

ORDINANCE 2015-03

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CREATING CHAPTER 1.09 (CONTINUITY OF GOVERNMENT) OF THE MUNICIPAL CODE OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN

Purpose: The purpose of this Ordinance is to establish a plan of action for the continuity of City government in the event of a natural or man-made disaster and to define and prepare for a State of Emergency.

The Common Council of the City of Prairie du Chien, Crawford County, Wisconsin, does ordain as follows:

Section 1: That Chapter 1.09 (Continuity of Government) of the Municipal Code of the City of Prairie du Chien, Wisconsin be created to read as follows:

1.09 (CONTINUITY OF GOVERNMENT)

(1) DEFINITIONS. As used in this subsection, unless the context otherwise clearly indicates:

(a) "Civil emergency" means injury and damage resulting from disasters caused by enemy attack, sabotage, or other hostile actions, or by fire, flood, storm, earthquake or other natural causes.

(b) "Emergency interim successor" means a person designated pursuant to this chapter for possible temporary succession to the powers and duties, but not the office, of a city officer in the event that such officer or any duly authorized deputy is unavailable to exercise the powers and discharge the duties of the office.

(c) "Sickness or injury incident" means events or a series of events which may occur involving one or more key executive, administrative or legislative officials of the city of Prairie du Chien ("the City"), who could fall victim to an individual, concurrent or common injury or sickness which could disturb the usual and normal continuity of the city's government.

(d) "A State of Emergency" shall be deemed to exist whenever during times of public crisis, disaster, rioting, catastrophe, or similar public emergency, for any reason, public safety authorities are unable to maintain public order or afford adequate protection for lives, safety or property, or whenever the occurrence of any such condition is imminent.

(e) "Unavailable" means either that a vacancy in office exists and there is no deputy authorized to exercise all of the powers and discharge the duties of the office, or that the lawful incumbent of the office (including any deputy exercising the powers and discharging the duties of an office because of a vacancy) and his or her duly authorized deputy are absent or unable, for physical, mental or legal reasons, to exercise the powers and discharge the duties of the office.

(2) DESIGNATION, STATUS, QUALIFICATIONS AND TERM OF EMERGENCY INTERIM SUCCESSORS.

(a) Appointive Officers. The mayor shall, within sixty (60) days following the effective date of the ordinance codified in this chapter, designate for appointive officers including the City Administrator, City Attorney, Chief of Police, Fire Chief, Public Works Director, Planning and Zoning Administrator, Park and Recreation Director, City Clerk-Treasurer, Street Superintendent, Water Superintendent, Wastewater Superintendent, Building Inspector and Airport Director an emergency interim successor to each of these officers.

(b) Qualifications. No person shall be designated to serve as an emergency interim successor unless he or she may, under the Constitution and statutes of the State of

Wisconsin and the charter or ordinances of the City, hold the office of the person to whose powers and duties he or she is designated to succeed, but no provision of any ordinance prohibiting an officer or employee of this city from holding another office shall be applicable to an emergency interim successor.

(c) Status of Emergency Interim Successor. A person designated as an emergency interim successor holds that designation at the pleasure of the Mayor. He or she retains this designation as emergency interim successor until replaced by another appointed by the Mayor.

(d) Required Order of Succession. The normal succession of office for legislative officials shall be:

1. Mayor to Council President;
2. Council President to the remainder of the council in the order of longest to least tenure, with the longest tenure is to be calculated as the total length of consecutive service as a city councilperson;
3. In the event of two or more members having equal tenure, the order of succession shall be determined on the basis of the largest number of votes received at the most recent general election;
4. Should the mayor and all legislative officials be incapacitated or otherwise unable to perform their duties for any reason, and until such time as they are able to resume their duties, or until a normal process of appointment or election can provide successors in order to assure the continuity and availability of governmental services, the succession for administrative purposes shall continue to the administrative heads of the departments of city government or their successors;
5. The order of succession by department heads shall continue as follows: City Administrator, City Clerk-Treasurer, Chief of Police, Fire Chief, City Attorney, Water Superintendent, Wastewater Superintendent, Park and Rec Director; City Planner.

(3) ASSUMPTION OF POWERS AND DUTIES OF OFFICER BY EMERGENCY INTERIM SUCCESSOR. If in the event of a civil emergency or sickness or injury incident, any officer named in subsection 2 (a) above is unavailable, his or her emergency interim successor highest in rank in order of succession who is available shall, except for the power and duty to appoint emergency interim successors, exercise the powers and discharge the duties of such officer. An emergency interim successor shall exercise these powers and discharge these duties only until such time as the lawful incumbent officer or an emergency interim successor higher in rank in order of succession exercises, or resumes the exercise of, the powers and discharge of the duties of the office, or until, where an actual vacancy exists, a successor is appointed to fill such vacancy or is elected and qualified as provided by law.

(4) RECORDING AND PUBLICATION. The name, address and rank of each duly authorized emergency interim successor shall be filed with the City Administrator and each designation or replacement, of an emergency interim successor shall become effective when the Mayor files with the City Administrator the successor's name, address and rank. The City Administrator shall keep on file all such data regarding duly authorized emergency interim successors and it shall be open to public inspection.

(5) QUORUM AND VOTE REQUIREMENTS. In the event of a civil disaster:

- (a) Quorum requirements for the city council shall be suspended; and
- (b) Where the affirmative vote of a specified proportion of members for approval of an ordinance, resolution or other action would otherwise be required, the same proportion of those voting thereon shall be sufficient.

(6) STATE OF EMERGENCY

- (a) Declaration. In the event of an existing or threatened State of Emergency

endangering the lives, safety, health and welfare of the people within the City or any part thereof, or threatening damages to or destruction of property, the Mayor is hereby authorized and empowered to issue a public proclamation declaring to all persons the existence of such a State of Emergency, and, in order to more effectively protect the lives and property of people within the City, to place in effect any or all of the restrictions hereinafter authorized.

(b) Proclamation Imposing Prohibitions and Restrictions. The Mayor by proclamation may impose the prohibitions and restrictions specified in this ordinance in the manner described in those sections.

1. The Mayor may impose as many of those specified prohibitions and restrictions as he/she finds are necessary, because of an emergency, to maintain an acceptable level of public order and services, and to protect lives, safety, and property.

2. The proclamation shall be in writing.

3. The Mayor shall take reasonable steps to give notice of the terms of the proclamation to those affected by it and shall post a copy of it in City Hall or the most reasonable City or public building if City Hall is rendered unusable.

4. The Mayor shall send the proclamation to the mass communications media which serves the affected area and officials located within the City.

5. The Mayor shall retain a text of the proclamation and furnish upon request certified copies of it.

(c) Evacuation. The Mayor may direct and compel the evacuation of all or part of the population of the City, to prescribed routes, modes of transportation, and destination in connection with evacuation; and to control ingress and egress of a major emergency or disaster area, the movement of persons within the area, and the occupancy of premises therein. Details of the evacuation may be set forth or amended in a subsequent proclamation which shall be publicized.

(d) Curfew. The proclamation may impose a curfew prohibiting in certain areas and during certain periods the appearance in public of anyone who is not a member of an exempted class. The proclamation shall specify the geographical area or areas and the period during each 24-hour day to which the curfew applies. The Mayor may exempt from some or all of the curfew restrictions classes of people whose exemption the Mayor finds necessary for the preservation of the public health, safety, and welfare. The proclamation shall state the exempted classes and the restrictions from which each is exempted. Unless otherwise specified in the proclamation, the curfew shall apply during the specified period each day until the Mayor by proclamation removes the curfew.

(e) Restrictions on Access to Areas.

1. The proclamation may prohibit obtaining access or attempting to obtain access to any area, designated in the manner described in this section, in violation of any order, clearly posted notice, or barricade indicating that access is denied or restricted.

2. Areas to which access is denied or restricted shall be designated by the Chief of Police and his subordinates or other law enforcement officers when directed in the proclamation to do so by the Mayor. When acting under this authority, the Chief of Police and his subordinates may restrict or deny access to any area, street, highway or location within the City if that restriction or denial of access or use is reasonably necessary to promote efforts being made to overcome the emergency/disaster or to prevent further aggravation of the emergency/disaster.

3. The proclamation may prohibit or restrict:

- a. Movements of people in public places;

- b. The operation of offices, business establishments, and other places to or from which people may travel or at which they may congregate; and

c. Other activities or conditions the control of which may be reasonably necessary to maintain order and protect lives or property during the state of emergency, within the area designated in the proclamation.

(f) Removal of Prohibitions and Restrictions. The Mayor shall by proclamation terminate the entire declaration of emergency or remove any of the prohibitions and restrictions when the emergency no longer requires them, or when directed to do by the Common Council.

(g) In Case of Absence or Disability. In case of the absence or disability of the Mayor, the person so designated as his or her successor in subsection (2) (d) above shall have and exercise all of the powers which have been herein given to the Mayor. In the case of the absence or disability of all persons so designated in subsection (2) (d) above, the City Administrator or his or her designee or successor shall have and exercise all of the powers which have been given herein to the Mayor.

Section 2: Any ordinance or parts thereof inconsistent herewith are hereby repealed.

Section 3: This Ordinance shall be effective from and after its passage and publication as required by law.

Passed and approved this 17th day of March 2015.

David Hemmer, Mayor

ATTEST:

Aaron Kramer, City Administrator

Barb Elvert, City Clerk