

ORDINANCE 99-01

ORDINANCE AMENDMENT CREATING SECTION 6.10, TOWN OF ORANGE CODE OF ORDINANCES, RELATED TO DECLARATION OF STATE OF EMERGENCY

WHEREAS, Chapter 166 of the Wisconsin Statutes confers the power to plan for and respond to natural or man made disasters on the Town;

WHEREAS, Chapter 166 authorizes local governments to adopt ordinances to provide for emergency management;

WHEREAS, it is advisable to provide for clear lines of authority and control in the event of emergencies so that governmental resource can be quickly and effectively applied to meet emergency situations;

WHEREAS, the Corporation Counsel has opined that the town has the authority to adopt an ordinance delegating the power to declare an emergency to its town board chairperson;

NOW THEREFORE, the Town Board of Supervisors of the Town of Orange do hereby ordain as follow:

Section 6.10 of the Town of Orange Code of ordinances is created to read as follows:

- 6.10(1). Findings. The Town of Orange finds that preparation for and planning to meet the circumstances which may confront the town in times of natural or man made disasters or emergencies is a high priority of the town. Town of Orange obligation to promote the public health, safety and welfare, requires that clear procedures be adopted in advance of emergencies so that the resources necessary to respond to such emergencies can be immediately and effectively directed to meet them. Therefore, the Town of Orange Board finds, that pursuant to section 9.07(64), stats., the public peace, health, safety and welfare, together with the need to maintain the good order of the community, requires that an ordinance be adopted providing for emergency management, and delegating the power to coordinate such emergency management to the town board chairperson and or town board of supervisors.
- 6.10(2) Declaration of Emergency. Whenever, in the discretion of the town board chairperson, it appears that by reason of flood, storms, hail, pests, drought, chemical contamination, radioactive contamination, insurrection, civil emergency, tornado, ice storm, or other natural or man-made emergency, it becomes necessary, to provide for the safety, welfare, health and relief of the residents and occupants of Town of Orange, the chairperson may declare an emergency according to the provisions of this ordinance.
- 6.10(3) Declaration of Emergency. Upon the happening of

an event described in section 10.2 of this code, the Chairperson may sign a written order finding that circumstances describing the order warrant and require the declaration of an emergency. The declaration shall state the area covered by the declaration with reference to towns or incorporated municipalities. The declaration shall state the purpose of the declaration, for citing the general goals sought to be accomplished through the declaration. The declaration shall state the expiration date of the declaration; if no date is provided, the declaration shall automatically expire within or at the end of the seventh day following the proclamation.

6.10(4)

Effective Declaration. Upon the execution of the declaration, the Chairperson shall file a copy of the declaration with the town clerk, and communicate the declaration to the town chairman, mayors, village presidents or other local officials of the areas affected by the declaration. A copy of the declaration shall also be provided to the sheriff of Juneau County and to the chiefs of police of any police departments within the area affected by the declaration. The chairperson shall seek with diligence to inform the public through the press and media of the emergency. The declaration shall have the effect of an ordinance enacted pursuant to section 59.07(64), Stats. and shall be enforceable as such. The Sheriff and other law enforcement officers are authorized to use the power of arrests to affect necessary protective evacuation of individuals from disaster areas, and the County shall save and hold harmless any peace officer acting in good faith pursuant to the directives of a declaration of an emergency.

6.10(5)

The town board chairperson shall have the authority to direct by order that persons endangered by the pendency of natural or man made disasters may be evacuated by the sheriff and other peace officers. The town board chairperson may also order and direct the prosecution of relief efforts using equipment owned or obtained by the town for any necessary purpose related to disaster relief.

6.10(6)

Succession to authority of town chairperson. In the event that the town board chairperson is absent from the state or is physically unavailable to exercise the authority vested in this ordinance, or has been incapacitated by accident, disease or injury, then the powers contained in this ordinance shall transfer to the side board of the town board.

6.10(7)

Obstruction of Emergency Relief Efforts; Penalty-.

No person may obstruct, interfere, impede or in anyway harass or impair the efficient and effective prosecution of relief efforts necessary for the protection of persons or property. Any person who so obstructs or impairs relief efforts, having first been warned orally by the relief authority to desist from such activities, may be fined not less than \$100 nor more than \$1,000. Each day of violation shall be considered a separate offense. It shall be a defense to this offense for a person, not incompetent, to refuse to be evacuated for the reason that the person wishes to remain with his or her property and the person releases and wavier any liability on the part of the county or its officers for failing to evacuate the individual.

DISASTER DECLARATION

Town of Orange, Juneau County Wisconsin

WHEREAS, a disaster, namely _____ has
struck the Town of Orange _____; and

WHEREAS, because of such emergency conditions, the, Town Board is unable to meet with
promptness; and

WHEREAS, the disaster has caused the, Town of Orange
to expand or commit all of its available resources; and

WHEREAS, the, Town of Orange _____ is asking for county
assistance and requests the county to advise the State of Wisconsin of our emergency conditions:

NOW THEREFORE, pursuant to State Statute 66.32.5 and State Statute 166, as Chief
Elected Official of the, Town of Orange _____ in testimony whereof I
have hereunto set my hand and have caused the great seal of the, Town of Orange
_____ to be affixed.

Done at the. Town hall this _____ day of _____, _____.

Town Chairperson

NOW, THEREFORE, pursuant to State Statute 166. as Chairman of the
County Board of Supervisors, do hereby concur that a state of emergency exists in Town of Orange

In testimony whereof I have hereunto set my hand. Done at _____ this
day of _____, _____.

County Board Chairman