

Ordinance 03-07-06-03

An Ordinance to Repeal and Recreate Chapter 22 of the Municipal Code Regarding Fontana Emergency Management.

The Village Board of the Village of Fontana on Geneva Lake, Walworth County, Wisconsin do hereby ordain as follows:

Section I. Chapter 22 of the municipal code for the Village of Fontana on Geneva Lake Municipal Code is hereby repealed and recreated to read as follows:

Chapter 22: Fontana Emergency Management

Sec. 22-1. Title and Purpose.

This ordinance is entitled "Emergency Management." The purpose of this ordinance is to comply with the requirements of Chapter 166 of the Wisconsin Statutes, Emergency Management by adopting an effective program of Emergency Management consistent with the State Plan.

Sec. 22-2. Authority.

The Village Board of the Village of Fontana on Geneva Lake expresses its authority, consistent with the provisions of 166.04 Wis. Statutes.

Sec. 22-3. Committee on Emergency Management.

The Committee on Emergency Management shall be a combination of appointive members and ex officio members.

Appointive Member: One (1) member shall be appointed by the Village Board of the Village of Fontana on Geneva Lake. That member shall, at the time of appointment, be a member of the appointing board.

The Village Board appointed member shall serve a term of two years and may be reappointed for one or more successive terms. In the event there is a vacancy on the Committee, the Board shall, 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.

In addition to the Board appointed member, the Committee shall be entitled to appoint as members such other person, including representatives of significant community entities, as it deems necessary or desirable to carry out its functions. Committee appointees shall also serve two-year terms and may be reappointed.

Ex Officio Members: The incumbents of the following offices or their appointees shall be members of the Committee:

- The Chief of Police
- The Chief of Fire
- The Chief of Rescue
- The Director of Public Works
- Village Administrator
- Citizen Representative

Organization and Meeting: Except as hereinafter specifically provided, the Committee shall organize itself and conduct its meetings and business, as it deems best. Until the Committee shall make a different rule, a quorum of the Committee shall be four Committee Members.

Sec. 22-4. Head of Emergency Management Services.

At its first meeting following the passage of this ordinance and the appointment of members by the Board to appoint members, the Committee on Emergency Management shall elect a chair. The election of such chair shall constitute a nomination of the person so elected for appointment by the Board as Head of Emergency Management Services (HEMS).

The Committee will immediately advise the Board in writing of the election of such chair. The said chair shall be and he or she hereby is appointed HEMS effective with the date of election unless the Board acts to cancel such appointment within 30 days of the date of the written notification referred to. In an appointment is cancelled, the Committee shall elect a new chair and said chair shall become HEMS in the same manner unless his or her appointment is cancelled.

The HEMS shall serve for a term of two years. At the expiration of a term or upon a vacancy in the office, the Committee shall elect a new chair who shall be HEMS unless such appointment is cancelled as set forth above. A HEMS may be reappointed for one or more successive terms. In the event the term of a HEMS expires before a new appointment has been made, the incumbent HEMS may continue in office and continue to act until an appointment is made.

Sec. 22-5. Plan For Emergency Management Services.

The HEMS shall, in consultation with the Committee on Emergency Management, develop a comprehensive plan of Emergency Management, consistent with the State plan for Emergency Management.

Said plan shall include but not necessarily be limited to provisions for declarations of emergency, chain of command and succession during emergencies, regulations to go into effect during emergencies, planning for evacuation, provisions of temporary emergency shelters, training of Village employees or volunteers in handling emergencies, planning for equipment to be available in emergencies, coordination with county and state authorities during emergencies and dealing with hazardous substances or materials in the event of fire, accident or other emergency.

Said plan shall also include provision for amendment by the Committee after its initial approval in accordance herewith.

When the said plan has been completed, the same shall be submitted, together with a proposed first-year budget, to the Board of the Village for discussion and possible revision. A final plan shall then be adopted by resolution of the Village. The said resolution shall also contain an appropriation of funds to cover the costs and expenses for the program for a period of one year. The draft plan of the emergency management developed in accordance herewith shall be submitted for discussion with the said Board not later than July 1, 1999.

Sec. 22-6. Mutual Aid Agreements.

The HEMS may, subject to the approval of the Board, enter into mutual aid agreements with other political subdivisions.

Sec. 22-7. Declarations of Emergency.

Upon declaration of a state of emergency by the Governor, the HEMS or the Village President or by any other person authorized to declare emergency, the HEMS shall issue all necessary proclamations as to the existence of such state of emergency and shall issue such warnings or alerts as shall be required in the comprehensive plan of emergency management. All persons shall act in accordance with the plan after the declaration of an emergency and the issuance of warnings. A state of emergency shall continue until terminated by the declaring authority provided that any declaration not made by the Governor may be terminated by the Board or Committee.

Sec. 22-8. Emergency Regulations.

Whenever necessary to meet an emergency for which adequate regulations do not exist, the HEMS 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, to preserve lives and property and to ensure necessary cooperation in emergency situations. Such proclamations shall be posted in three public places and may be rescinded by the act of the Board at any time. They shall remain in effect only during the duration of an emergency.

Sec. 22-9. Obstruction of Emergency Operations.

It shall be unlawful for any person willfully to obstruct, hinder or delay the enforcement of any order, rule, regulation or plan issued pursuant to this chapter, or to do any act forbidden by any order, rule, regulation or plan issued pursuant to the authority contained herein. Violations of this ordinance shall be punishable by a forfeiture not to exceed \$200 together with the costs of prosecution.

Sec. 22-10. Extraordinary expense.

(a) *Applicability.*

(1) This section shall apply to all situations and circumstances where the village police, fire, rescue, or the department of public works, hereinafter "village departments," responds to a request for its professional assistance and causes the equipment and/or the personnel of the village departments to respond.

(2) Exempted from the provisions of this section are:

a. Structure fires for real property located within the geographic boundaries of the village that are not intentionally caused fires and where the activity which caused the fire was not in violation of any local, state or federal law; and

b. Situations wherein any assistance is rendered pursuant to a mutual aid agreement whereby the provisions of this section would conflict with the terms of the mutual aid agreement.

(3) This section is in addition to, and not in place of, other ordinances and laws and is not meant to implicitly repeal any ordinance.

(b) *Fees and collection.*

(1) For any response to a situation by the village departments, the person receiving emergency service and/or the owner and operator and other person or entity having control of the object for which the circumstances or situation caused the village departments to respond shall pay to the village or its designee according to the fee schedule adopted by the village board of trustees, which may be amended from time to time.

(2) Within 30 days after a response, the village department or its designee shall cause to be issued a statement of fees and the basis for such. That statement shall be payable to the village or its designee within 30 days of the statement date.

(3) Upon the failure of the responsible party to pay such fees to the village or its designee within 30 days, the village or its designee may cause the necessary action to be taken to collect such fees.

(c) *Contesting statement and appeal.*

(1) Any person or entity who disagrees with the statement of cost as sent by the village or its designee may seek to resolve the disagreement with the village or its designee within 14 days of the statement date.

(2) Any person or entity who wishes to further contest the determination of the village or its designee as to the amount of the costs to be assessed shall appeal in writing to the village board of trustees within 30 days of the date of determination by the village departments or its designee.

(Ord. No. 11-03-03-2, § I, 11-3-2003)

Sec. 22-11. Orders to comply, correct, remedy, remove and eliminate.

(a) *Definitions.*

(1) *Discharge* shall have the meaning as provided in § 292.01(3), Wis. Stats.

(2) *Hazardous substance* shall have the meaning provided in § 202.01(5), Wis. Stats.

(b) *Dangerous or hazardous conditions.* Whenever any officer, inspector, or employee of the village departments finds dangerous or hazardous conditions in any building or upon any premises, he or she shall order such dangerous materials or conditions to be removed or remedied in such a manner as may be specified in the order. Dangerous or hazardous conditions shall include but be limited to the following:

(1) Dangerous or unlawful amounts of combustible or explosive matter.

(2) Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive matter.

(3) Dangerous accumulations or rubbish, waste paper, boxes, shavings or other highly combustible materials.

(4) Accumulations of dust or waste material in air-conditioning systems or of grease in kitchen exhaust ducts.

(5) Obstructions to or on fire escapes, stairs, passageways, door or windows liable to interfere with the operations of the village departments or egress of occupants in case of an emergency situation.

(6) Excessive amounts of gasoline.

(c) *Prohibited discharges.*

(1) No person shall discharge or cause to be discharged, leaked, leached or spilled upon any public or private street, alley, public or private property or onto the ground, surface waters, subsurface waters or aquifers or within the city, except those areas specifically licensed for waste disposal or landfill activities, and to receive such materials, any explosives, flammable or combustible solid, liquid or gas, any radioactive material at or above nuclear regulatory restriction levels, etiologic agents, any solid, liquid, or gas creating a hazard, potential hazard or public nuisance; or any solid, liquid or gas having a deleterious effect on the environment or whatsoever kind or nature.

(2) A person who possesses or controls a hazardous substance or who causes the discharge of a hazardous substance within the village shall notify the village fire department immediately of any discharge.

(d) *Service of orders.*

(1) The service of such orders may be made upon the owner, occupant or other person responsible for the conditions, either by delivering a copy of same personally or by delivering the same to and leaving it with any person in charge of the premises. Whenever it may be necessary to serve such an order upon the owner of the premises, such an order may be served either by delivering to and leaving with the person a copy of the order or if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy to the owner's last known office address by certified mail.

(2) If the building or other premises are owned by one person and occupied by another under lease or otherwise, the order issued in connection thereof, except where the rules or orders require the making of additions to or changes in the premises themselves, shall affect the occupant and not the owner, unless it is otherwise agreed between the owner and the occupant.

(e) *Period of correction.*

(1) Conditions that are highly hazardous to the life or safety of the occupants shall be corrected immediately.

(2) All other violations and defects shall be corrected within ten days.

(Ord. No. 11-03-03-2, § I, 11-3-2003)

Section II. Effective Date

This ordinance shall be in full force and effect upon and from its passage, approval and publication as required by law.

Passed and Adopted by the Village of Fontana on Geneva Lake Board of Trustees, Walworth County, Wisconsin this 7th day of March, 2006.

Village of Fontana on Geneva Lake
Board of Trustees

By: 

Thomas W. Whowell, President

Attest: 

Dennis L. Martin, Clerk

