

ORDINANCE NO. 767

The City Council of the City of Fort Atkinson does hereby ordain as follows:

That Chapter 28, EMERGENCY MANAGEMENT, be created as follows:

ARTICLE I. LEGISLATIVE INTENT

Sec. 28-1.

- (a) To satisfy the requirements of Section 323.14(1) (b)(1) of Wisconsin Statutes.
- (b) To establish the Office of Emergency Management that will ensure the complete and efficient utilization of the City's facilities and resources during any period of proclaimed emergency.
- (c) To define the duties and authority of the Fort Atkinson Office of Emergency Management Director who shall coordinate all activities in connection with Emergency Management.
- (d) To define the protocol for issuing a City Emergency Proclamation.
- (e) To define powers and authorities given to the City Manager and Emergency Management Director during a proclaimed emergency.
- (f) To establish the National Incident Management System (NIMS) as the municipal standard for all hazards incident management.

Sec. 28-2—28-10 Reserved.

ARTICLE II. DEFINITIONS

Sec. 28-11.

The following definitions shall apply in the interpretation of this Ordinance:

- (a) **Disaster** - *Disaster* means the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause including, but not limited to, fire, ice storm, blizzard, flood, earthquake, windstorm, wave action, oil spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, critical material shortage, infestation, explosion, riot, said occurrence being of significant scope as to exceed the normal ability of the City's resources to mitigate, respond to or recover from.

(b) **Emergency** - *Emergency* is defined as an event that threatens the life, safety, and property of the residents or visitors of Fort Atkinson or destruction of the environment, that requires immediate action to mitigate, contain or control.

(c) **Emergency Management Forces** - *Emergency Management Forces* means the employees, equipment and facilities of all City departments, boards, institutions and commissions; and in addition, it shall include all volunteer persons, equipment and facilities contributed by or obtained from volunteer persons or agencies.

(d) **Emergency Proclamation** - *Emergency Proclamation* refers to a governmental declaration that a disaster or emergency exists or appears imminent. These include a state of emergency proclamation at the national, state, county or local level that covers all or a section of the City of Fort Atkinson.

(e) **Local** - *Local* means the geographic boundaries of the City of Fort Atkinson, or Fort Atkinson and the municipalities adjacent to it.

Sec. 28-12—28-20 Reserved.

ARTICLE III. REGULATIONS

Sec. 28-21.

(a) **Establishment of the Office of Emergency Management** - There is hereby established within the City of Fort Atkinson, Wisconsin, an emergency management organization to be known as the Fort Atkinson Office of Emergency Management (FA-OEM). The office is responsible for the preparation and implementation of emergency management plans to minimize injury and loss due to a serious emergency or disaster.

(b) **Emergency Management Director Position and FA-OEM Members** - The Fort Atkinson Office of Emergency Management shall consist of a director, and other members that shall be appointed by the City Manager when deemed necessary.

The City Manager or Emergency Management Director may appoint temporary assistants in time of emergency.

(c) **Appointment and Term** - The City Manager shall appoint the Emergency Management Director. This appointment shall be made for an indefinite term until replaced by the City Manager. The City Manager shall consider the qualifications and availability during off hours (nights and weekends) of all candidates for the position.

(d) **Level and Training** - The Emergency Management Director is expected to possess ICS – 100, 200, 300, 400, 700 and 800 training. Additional Wisconsin Emergency Management or the Emergency Management Institute (FEMA) training and emergency management experience is preferred, but not required.

(e) **General Duties** - The Emergency Management Director is responsible for performing all phases of Emergency Management.

The Emergency Management Director duties shall include, but not limited to the following:

Prepare and maintain the Emergency Operations Plan (EOP) for the City of Fort Atkinson, which shall be submitted to the City Council for approval and reviewed on a biennial basis. The plan shall incorporate the principles of the National Emergency Management System (NIMS) and the Incident Command System (ICS).

Prepare and update a Hazard Risk and Vulnerability Assessment.

Complete and report Preliminary Damage Assessments to Jefferson County Emergency Management.

Prepare and maintain a list of locally available disaster resources.

Develop procedures for the organization, staffing, activation and operation of the Fort Atkinson Emergency Operations Center (EOC) or participation in the Jefferson County EOC activation.

Coordinate and maintain written emergency and disaster Mutual Aid Agreements with the approval of the City Council.

Provide Emergency Management training to City officials, planners, and emergency responders.

Help develop Continuity of Operations Plan (COOP) for all City departments.

Develop and implement a Disaster Exercise program.

Attend County Local Emergency Planning Committee meetings on a regular basis.

Maintain records and submit information as required for compliance with county, state and federal regulations.

Provide Disaster Preparedness information and education to City residents.

When necessary, serve as liaison between the City and county/state/federal officials during disaster recovery.

Serve as NIMS Coordinator for the City of Fort Atkinson.

(f) **Powers during a Proclaimed Emergency** - When an emergency proclamation is in effect, the Emergency Management Director or designee shall have the following responsibilities and authorities:

Responsible for the organization, staffing and activation of the Emergency Operations Center (EOC) as defined in the *City's Emergency Operations Plan*.

Empowered to make any reasonable request for assistance from adjacent City's pursuant to established Mutual Aid Agreements.

Authorized to request aid or assistance from the state or any political subdivision of the state under the provisions of state statute.

May render assistance to other political subdivisions of the state under the provisions of state statute, with City Council approval.

Coordinate requests for assistance from other regional, county, state or federal agencies through the County Emergency Management Director.

These provisions will terminate at the end of the proclaimed emergency.

(g) **Emergency Proclamation** - The Fort Atkinson City Council shall have the power and authority to issue, by written declaration, a proclamation that an emergency exists whenever a disaster or civil emergency exists or appears imminent. The proclamation may declare that an emergency exists in any or all sections of the City.

Notwithstanding the above, when consultation with the City Council would result in a substantial delay in initiating an effective response to alleviate or prevent an emergency or disaster, then the following persons shall have the power and authority to issue a proclamation that an emergency exists, in the following order of succession: the City Manager, the Emergency Management Director, the Chief of Police.

A copy of such a proclamation shall be filed within twenty-four (24) hours with the City Clerk.

The Fort Atkinson Emergency Operations Plan shall be the City's governing document for emergency response and recovery by all municipal organizations.

The Emergency Management Director shall be responsible for submitting a full report to the City Manager of all actions taken as a result of the declared emergency. The City Manager shall report to the City Council as soon as it can be convened.

(h) **Termination of a Proclaimed Emergency** - When the Emergency Management Director is satisfied that a disaster no longer exists, the director shall recommend to the City Council to terminate the emergency proclamation, or any part thereof. When consultation with the City Council would result in a substantial delay then the following persons shall have the

power and authority to terminate the emergency proclamation in the following order of succession: the City Manager, the Emergency Management Director, the Chief of Police.

When the City Council does not terminate the proclaimed emergency, the City Manager is responsible for notifying the Council that the proclamation has been terminated. In the absence of the City Manager it is the responsibility of the Emergency Management Director to notify the Council.

Terminations of emergency proclamation shall be filed in the Office of the City Clerk.

No local emergency proclamation may stay in effect for longer than thirty days unless renewed by the City Council.

(i) **City Manager – Powers during a Proclaimed Emergency** - When an emergency proclamation is in effect, the City Manager or designee may declare new or modify existing regulations, as he or she deems necessary to protect life and property and to preserve critical resources within the purposes of this article. Such regulations may include, but are not limited to, the following:

Regulations prohibiting or restricting the movement of vehicles in areas within or without the City;

Regulations facilitating or restricting the movement of persons within the City;

Regulations pertaining to the movement of persons from hazardous areas within the City;

Such other regulations necessary to preserve public peace, health, and safety.

If the City Manager is not available and has not named a designee, then the Emergency Management Director will exercise the powers in this Article, and if the Emergency Management Director is not available, the Chief of Police will exercise said powers. If neither the Emergency Management Director nor the Chief of Police is available, the following City staff is authorized to exercise the powers of this article in this order of succession: Fire Chief, Director of Public Works or City Clerk.

The provisions of this section will terminate at the end of the proclaimed emergency.

(j) **Appropriation of Funds for a Proclaimed Emergency** - The City Council may make an appropriation to spend funds up to a certain amount to cover the cost of vital supplies, equipment and other items found lacking and needed for the protection of health, life and property during a proclaimed emergency.

(k) **Commitment of City Resources during Proclaimed Emergency** - The City Manager has authority to use City resources to obtain vital supplies, equipment and other items found lacking and needed for the protection of health, life and property during a proclaimed

emergency without following normal purchasing, formal bid or disbursement procedures. In the absence of the City Manager, the Emergency Management Director is given this authority. Whenever possible, these actions will be taken at the direction of the City Council unless obtaining that authority would unnecessarily delay emergency actions.

Notwithstanding the above, the expenditure of funds shall not exceed the dollar amount appropriated by the City Council.

Upon declaration of an emergency, the city manager or designee may spend up to \$10,000 for immediately needed emergency response and mitigation supplies and or services. The city manager or designee shall, as soon as practicable receive council approval for such expenditures.

The provisions of this section will terminate at the end of the proclaimed emergency.

(l) **Acceptance of Emergency Donations** - Cash donations help to avoid the labor and expense of sorting, packing, transporting and distributing donated goods. The City Clerk may open a separate account for financial donations and will establish an accounting system to track the contributions.

For material donations, the Emergency Management Director will appoint a Donations Manager.

(m) **Adoption of the National Incident Management System** - The City of Fort Atkinson hereby establishes the National Incident Management System (NIMS) as the municipal standard for all hazards incident management.

This system provides a consistent approach for Federal, State, and municipal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity. NIMS will utilize standardized terminology, standardized organizational structures and interoperable communications, consolidated action plans, and unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters.

All Fort Atkinson emergency and disaster responders for all hazards incident management will utilize the NIMS Incident Command System (ICS).

(n) **Obstruction of Emergency Government Organization and Penalty** - No person shall willfully obstruct, hinder or delay any member of the emergency government organization in the enforcement of any order, rule, regulation or plan issued pursuant to this ordinance or plan issued pursuant to the authority contained in this ordinance. Any person who shall violate any provision of this ordinance shall be subject to a penalty as provided in Sec. 1-10 of the municipal code.

(o) **Severability** - Should any provisions of this Ordinance be declared invalid for any reason, such declaration shall not affect the validity of other provisions or of this Ordinance as a whole, it being the legislative intent that the provisions of this Ordinance shall be severable and remain valid notwithstanding such declaration.

(p) **Conflicting Policies, Orders, Rules and Regulations Suspended** - At all times when an emergency proclamation is in effect and any inconsistencies exists, the orders, rules and regulations made and promulgated pursuant to this Ordinance shall supersede all existing policies, orders, rules and regulations.

ARTICLE IV. EFFECTIVE DATE

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Adopted: August 21, 2018.

Pres. of the City Council

ATTEST:

Michelle Ebbert, City Clerk