issue citations as provided for in Wis. Stat. 800.02(2) for violations of this chapter:

- (1) The Chief of Police.
- (2) Such other City officers or City employees who are assigned enforcement responsibilities for this chapter.

15.04 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. §323.11, 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 §323.11 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 or the Emergency Management Director, 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.

15.05 COMPLIANCE WITH EMERGENCY ORDERS.

- (1) **ISSUANCE OF PROCLAMATION.** Whenever the Mayor, or in the event of his/her inability to act, the President of the Common Council or Emergency Management Director, after consultation with the Police Department, determines that an emergency exists either: as a result of mob action or other civil disobedience or riot causing danger of injury to or damage to persons or property, or where mob action or other civil disobedience or riot is threatened or attempted which might reasonably be expected to cause danger of injury to or damage to person or property, he/she shall have power to impose by proclamation any or all of the following regulations to preserve the peace and order of the City:
 - (a) To impose a curfew upon all or any portion of the City requiring all persons in such designated curfew area to forthwith remove themselves from the public streets, alleys, parks, or other public places, provided, that physicians, nurses, ambulance operators, utility personnel maintaining essential public services, firemen and authorized law enforcement officers and personnel shall be exempted from such curfew.
 - (b) To order the closing of any business establishment anywhere within the City for the period of the emergency, such businesses to include, but not limited to, those selling intoxicating liquors, fermented malt beverages, gasoline or firearms.
 - (c) To restrict the sale of gasoline or other flammable liquids, firearms and ammunition.
 - (d) To designate any public street, thoroughfare or vehicle parking areas closed to motor vehicles and pedestrian traffic.
 - (e) To call upon regular and auxiliary law enforcement agencies within or without the City and to appoint special policemen to assist in preserving peace and order within the City.
 - (f) To exercise all of the powers conferred upon the governing body under Wis. Stat. 323.14(4) (a) and/or 323.11 that appear necessary and expedient.
- (2) **WHEN PROCLAMATION EFFECTIVE.** The proclamation of emergency or other proclamation related to an emergency by the Mayor shall become effective upon the filing of the proclamation in the office of the City Clerk. The Emergency Management Director shall disseminate said proclamation to the public by appropriate available news media.
- (3) **TERMINATION.** Any proclamation issued under this section shall terminate in accordance with law.
- (4) **UNLAWFUL TO FAIL TO COMPLY.** No person shall fail or refuse to comply with the proclamation of the Mayor or the lawful orders of authorized law enforcement officers promulgated pursuant to Wis. Stats. Ch. 323, subch. II (Wis. Stats. 323.10 et seq.). Violations of this section are a Class C offense as provided in section 1-7.

- (5) **PENALTIES.** Any person violating any provision of this chapter, including those provisions of the Wisconsin Statutes, Wisconsin Administrative Code or other materials which are incorporated by reference, shall upon conviction thereof forfeit not less than \$50.00 nor more than \$500.00 and the costs of prosecution, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the County Jail until payment of such forfeiture and the costs of prosecution, but not exceeding 90 days for each violation, provided, however, that in no case shall the forfeiture imposed for a violation of any provision of this section exceed the maximum fine for the same offense under the laws of the State of Wisconsin.

15.06 EMERGENCY MANAGEMENT DIRECTORS DECLARATION OF EMERGENCY.

- (1) **CITY EMERGENCY MANAGEMENT DIRECTOR.** The Emergency Management Director is designated and appointed as provided in Section 1.04(1)(e) of the Municipal Code.
- (2) **DECLARATION OF EMERGENCY.** The Emergency Management Director shall take action in accordance with the Emergency Response Plan only after the official declaration of an emergency. The Common Council may declare, by ordinance or resolution, that an emergency exists. If, because of the emergency conditions, the Common Council is unable to meet promptly, then the Mayor, or acting Mayor, shall declare, by proclamation, that an emergency exists. This declaration of emergency shall become effective upon the filing of the declaration in the office of the City Clerk. The Directors shall disseminate the declaration to the public by available news media and through other reasonable means. Such state of emergency will continue until terminated by law.
- (3) **INCIDENT MANAGEMENT SYSTEM.** The City adopts the National Incident Management System (NIMS) as the City's standard for incident management.

15.07 DESIGNATION, STATUS, QUALIFICATIONS, AND TERM OF EMERGENCY INTERIM SUCCESSORS.

- (1) **SUCCESSION MAYOR.** Succession of the Office of Mayor shall be in the following order: President of the City Council and two emergency interim successors to be named by the Mayor within 30 days after adoption of the ordinance from which this article is derived, and by each Mayor within 30 days of his/her taking office, and the Mayor shall specify and rank in order of succession after the President of the City Council so that there will be not less than two duly authorized emergency interim successors for the Office of Mayor. Whoever is nominated and whatever succession is designated shall be confirmed by the City Council.
- (2) **SUCCESSION OF COUNCIL MEMBERS.** Two emergency interim successors are to be named and their order of rank specified by each Council Member within 90 days after adoption of the ordinance from which this article is derived and within 30 days of taking office by each supervisor so that there will be not less than two duly authorized emergency interim successors for each supervisor. The names and order designated for the emergency interim successors shall be confirmed by the Council.

- (3) **SUCCESSION OF SUPERVISORS.** Two emergency interim successors are to be named and their order of rank specified by each supervisor within 90 days after adoption of the ordinance from which this article is derived and within 30 days of taking office by each supervisor so that there will be not less than two duly authorized emergency interim successors for each supervisor. The names and order designated for the emergency interim successors shall be confirmed by the Council.
- (4) **DEPARTMENT HEADS.** Within 30 days after adoption of the ordinance from which this article is derived, each department head shall appoint and specify the order of succession, after the deputy, of two emergency interim successors, so that there will be not less than three successors to the office of each department head. If there is not deputy, three emergency interim successors shall be so appointed instead of two. Emergency interim successors to department heads shall be confirmed by the Mayor.
- (5) **REVIEW OF DESIGNATIONS.** The Mayor, Council Members, supervisors, and department heads shall review and, if necessary, revise and keep current the designations of emergency interim successors to ensure at all times that there is the requisite number of qualified emergency interim successors.
- (6) **QUALIFICATIONS.**
- (a) No person shall be designated or serve as an emergency interim successor unless such person may under the constitution of this City, hold the office of the person to whose powers and duties such person is designated to succeed, but no provision of any ordinance prohibiting an officer or employee of this City from holding another office shall be applicable to an emergency interim successor.
 - (b) Emergency interim successors shall act only until the Council can meet as a body and appoint and confirm a successor to the Mayor, Council Members and supervisors, if necessary, in accordance with existing statute.
- (7) **STATUS OF EMERGENCY INTERIM SUCCESSOR.** A person designated as an emergency interim successor holds that designation at the pleasure of the designator, provided that said person must be replaced if removed. The person retains this designation as emergency interim successor until replaced by another appointed by the authorized designator, or until the designator leaves office.

15.08 ASSUMPTION OF POWERS AND DUTIES OF OFFICER BY EMERGENCY INTERIM SUCCESSOR.

If, in the event of an enemy action, disaster, or threat of disaster, the Mayor, any Council Members, any supervisor, or any department head and any duly authorized Deputy is unavailable, their emergency interim successor highest in rank in order of succession who is available shall, except for the power and duty to appoint emergency interim successors, exercise the powers and discharge the duties of such officer. An emergency interim successor shall exercise these powers and discharge these duties only until such time as the lawful incumbent officer or any duly authorized deputy or an emergency interim successor higher in rank in order of succession exercises, or resumes the exercise of, the powers and discharge of the 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.

15.09 RECORDING AND PUBLICATION.

The name, address and rank in order of succession of each duly authorized deputy and emergency interim successor shall be filed with the City Clerk and each designation, replacement, or change in order of succession of an emergency interim successor shall become effective when the designator files with the City Clerk the successor's name, address, and rank in order of succession. The City Clerk shall keep on file all such data regarding duly authorized deputies and emergency interim successors which shall be open to public inspection.

15.10 FORMALITIES OF TAKING OFFICE.

At the time of their designation, emergency interim successors shall take such oath and do such other things, if any, as may be required to qualify them to exercise the powers and discharge the duties of the office to which they may succeed.

15.11 EMERGENCY MEETINGS OF THE GOVERNING BODY.

(1) DURING ANY EMERGENCY.

(a) Any member of the Council or a legally constituted successor may call a meeting of the Council by notifying all members of their interim successors so far as practicable and by whatever means available of the time and place of such meeting, with or without the City or State as circumstances dictate.

(b) The members so meeting shall establish and be governed by its own rules during such emergency.

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) Ord #606