April 2019 Ordinances

ORDINANCE NO. 636
AN ORDINANCE CREATING A SLOW NO WAKE SPEED DURING CERTAIN TIMES ON THE FOX RIVER

WHEREAS, the Sheriff has received concerns from the DNR and citizens regarding safety and potential for property damage along the Fox River due to high water levels; and

WHEREAS, Wisconsin State Statutes, Section 30.77(3)(b), the County may in the interest of public health, safety or welfare enact an ordinance applicable on any river or stream within its jurisdiction that is not contrary or inconsistent with Chapter 30; and

WHEREAS, Chapter 30 allows for an ordinance that places restrictions on speed; and

WHEREAS, the Sheriff is recommending that we regulate boating speed during times of high water on the Fox River; and

WHEREAS, the Public Safety Committee has discussed the matter and is recommending the adoption of such ordinance in the interest of public safety.

NOW THEREFORE, the Waushara County Board of Supervisors does hereby ordain as follows:

High-water, slow-no-wake areas.

No person shall operate a power-driven boat or watercraft faster than a "slow-no-wake" speed in an area so marked. The term "slow-no-wake speed" shall mean that speed at which a boat moves as slowly as possible while still maintaining steerage control. The term watercraft shall have the meaning defined in Wis. Stats. §30.50(6). Slow-no-wake areas shall be so designated by notices posted.

A. The Sheriff or his/her designee and/or the Emergency Management Director or his/her designee shall be responsible for obtaining the water level elevations to determine the necessity for a slow-no-wake posting.

B. Such postings shall be made when the water level exceeds elevation of 13.0 feet as based on the bench mark located at United States Geological Survey Gauge BERW3.

C. Said slow-no-wake area is located within Waushara County.

D. Notice.
E. Penalties.

Penalties for violating this ordinance shall be pursuant to Wis. Stats. §30.80 as modified from time to time.

BE IT FURTHER ORDAINED that this ordinance shall be effective upon passage and filing with the County Clerk.

Ordinance No. 636

Ayes ______ Nays ______ Abstain _____ Absent ____ [ X ] Voice Vote

☑ Approved and adopted this 22nd day of April, 2019
☐ Denied this 22nd day of April, 2019.

Approved as to Form:
/s/ Ruth Zouski
Ruth Zouski
Corporation Counsel

Signed by:
/s/ Donna R. Kalata
Donna R. Kalata, Chair
Public Safety Committee

Attest:
/s/ Megan Kapp
Megan Kapp
Waushara County Clerk

Signed by:
/s/ Donna R. Kalata
Donna R. Kalata, Chair
Waushara County Board of Supervisors

ORDINANCE NO. 636
AN ORDINANCE AMENDING WAUSHARA COUNTY CODE CHAPTER 14, ARTICLE II- EMERGENCY MANAGEMENT

WHEREAS, the Waushara County Board previously adopted ordinances related to emergency management; and
WHEREAS, the Waushara County Board has modified the position of emergency management director from a Sheriff’s Department employee to an Administration employee; and
WHEREAS, the Public Safety Committee has reviewed the proposed changes and recommends the modifications to be consistent with current practice.
NOW, THEREFORE, the Waushara County Board of Supervisors does hereby ordain as follows:

ARTICLE II - EMERGENCY MANAGEMENT
Sec. 14-31. - Policy and purpose of article.
To ensure that the county will be prepared to cope with emergencies resulting from disasters, an emergency management organization is created to carry out the purposes set out in Wis. Stats. ch. 323.

(Ord. No. 529, 9-14-2010)

Sec. 14-32. - 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:

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.

Emergency management means all measures undertaken by, or on behalf of, the state and its subdivisions to do any of the following:

1. 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.

(Ord. No. 529, 9-14-2010)

Sec. 14-33. - Penalties for violation of article.
It shall be unlawful for any person willfully to obstruct, hinder or delay any member of the emergency management organization in the enforcement of any order, rule, regulation, or plan issued pursuant to the authority contained in this article, or to do any act forbidden by any order, rule, regulation or plan issued pursuant to the authority contained in this article. For violation of any of the provisions of this article, such person shall forfeit not more than $200.00, plus costs.

(Ord. No. 529, 9-14-2010)

Sec. 14-34. - County emergency management committee.
(a) Constitution. The county board shall, under its rules, create or designate a committee of the county board as the county emergency management committee, the chair of which shall be the chair of the county board.

(b) Duties. The county emergency management committee shall be an advisory and planning group and shall retain all policy-making and rule-making powers in the establishment and development of county emergency management plans and programs. It shall meet upon the call of the chair.

(Ord. No. 529, 9-14-2010)

Sec. 14-35. - Head of emergency management.
(a) **Head of emergency management.** There is hereby created the office of county municipal head of emergency management. The head of county emergency management shall also hold the office of head of emergency management of such municipalities of the county as may hereafter enact an ordinance parallel to this article. In addition to his/her duties as head of emergency management, he/she shall have the additional duties and responsibilities of a head of emergency management as provided for in statute.

(b) **Tenure; appointment and statutory provisions.**

1. **Tenure.** The county head of emergency management shall be a full-time/part-time position within the sheriff's department under the direct supervision of the Administration Department. The salary shall be set from time to time by the county board in the same manner as other county employees.

2. **Appointment.** The head of emergency management shall be appointed in accordance with standard employment procedures as used by the sheriff's department Wis. Stats. §323.14 and as set forth in the county employee's personnel program.

3. **Statutory provisions.** The provisions of Wis. Stats. § 323.25, relating to personnel, shall apply to the selection of the head of emergency management.

(c) **Status.** The county head of emergency management shall be considered to be an employee of the county, not under civil service, and shall be entitled to all of the rights, privileges and benefits that the county employees have. He/She shall report to the sheriff County Administrator.

(d) **Municipal deputy head of emergency management.**

1. Each municipality passing a joint action ordinance with the county may appoint a deputy head of emergency management.

2. The municipal deputy head of emergency management will operate under the administrative direction of the county head of emergency management.

3. Remuneration, if any, for the deputy municipal head of emergency management, will be determined and paid for by the governing body of that municipality.

(Ord. No. 529, 9-14-2010)

Sec. 14-36. - Sharing of costs.

(a) **Office and staff.** The county board shall provide offices, office furniture, stenographic help and such office supplies as may be necessary to carry out the functions of the county head of emergency management, and the cost thereof shall be defrayed by the county.

(b) **Major equipment and services.** Costs of equipment and services shall be borne 100 percent by the municipal government requiring such procurement with federal matching funds procured by the county municipal head of emergency management, when applicable federal matching fund reimbursements shall be returned to the treasurer of the municipality procuring the equipment or services.

(Ord. No. 529, 9-14-2010)

Sec. 14-37. - Joint action meetings.

Whenever it is deemed necessary by either the county emergency management committee or the emergency management committee of a municipality participating in joint action, there shall be a joint meeting of the committees to decide such matters as may arise.

(Ord. No. 529, 9-14-2010)

Sec. 14-38. - Duties of the head of emergency management.
(a) **Countywide duties.** The head in his/her capacity as county head, subject to the control and direction of the sheriff County Administrator and the county emergency management committee and under the general supervision of the county board, shall:

1. Develop and promulgate emergency management plans for the county, including planning for joint action municipalities, consistent with the state plan of emergency management.
2. Coordinate and assist in the development of nonjoint municipal emergency management plans within the county, and integrate such plans with the county plan.
3. Coordinate the county and joint action municipal emergency management programs.
4. Coordinate countywide emergency management training programs and exercises.
5. Advise the state administrator of all emergency management planning for the county, and render such reports as may be required by the state administrator.
6. In case of a state of emergency proclaimed by the governor, coordinate the county and joint action municipalities emergency management activities and coordinate the nonjoint action municipal emergency management activities within the county, subject to the coordinating authority of the state administrator.
7. Provide county and municipal agencies with the information necessary to aid each entity in complying with the NIMS requirements.
8. Perform such other duties relating to emergency management as may be required by the sheriff County Administrator and/or the county board.

(Ord. No. 529, 9-14-2010)

Sec. 14-39. - Utilization of existing services and facilities.

(a) **Policy.** In preparing and executing the emergency management program, the services, equipment, supplies and facilities of 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.

(b) **Responsibility.** In order to ensure that in the event of any emergency all the facilities of the existing county government are expanded to the fullest to meet such emergency, the following specific responsibilities are assigned to the following department heads named as directors of emergency management service. The head of emergency management will assist them in organization and
planning for the expansion of their departments prior to and during an emergency and for recruiting necessary emergency management volunteers to supplement regular department employees:

<table>
<thead>
<tr>
<th>County sheriff</th>
<th>Director of police service</th>
</tr>
</thead>
<tbody>
<tr>
<td>County highway commissioner</td>
<td>Director of engineering services</td>
</tr>
<tr>
<td>County clerk</td>
<td>Director of supply services</td>
</tr>
<tr>
<td>Director of human services</td>
<td>Director of emergency social services</td>
</tr>
<tr>
<td>County coroner medical examiner</td>
<td>Director of mortuary services</td>
</tr>
<tr>
<td>District attorney</td>
<td>Director of intelligence and legal services</td>
</tr>
</tbody>
</table>

Other department heads not specifically named will fulfill emergency and nonemergency duties as assigned under the county emergency operations plan. The head of emergency management will assist them in organizing and planning for the expansion of their departments prior to and during an emergency and for recruiting necessary emergency management volunteers to supplement regular department employees. Nothing in this section shall be construed to limit the head of emergency management from immediately commencing organizational and planning programs as required by the emergency operations plan adopted by the county board of supervisors.

(c) National Incident Management System (NIMS). The county will comply with the National Incident Management System (NIMS) requirements in all phases (i.e., mitigation, preparedness, response, recovery) of its emergency management program as detailed by the federal and state government in order to facilitate an effective and coordinated emergency management response.

(d) Incident command system (ICS). The county adopts the approved incident command system (ICS) for use in all emergency operations.

(e) 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 article.

(Ord. No. 529, 9-14-2010)

Sec. 14-40. - Other emergencies.
(a) Joint action municipalities. In the event of the governor determining that an emergency exists growing out of disasters, the county head of emergency management will activate the emergency management services at the appropriate level of government affected by the emergency.

(b) Nonjoint action municipalities. In the event of a disaster, the county head will coordinate the municipalities affected and render such assistance as is required and available from county resources.

(Ord. No. 529, 9-14-2010)

Sec. 14-41. - Local response team established.
(a) A local response agency shall be designated by the county emergency management committee to provide emergency services throughout Waushara County related to hazardous substance incidents. Such agency may collect fees related to the county's costs incurred during response incidents, if the incident meets the requirements of Wis. Stats. § 323.70(7)(c), and if approved by the emergency management committee pursuant to subsection (b) below. The establishment of a local response agency is required by the state in order to collect funds which relate to this emergency management program.
(b) A local response agency seeking reimbursement shall submit its claim to the emergency management committee. The committee shall:

1. Review the claim to determine the amount of reasonable and necessary expenses incurred.
2. Determine who is the person responsible for reimbursement.
   a. The person who possessed or controlled a hazardous substance involved in the emergency; or
   b. The person who caused the emergency.
3. Provide notice of the amount determined to the person who is liable for reimbursement.
4. If the person responsible for reimbursement objects to the amount, he/she can request that the emergency management committee review its determination.
5. Upon review the emergency management committee may modify or affirm its previous determination.
6. The emergency management committee shall notify the responsible person of the outcome of the review.
7. The reimbursement shall be paid by the responsible person directly to the local response agency.

(Ord. No. 529, 9-14-2010)

Sec. 14-42. - County declaration of emergency.
(a) In the event of an emergency affecting only Waushara County or a participating municipality, the county board chair may declare a state of emergency thereby allowing the county or municipality to utilize services, facilities and equipment to cope with the emergency. State statutes provide also for the chief elected officials of all Waushara County towns, villages and cities to have the authority to declare their municipality a disaster area. No such state of emergency declared by the county board chair shall extend beyond 60 days or the next meeting of the county board, whichever occurs first.

(b) Should the chair of the county board be unavailable to declare a state of emergency, such declaration may be issued by the vice-chair of the county board. Should the vice-chair of the county board be unavailable, such determination may be issued by the second vice-chair of the county board. Should all of the above officers be unavailable, such declaration may be issued by the vice-chair of the public safety committee, sheriff or ranking available member of the sheriff's department in that order.

(Ord. No. 529, 9-14-2010)
Sec. 14-43. - Emergency bidding and hiring.

(a)  Emergency bidding. In order to meet the needs of the community in a county-declared disaster in a timely manner the head of emergency management with the approval of incident command may proceed with the emergency bidding process as follows:

1. Release requests for contractors in the most expeditious form of legal notice sufficient to provide public notice of request.
2. Close period for response to request no less than three days after the public notice.
3. Incident command or designee review of responses for price and quality.
4. Selection of successful bidder.
5. Award of contract.

(b)  Municipality participation in emergency bidding. A municipality may participate in the county's emergency bid process by submission of written request to the head of emergency management. The municipality shall remain responsible for the cost of its portion of the winning contract, unless a written agreement on the payment of costs of the contract is entered into between the municipality and county prior to the awarding of the contract.

(c)  Emergency hiring. Incident command may authorize the hiring of temporary limited-term employees to aid in the recovery of a county-declared disaster without regard to current hiring processes in place by resolution, ordinance, policy or collective bargaining agreements during the declared event.

(Ord. No. 529, 9-14-2010)

Secs. 14-44—14-70. - Reserved.

Ordinance No. 636

Ayes ______ Nays ______ Abstain ____Absent ____ [ X ] Voice Vote

☑  Approved and adopted this 22nd day of April, 2019

☐  Denied this 22nd day of April, 2019.

Approved as to Form:
/s/ Ruth Zouski______________  /s/ Donna R. Kalata______________
Ruth Zouski
Corporation Counsel

Attest:
/s/ Megan Kapp______________  /s/ Donna R. Kalata______________
Megan Kapp
Waushara County Clerk

Submitted by:
/s/ Donna R. Kalata______________
Donna R. Kalata, Chair
Public Safety Committee

Signed by:
/s/ Donna R. Kalata______________
Donna R. Kalata, Chair
Waushara County Board of Supervisors