

**TOWN OF COTTAGE GROVE
TOWN BOARD ORDINANCE 2022-03-07b**

ORDINANCE OF THE TOWN OF COTTAGE GROVE, WISCONSIN
Adopted pursuant to Sec. 25.01 of the Town of Cottage Grove Code

Title: Adopting amendments to Chapter 06 – Emergency Government Operations

Code Section(s) created, amended, or repealed	<u>Chapter 06</u>
Presented to Board by	<u>Town Attorney</u>
Committee Review by	<u>None</u>
Date(s) Public Hearing(s) held (if required)	<u>None</u>
Date adopted	<u>3/7/2022</u>
Vote	<u>5-0</u>
Date of posting of adoption of ordinance	<u>3/8/2022</u>
Date of publication of adoption of ordinance	<u>Not required</u>

The Town Board of the Town of Cottage Grove does ordain that Chapter 06 – Emergency Government Operations is hereby amended to read as follow:

CHAPTER 06 - EMERGENCY GOVERNMENT OPERATIONS

06.01 EMERGENCY GOVERNMENT COMMITTEE

(1) POLICY AND PURPOSE.

(a) In order to ensure that the Town of Cottage Grove will be prepared to address emergencies resulting from man-made or natural disasters, an emergency government organization is hereby created to carry out all emergency functions, other than functions for which the military forces are primarily responsible, to minimize injury and repair damage resulting from fire, tornado or other natural or man-made disasters, emergencies or causes.

(b) It is further declared to be the purpose of this chapter and the policy of the Town of Cottage Grove that all emergency government functions of the Town be coordinated to the maximum extent practicable with existing services and facilities of the Town and with comparable services and facilities of the federal, state, county government and other political subdivisions, and of various private agencies toward the end that the most effective preparation and use may be made of manpower, resources and facilities for dealing with any disaster that may occur.

(c) Chapter 323 Wis. Stats., as may be amended from time to time, is herein incorporated in this chapter by reference.

(2) EMERGENCY GOVERNMENT COMMITTEE.

(a) How constituted. There is hereby created an Emergency Government Committee pursuant to ~~§§ 66.0301(2) and~~ 323.14(2), Wis. Stats. (hereinafter “Committee” or “EGC” for purposes of this Chapter 6.) The Committee shall be a combination of appointive members, and ex officio Committee-appointed members deemed necessary or desirable to carry out its functions. ~~Three members shall be appointed by the Board of the Town of Cottage Grove.~~ The Committee shall elect a Chairman. The Chairman of the Committee will serve as acting Director of Emergency Government.

(a) Appointments. ~~Town appointees~~ The members shall be ~~appointed~~ approved by the Town

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Board upon recommendation of the Town Chair. ~~At least one of the Town appointees shall be a member of the Town of Cottage Grove Board.~~ Each ~~Town Board~~-appointed member shall serve a term of two years and may be reappointed by the Town Board for one or more successive terms. In the event there is a vacancy on the Committee, the Town Board ~~mayshall, within 45 days of such vacancy,~~ appoint a new member to serve out the unexpired term. Where a term has expired and there has been no appointment to the new term, the incumbent committee member may continue in office and continue to act until such appointment is made.

(b) Duties of the Emergency Government Committee. The Emergency Government Committee shall be an advisory and planning group and shall advise the Town Board on all matters pertaining to emergency government. The Emergency Government Committee shall meet once a month or on the call of the Chairman.

(3) EMERGENCY GOVERNMENT DIRECTOR.

(a) Appointment. The office of Director of Emergency Government is hereby created. The Director shall be the Chairman of the Emergency Government Committee.

(a) Duties and authority of the Emergency Government Director.

1. The Director shall have direct responsibility for the organization, administration and operation of the emergency government organization subject to the control of the Town Chairman and the Town Board.
2. He/she shall coordinate all activities for emergency government within the Town, and shall maintain liaison and cooperate with emergency government agencies and organizations of other political subdivisions and of the county.
3. He/she shall direct local emergency management training programs and exercises.
4. He/she shall direct participation in emergency management programs and exercises that are ordered by the adjutant general or the county head of emergency management.
5. He/she shall advise the county head of emergency management on local emergency management programs.
6. He/she shall submit to the county head of emergency management any reports he/she requires.
7. He/she 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 Town Board.

(b) Emergency Plan Preparation. The Director, with the assistance of the Committee, shall prepare a comprehensive plan for the emergency government of the Town in accordance with § 323.14(1)(b), Wis. Stats., and shall present such plan to the Town Board for its approval. When the Town Board has approved the plan by resolution, it shall be the duty of all municipal agencies and all emergency government forces of the Town of Cottage Grove to perform the duties and functions assigned by the plan as approved. The plan may be modified in like manner.

(4) UTILIZATION OF EXISTING SERVICES AND FACILITIES.

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 Town to the maximum extent practicable; and the officers and personnel of all such departments and agencies are directed to cooperate with and extend such services and facilities to the Director.

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(5) EMERGENCY REGULATIONS.

Whenever necessary to meet an emergency for which adequate regulations have not been adopted by the Town Board, the Town Chair and, in his/her absence, the Director of Emergency Government, may by proclamation promulgate and enforce such orders, rules and regulations relating to the conduct of persons and the use of property as shall be necessary to protect the public peace, health and safety, and preserve lives and property and to ensure the cooperation necessary in emergency government activities. Such proclamations shall be posted in a public place and may be rescinded by the Town Board by resolution at any time.

(6) MUTUAL AID AGREEMENTS.

The Director of Emergency Government may, subject to the approval of the Town Board, enter into mutual aid agreements with other political subdivisions. Copies of such agreements shall be filed with the County Director of Emergency Government.

(7) DECLARATION OF EMERGENCIES.

(a) Upon declaration by the Governor, by the Town Chair or by the Town Board of a state of emergency, the Director of Emergency Government 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.

(a) 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 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 at the discretion of the Town Board.

(b) A model proclamation of the Town Chair declaring an emergency is attached as Appendix A.

**(8) OBSTRUCTION OF EMERGENCY GOVERNMENT ORGANIZATION;
VIOLATIONS AND PENALTIES.**

(a) No person shall willfully obstruct, hinder or delay any official or employee of the Town or other governmental agency with jurisdiction member of the emergency government organization in the enforcement of any order, rule, regulation or of the emergency government plan issued pursuant to this chapter or violate any order, rule, regulation or plan issued pursuant to the authority contained in this chapter.

(a) Violations of this ordinance shall be punished by a forfeiture not to exceed \$200.00 together with the costs of prosecution.

06.02 SARA, TITLE III

The Emergency Government Committee as set forth in s. TCG § 06.01, shall be designated the lead agency within the Town of Cottage Grove, to administer the community right-to-know program under Ch. 323.60, Wis. Stats., and the Emergency Planning and Community Right-to-Know Act, 42 USC § 11001 et seq. (1986). and shall maintain a complete file of all reports and plans that are required to be submitted to the local fire department, under the terms of this program.

06.03 HAZARDOUS MATERIALS REGISTRATION

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In accordance with the provisions of s. TCG § 06.01, the EGC shall be designated the lead agency within the Town of Cottage Grove, to administer the hazardous materials transportation registration program under Ch. 323.60, Wis. Stats., .. and the Emergency Planning and Community Right-to-Know Act, 42 USC § 11001 et seq. (1986), and shall maintain a file of all persons who have registered as a shipper or carrier of hazardous materials in or through Wisconsin.

[Sections 06.01 to 06.03 were originally enacted in 1991 and substantively amended on April 16, 2007 and May 18, 2020.]

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CHAPTER 06 – APPENDIX A

**PROCLAMATION DECLARING EMERGENCY IN THE TOWN OF COTTAGE GROVE,
DANE COUNTY, WISCONSIN**

Whereas, due to the existence of an immediate and significant emergency and/or natural disaster, the Town Board of the Town of Cottage Grove is unable to promptly convene a quorum of the Town Board as set forth in § 323.14(4)(b) Wis. Stats. or where the circumstances of the emergency or natural disaster preclude the ability to post and properly convene an Emergency Board Meeting with the requisite 2-hour notice required by § 19.84(3) Wis. Stats.,

I _____ (print name), the Town Chair of the Town of Cottage Grove, Dane County, Wisconsin, by this proclamation, hereby declare that an emergency exists within the Town of Cottage Grove, Dane County, Wisconsin for the following reason(s) (select one or more):

- | | |
|---------------------------------|---------------------------------|
| 1. War | 6. Tornado |
| 2. Conflagration | 7. Disaster |
| 3. Flood | 8. Riot or civil commotion, |
| 4. Heavy snow storm or blizzard | 9. Other disaster or act of God |
| 5. Catastrophe | |

which impair(s) transportation, food or fuel supplies, medical care, fire, health or police protection or other vital facilities of the Town.

The Town of Cottage Grove Emergency Plan is hereby placed into action.

The period of emergency shall be limited to the time during which the emergency conditions exist or are likely to exist in the Town of Cottage Grove.

The Town Chair, or designated agents, have the authority to order by further proclamation whatever is necessary and expedient for the health, safety, welfare, and good order of the Town of Cottage Grove during the emergency, including without limitation the power to bar, restrict, and remove all unnecessary traffic, vehicular or pedestrian, from the local highways.

Any person who violates a lawful order of the Town Chair or designated agents made under this emergency proclamation, may be subject to prosecution.

The Town Clerk shall post this proclamation under § 60.80 Wis. Stats.

The Town Board shall convene an emergency meeting within the next two hours or as soon as reasonably possible thereafter at the Town Hall or other suitable location if the Town Hall is not reasonably available to ratify this proclamation. Such ratification resolution shall become effective upon adoption by the Town Board and proper posting.

Dated this _____ day of _____ 20__.

Cottage Grove Town Chair

(print name)

