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**(Rep. & recr. #84-2005)**

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**6.01 EMERGENCY MANAGEMENT.**

(1) POLICY AND PURPOSE.

- (a) Emergency management organization. To insure that the County will be prepared to cope with emergencies resulting from enemy action and natural or man-made disasters, an Emergency Management Organization is created to carry out the purposes provided in Ch. 166, Wis. Stats.

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(b) Definitions. As used in this section:

*Emergency Management.* 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 could be created by such enemy action.
- c. To effectuate emergency repairs to, or the emergency restoration of, vital public utilities and facilities destroyed or damaged by such enemy action.

*Enemy action.* Any hostile action taken by a foreign power which threatens the security of the State or a portion thereof.

*Natural disaster.* Includes all other extraordinary misfortunes affecting the County, natural or man-made, not included in the term "enemy action."

- (2) The Public Safety Committee shall be an advisory and planning body and shall advise the County Emergency Management Director and the County Board on all matters pertaining to emergency management. It shall meet upon call of the chairman. (Rep. & recr. #55-2011)

(3) COUNTY-MUNICIPAL EMERGENCY MANAGEMENT DIRECTOR.

- (a) Appointment. The Director shall be nominated by the County Emergency Management Committee, and then appointed by the County Board. The Director shall hold office at pleasure of the County Board.

- (b) Joint Director. The County Emergency Management Director shall also hold the office of Emergency Management Director of those municipalities which hereafter adopt a parallel ordinance and, in addition to the duties as County Emergency Management Director, shall have such other duties and responsibilities of a Municipal Emergency Management Director as prescribed by State law and as may be prescribed by the emergency management committees of the municipalities and the County.

- (c) Employee of County. The County-Municipal Emergency Management Director shall be an employee of the County, not under civil service, and shall be entitled to all the rights, privileges and benefits that County employees have.

(d) Duties.

1. As County Director, subject to the control and direction of the Emergency Management Committee and under general supervision of the County Board, the Director shall:
  - a. Develop and promulgate emergency management plans for the County, consistent with the State Emergency Operations Plan.
  - b. Coordinate and assist in the development of municipal emergency management plans within the County, and integrate such plans with the County plan.
  - c. Direct the County Emergency Management Program.
  - d. Direct Countywide emergency management training programs 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, or the Chairperson of the County Board, direct the County emergency management activities and coordinate the municipal emergency management activities within the County, subject to the coordinating authority of the State director.



- (b) The County authorizes, with the formal written approval of the County Board Chairperson or designee, an expedited hiring process in order to bring into County service temporary employees and or independent contractors specifically to aid in the response and recovery for a County-declared disaster. In a formally declared County disaster, this provision of the ordinance supersedes existing County policy, resolution or ordinance in order to expedite the hiring and/or bidding process(es) only during the specifically declared event. If the County Board Chairperson is not available for approval, the Vice-Chairperson of the County Board or the Sheriff, in that sequence, may approve the implementation of this process.

## **6.02 DECLARATION OF EMERGENCIES.**

- (1) In the event that a natural, technological or man-made disaster occurs within Oneida County that exceeds the ability of the combined local municipal and county resources to manage, a Disaster Declaration for Oneida County shall be declared.
- (2) Those authorized to make such a declaration include the Chairperson of the County Board, or, if the Chairperson of the County Board is not available, the Vice Chairperson of the County Board or the Sheriff, in that sequence.
- (3) Any expenditure for services rendered in participating municipalities shall be paid by such municipalities.
- (4) No such declaration of emergency issued by a local authority shall extend beyond 60 days as to emergencies resulting from enemy action or 30 days as to emergencies resulting from natural or man-made disasters unless by appropriate legislative action.

## **6.03 CONTINUITY OF GOVERNMENT.**

- (1) **POLICY AND PURPOSE.** Because of the existing possibility of an attack upon the United States of unprecedented size and destructiveness, including the inevitable hazard of radioactive contamination, and, if such attack should occur, to assure the continuation of effective, legally constituted leadership, authority and responsibilities in the offices of the government of the County, it is necessary to provide for emergency interim officers who can exercise the powers and discharge the duties of the County Board Chairperson, the supervisors and the department heads if the incumbents are killed, missing, disabled or for some other cause unable to perform the duties and functions of their offices during and immediately after an enemy attack.
- (2) **DEFINITIONS.** As used in this section, unless the context otherwise clearly indicates:

*Attack.* Any action taken by an enemy of the United States causing, or which may cause, substantial damage or injury to persons or property in the State by sabotage, the use of bombs, missiles, shellfire, or atomic, radiological, chemical, bacteriological or biological means, or weapons or methods.

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

*Emergency interim successor.* A person designated pursuant to this section for possible temporary succession to the powers and duties, but not the office, of a County officer if such officer or any authorized deputy is unavailable to exercise the powers and discharge the duties of the office.

*Unavailable.* That during an emergency resulting from enemy action in the form of an attack, either a vacancy in office exists and there is no deputy authorized to exercise all the powers and discharge the duties of the office, or the lawful incumbent of the office, including any deputy exercising the powers and discharging the duties of an office because of a vacancy, and his

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authorized deputy are absent or unable to exercise the powers and discharge the duties of the office.

- (3) Designation, status, qualifications and term of emergency interim successors.
- (a) Succession of the county board chairman. Succession of the office of County Board Chairperson shall be in the following order: Vice- Chairperson of the County Board and one emergency interim successor to be named by the County Board Chairperson within 30 days of his/her taking office, such designation to be confirmed by the County Board.
  - (b) Succession of supervisors.
    - 1. Two emergency interim successors for each supervisor shall be named and their order of rank shall be specified by each supervisor within 30 days of his/her taking office.
    - 2. The names and designated order of the emergency interim successors shall be confirmed by the County Board.
  - (c) Department heads.
    - 1. Each department head shall appoint, after his/her deputy, one emergency interim successor or, if there is no deputy, 2 emergency interim successors, with their order of succession specified, so that there will be not less than 2 successors to the office of each department head.
    - 2. The names and designated order of emergency interim successors of department heads shall be confirmed by the County Board Chairperson.
  - (d) Review of designations. The County Board Chairperson, supervisors and department heads shall review and, if necessary, revise and keep current the designations of emergency interim successors to insure at all times that there is the requisite number of qualified emergency interim successors.
  - (e) Qualifications.
    - 1. No person shall be designated or serve as an emergency interim successor unless he may under the State Constitution and State laws and under the County charter or ordinances hold the office of the person to whose powers and duties he is designated to succeed, but no provision of any ordinance prohibiting an officer or employee of this County from holding another office shall be applicable to an emergency interim successor.
    - 2. Emergency interim successors shall act only until the County Board can meet as a body and appoint and confirm a successor to the County Board Chairperson, if necessary, in accordance with existing State law.
  - (f) Status of emergency interim successor. Any person designated as an emergency interim successor shall hold that designation at the pleasure of the designator, provided he shall be replaced if removed. He shall retain this designation as emergency interim successor until replaced by another appointed by the authorized designator, or until the designator leaves office.
- (4) ASSUMPTION OF POWERS AND DUTIES OF OFFICER BY EMERGENCY INTERIM SUCCESSOR. If an attack occurs, and if the County Board Chairperson, any supervisor, any department head or any authorized deputy is unavailable, his 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 such powers and discharge such duties only until such time as the lawful incumbent officer or any authorized deputy or an emergency interim successor higher in rank in order of succession exercises or resumes the exercise of the powers and discharges 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.

- (5) **RECORDING AND PUBLICATION.** Each County officer and department head shall designate a successor and one alternate successor to perform his duties and exercise his powers only when such officer or department head is unable because of civil defense emergency to attend to his duties and exercise his powers in person. Each County officer and department head shall file with the County Clerk and also with the Director of Emergency Management a list showing the name and address of such successor or successors.
- (6) **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.
- (7) **EMERGENCY MEETINGS OF THE COUNTY BOARD.** During any emergency resulting from enemy attack, the County Board Chairperson or a legally constituted successor may call a meeting of the County Board by notifying all members or their interim successors so far as practicable and by whatever means available of the time and place of such meeting.
- (8) **DESIGNATION OF EMERGENCY TEMPORARY LOCATIONS.** Whenever during the continuance of a state of emergency proclaimed by the Governor under §166.05, Wis. Stats., it becomes imprudent, inexpedient or impossible to conduct the affairs of local government at the regular or usual places, the County Board may meet at any place within or without the County, on the call of the presiding officer or his successor, and shall proceed to establish and designate by ordinance, resolution or other manner, alternate or substitute sites or places as the emergency temporary locations of government where all, or any part, of the public business may be transacted and conducted during the emergency situation. Such alternate or substitute sites or places may be within or without the County, and may be within or without the State. If practicable, such sites or places shall be designated as the emergency temporary locations of government in the Wisconsin State Emergency Operations Plan.
- (9) **EXERCISE OF GOVERNMENTAL AUTHORITY.** During the period when the public business is being conducted at an emergency temporary location, the County officers shall possess and exercise at such location all the executive, legislative, administrative and judicial powers and functions conferred upon this body by or under State law. Such powers and functions, except judicial, may be exercised in the light of exigencies of the emergency situation without regard to or compliance with time consuming procedures and formalities prescribed by law or pertaining thereto. All acts of this body and officers shall be as valid and binding as of the form within Oneida County.

#### **6.04 THE WISCONSIN STATE EMERGENCY OPERATIONS PLAN.**

The Wisconsin State Emergency Operations Plan, adopted by the County Board, Resolution No. 1, September 8, 1971, is made a part of this chapter as if set forth in full herein.

#### **6.05 PRESERVATION OF PUBLIC RECORDS.**

To insure preservation of public records, the Emergency Management Committee shall:

- (1) Determine what records are essential for emergency operation through consultation with all departments of the County and obtain a written report from each department.
- (2) Determine what records are essential for post-emergency operations through consultation with all departments of the County and obtain a written report from each department.
- (3) Establish a plan for preservation of essential records for emergency and post-emergency operations.
- (4) Submit such plan to the Emergency Management Committee for approval.
- (5) Require all departments to adhere to the approved plan.

**6.06 FIRE PROTECTION—MUTUAL AID.**

- (1) DEFINITIONS. For the purpose of this section, the following terms are defined as follows:

*Aiding participating member.* A participating member furnishing fire equipment to a stricken participating member or to another aiding participating member.

*Mutual fire aid program.* A plan or program as provided under this section whereby the participating members in the program agree to come to one another's assistance in case of fire or other disaster too large for local equipment and personnel to handle.

*Participating member.* A town, part of a town, city, village, joint fire department created under §60.55(1)(a)2., Wis. Stats., firemen's association, corporation or individual equipped to furnish adequate fire protection that participates in the mutual fire aid program after adopting the provisions of this section through a resolution adopted by its governing body authorizing or approving the program and entering into an appropriate agreement (substantially as provided herein) with other participating members for rendering and receiving first aid in case of fire or other disaster.

*Stricken participating member.* A participating member in whose jurisdiction a fire or other disaster occurs that is of such magnitude that it cannot be adequately coped with by its fire fighting equipment and personnel.

- (2) AGREEMENT TO EFFECTUATE PROGRAM. The fire chief of any participating member on behalf of that participating member may enter into and from time to time alter and amend an agreement with any or all of the participating members in the mutual aid program area defining and putting into effect a mutual aid program, providing generally as follows:

- (a) If the officer in charge of the fire department of a participating member determines that the available fire fighting equipment of that member is inadequate to effectively cope with a fire or other disaster therein, such officer may call on another participating member to furnish fire fighting equipment and personnel, to the extent specified in the agreement, to the stricken member for use either:

1. In combating the fire or other casualty.
2. As a standby reserve to meet other calls that may occur before its fire fighting equipment is free to take care of them.

- (b) Each aiding member furnishing fire fighting equipment to a stricken member may call on another participating member for fire fighting equipment and personnel, to the extent specified in the agreement, as a standby reserve to take the place, in part, of the equipment furnished to the stricken member until such equipment is returned.

- (c) On receipt of a call under pars. (a) or (b), the aiding member shall (to the extent provided in the agreement) furnish the equipment and personnel called for by the stricken member or by the first aiding member, except each aiding member may always be permitted to retain sufficient fire fighting equipment and personnel to fight any fire or to meet any emergency within its boundaries that may reasonably be anticipated.

- (3) MUTUAL FIRE AID PROGRAM. The fire chiefs of the members participating in such mutual aid shall prepare a mutual aid program which shall incorporate the necessary provisions of this section. Such mutual aid program shall, after approval of the participating members, be in full force and effect and binding on such participating members.

- (4) OBLIGATION OF PARTICIPATING MEMBERS. The participating members shall furnish fire fighting equipment and personnel for use outside its boundaries, as provided in the tentative mutual fire aid program as provided herein, or in any mutual fire aid program agreed to as provided herein, to any participating member that has agreed to conform to such program and has assumed the obligations imposed upon it. Any mutual fire aid program entered into by

participating members shall contain only such provisions as will permit the participating members to be in compliance with State law and the Wisconsin Administrative Code, and which will permit the participating members to qualify for and receive any assistance, financial or otherwise, which may be available from the State. It is specifically understood that the County shall not be a participating member in any mutual fire aid program which is entered into by participating members, and it is further specifically understood that the County shall not be liable for any injuries, losses or damages to persons or property caused by the personnel or equipment of the participating member.

#### **6.07 HAZARDOUS MATERIALS.**

- (1) The County "Capability Assessment and Planning Guide" is hereby adopted by reference as if fully set forth herein.
- (2) The Level B HAZMAT Team as outlined in the "Capability Assessment and Planning Guide" shall be under the jurisdiction of the Emergency Management Committee.

#### **6.08 PENALTY.**

Except as otherwise provided herein, any person who shall violate any provision of this chapter, the Wisconsin State Emergency Operation Plan or any rule, regulation, order or directive of the Emergency Management Director or his deputies shall be subject to a penalty as provided in §25.04 of this Code.

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#### FOOTNOTE(S):

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**Editor's note**— Res. No. 84-2005, § 4, adopted Oct. 18, 2005, amended Ch. 6 in its entirety to read as herein set out. Former Ch. 6, §§ 6.01—6.10, pertained to similar subject matter, and derived from the original codification and Ord. No. 65-92. ([Back](#))