

STATE OF WISCONSIN VILLAGE OF EAST TROY WALWORTH COUNTY
ORDINANCE 2024 - 10

**AN ORDINANCE TO AMEND CHAPTER 44 RELATING TO
EMERGENCY GOVERNMENT**

The Village Board of the Village of East Troy, Walworth County, Wisconsin do ordain as follows:

Section 1. Amend Chapter 44 of the Code of Ordinances as set forth in Exhibit A, attached.

Section 2. This ordinance shall become effective upon passage and posting or publication as provided by law.

Adopted this 5 day of August, 2024.

Robert M. Johnson

Robert M. Johnson
Village President

ATTEST:

Lorri Alexander

Lorri Alexander
Village Clerk



EXHIBIT A

Chapter 44 Emergency Government

§ 44-1 Definitions.

- A. "Biological agent" means any of the following:
1. A select agent that is a virus, bacterium, rickettsia, fungus, or toxin that is specified under 42 CFR 72, Appendix A and all subsequent and amendments.
 2. A genetically modified microorganism or genetic element from an organism under Sub. (a) that is shown to produce or encode for a factor associated with a disease.
 3. A genetically modified microorganism or genetic element that contains nucleic acid sequences coding for a toxin under Sub. (a) or its toxic subunit.
 4. An agent specified by the State of Wisconsin Department of Safety and Professional Services by rule.
- B. "Bioterrorism" means the intentional use of any biological, chemical, or radiological agent to cause death, disease, or biological malfunction in a human, animal, plant, or other living organism in order to influence the policy of a governmental unit or to intimidate or coerce the civilian population.
- C. "Chemical agent" means a substance that has chemical properties that produce lethal or serious effects in plants or animals.
- D. "Civil defense" means all measures undertaken by or on behalf of the state and its subdivisions: to prepare for and minimize the effect of enemy action upon the civilian population.
- E. "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 this state or a portion of this state, or critical systems, including computer, telecommunications, or agricultural systems.
- F. "Emergency" means either:
1. The imminence or existence of a major disaster or catastrophe resulting from enemy attack, sabotage, or other hostile action or by fire, flood, earthquake, or other natural or unforeseen causes which are clearly beyond the control of normal government services, personnel, equipment and facilities; or
 2. When a state of emergency has been proclaimed by the governor of the state or the Village President or designee hereunder or by the Village Board.
- G. "Emergency government" includes "civil defense" and means all measures undertaken by or on behalf of the state and its subdivisions:
1. to prepare for and minimize the effect of enemy action and natural or unforeseen disaster upon the civilian population;

2. to effectuate emergency repairs to, or the emergency restoration of, vital public utilities or facilities destroyed or damaged by such action or disaster;
 3. to develop and implement a plan to ensure the continuity of normal governmental operations during an emergency.
 4. to assist as appropriate the civilian population in the recovery from an emergency.
- H. "Emergency Management Director" shall mean "Head of Emergency Management Services" as that term is used in Wis. Stat. ch. 323.
- I. "Enemy action" means hostile action by a foreign power which threatens the security of this City or a portion thereof.
- J. "Incident command system" means a functional management system established to control, direct, and manage the roles, responsibilities, and operations of all of the agencies involved in a multi-jurisdictional or multi-agency emergency response.
- K. "National incident command system" (NIMS) is a national approach to an incident command system providing an integrated system with uniform processes, protocols and procedures for emergency response at every level of government.
- L. "Public health emergency" means the occurrence or imminent threat of an illness or health condition that meets all of the following criteria:
1. Is believed to be caused by bioterrorism or a novel or previously controlled or eradicated biological agent.
 2. Poses a high probability of any of the following:
 - a. A large number of deaths or serious long-term disabilities among humans.
 - b. A high probability of widespread exposure to a biological, chemical, or radiological agent that creates a significant risk of substantial future harm to a large number of people.
- M. "Radiological agent" means radiation or radioactive material at a level that is dangerous to human health.
- N. "State of emergency" means the interim of time between the imminence of or the beginning of an emergency or the issuance of the proclamation declaring an emergency by either the governor; County Executive of Walworth; Village President or designee hereunder; the Village Board; or other official as designated in § 44-6 and a terminating proclamation is issued by such official declaring the period of extreme emergency to be at an end.

§ 44-2 Policy and purpose.

- A. By reason of the increasing possibility of disasters of unprecedented size and destructive potential, and to ensure that preparation will be adequate to cope with such disasters, and to provide for the common defense, to protect the public peace, health, safety and general welfare, and to preserve the lives and property of the people, it is declared necessary to:
- (1) Establish a local emergency government organization.

- (2) Provide for the exercise of necessary powers during life and property threatening emergencies.
 - (3) Provide for the rendering of cooperation and mutual aid between the Village of East Troy and other political subdivisions.
- B. It is further declared to be the purpose of this chapter and the policy of the Village of East Troy that all emergency government functions be coordinated to the maximum extent possible with existing services and facilities of the Village and with comparable functions of the federal, state and county government and other political subdivisions, and of various private agencies, to the end that the most effective preparations and use may be made of the manpower, resources and facilities for dealing with any disaster that may occur.

§ 44-3 Emergency Government Committee.

A. Organization.

(1) The Emergency Government Committee (the "Committee") shall be composed of the following personnel and shall serve without compensation:

- (a) Village of East Troy Board President.
- (b) Village Administrator.
- (c) Village of East Troy Chief of Police, serving as Emergency Government Director.
- (d) Joint Fire District Chief.
- (e) Director of Public Works.
- (f) Airport Manager.
- (g) Village Clerk.

(2) Chairperson and Secretary.

- (a) The Village Board President shall serve as Chairperson of the Committee.
- (b) The Village Clerk shall serve as Secretary of the Committee.

B. Committee duties. The Emergency Government Committee shall be an advisory and planning group and shall advise the Director and the Village Board on all matters pertaining to emergency government.

§ 44-4 Emergency Government Director.

A. Emergency Government Director. There is hereby created a position of Emergency Government Director who shall serve as the link between the Village and State and Walworth County Offices of Emergency Management as well as between the Village and private individuals and/or entities for emergency management purposes. The Chief of Police shall

serve in the position of Emergency Government Director for the Village of East Troy (the "Director"). In the absence of the Police Chief, the Fire Chief shall serve as Director and in the absence of both the Police Chief and the Fire Chief, the Department of Public Works Director shall be the Director. The Director shall be the "Head of Emergency Management Services" as that term is used in Wis. Stat. Ch. 323. The Director shall have responsibility in matters concerning the Village's emergency management as set forth in this ordinance.

B. Powers and Duties.

- (1) The Director shall be the executive head of the Committee and shall be directly responsible for the organization, administration and operation of the Committee in consultation with the Village President.
- (2) The Director shall coordinate all activities for emergency government within the Village and shall have direct responsibility for organizing, administering, training and operating emergency government within the framework of the Village's emergency government plan.
- (3) The Director shall develop and promulgate emergency government plans consistent with the state plans under Wis. Stat. Ch. 323. The emergency government plan shall require the use of the incident command system and the National Incident Management System ("NIMS"), as appropriate, by all emergency response agencies, including local health departments as defined in Wis. Stat. § 250.01 (4), during a state of emergency declared by the Governor, Village President, or in any other multi-jurisdictional or multi-agency emergency response.
- (4) The Director shall coordinate Village emergency management training programs and exercises, direct participation in emergency management programs and exercises ordered by the adjutant general of the State of Wisconsin and the Walworth County director of emergency management, and advise the Walworth County director of emergency management on Village emergency management programs and submit such reports as the County director of emergency management requires.
- (5) The Director shall maintain liaison and cooperate with emergency government agencies and organizations of other political subdivisions and the state and federal governments, and participate in county and state emergency governments activities upon request and shall have such additional authority, duties and responsibilities as are authorized by this chapter and as may, from time to time, be required by the Committee and/or Village Board.

- C. General plan.** The Director, with the assistance and cooperation of the Committee, shall prepare a comprehensive general plan for the emergency government of the Village and shall present such plan to the Village Board for its approval. When the Village Board has approved the plan by resolution, it shall be the duty of all municipal agencies and all emergency government forces of the Village to perform the duties and functions assigned by the plan as approved. The Director will review the plan annually and the plan may be modified as necessary.

D. Utilization of existing services and facilities.

- (1) Resources. In preparing and executing the Emergency Government Plan, the Director shall utilize the services, equipment, supplies and facilities of the existing departments and agencies of the Village to the maximum extent practicable. The officers and personnel of all such departments and agencies shall cooperate with and extend such services and facilities to the Director.
- (2) Management Services. Specific assignments to various departments for emergency government purposes shall be made in accordance with the Village's emergency government plan as approved by the Village Board.
- (3) Management Cooperation. All Department and Division heads shall assist the Director in the development of the emergency government plan to ensure the safety and welfare of the general public and the continuity of normal governmental operation during a state of emergency.
- (4) Contracting Powers. The Director is empowered to enter into contracts to purchase or provide goods and services consistent with the mission of emergency government and emergency management, as authorized by the emergency government plan approved by the Village Board and in accordance with all adopted budgetary restrictions and authorizations.

F. Mutual aid agreements. The Director may, subject to the approval of the Village Board, enter into mutual aid agreements with other political subdivisions. Copies of such agreements shall be filed with the Village Clerk and with all government bodies and/or agencies that require them.

§ 44-5 Emergency regulations.

Whenever necessary to meet an emergency of any nature for which adequate regulations have not been adopted by the Village Board or the Village President, the Director, in the absence of the Village President, may by proclamation promulgate and enforce such orders, rules and regulations relating to the conduct of persons and use of property as shall be necessary to protect the public peace, health and safety and preserve the lives and property and to ensure the cooperation necessary in emergency government activities. Such proclamations shall be posted in three public places within the Village of East Troy and may be rescinded by the Village Board at any time by resolution.

§ 44-6 Emergency declaration.

- A. The Village Board may declare, by ordinance or resolution, an emergency existing within the Village whenever conditions arise by reason of a riot or civil commotion, a disaster, or an 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 Village. The period of the emergency shall be limited by the ordinance or resolution to the time during which the emergency conditions exist or are likely to exist.
- B. Upon the declaration by the Governor, Village President or the Director in the absence of the

Village President, or by the Village Board, of a state of emergency, the Director shall issue all necessary proclamations as to the existence of such state of emergency and shall issue such disaster warnings or alerts as shall be required in the Emergency Government Plan.

- C. The Emergency Government Organization shall take action in accordance with the Emergency Government Plan only after the declaration of an emergency and the issuance of the official disaster warnings. Such state of emergency shall continue until terminated by the issuing authority, provided that any such declaration not issued by the Governor may be terminated by a declaration of the Village Board.

§ 44-7 County jurisdiction.

To the extent there are conflicts between this Chapter and Chapter 18, Civil Emergencies, of the Walworth County Code, the County Code section shall have precedence over this chapter.

§ 44-8 Violations and penalties.

No person shall willfully obstruct, hinder or delay any member of the Emergency Government Committee, the Emergency Government Director, and the government of the Village of East Troy in the enforcement of any order, rule, regulation or plan issued pursuant to this chapter or do any act forbidden by any order, rule, regulation or plan issued pursuant to the authority contained in this chapter. Any person found to be in violation of this chapter shall be subject to a forfeiture of not more than \$200.