



Preserving Yesterday's Heritage for Tomorrow.

IN THE NAME AND BY THE AUTHORITY OF THE TOWN OF CEDARBURG,
WISCONSIN

ORDINANCE NO. 2026-3

An Ordinance to Amend Chapter 36: Emergency Management of the Town of Cedarburg Code of Ordinances, Ozaukee County, Wisconsin, in regard to updating the Municipal Emergency Operations Plan.

- WHEREAS,** the Town of Cedarburg is a body corporate and politic; and
- WHEREAS,** the Town is completing an update to the Municipal Emergency Operations Plan; and
- WHEREAS,** Chapter 323 of the Wisconsin Statutes requires that the governing body of each local unit of government adopt a Municipal Emergency Operations Plan that is compatible with the County and State plan of Emergency Management, in order that the Town, County, State and its subdivisions will be prepared to cope with emergencies resulting from a disaster or the imminent threat of a disaster; and
- WHEREAS,** pursuant to Section 323.13(1)(b) of the Wisconsin Statutes, the Adjutant General with the approval of the Governor, has developed and adopted the "Wisconsin Emergency Response Plan"; and
- WHEREAS,** the Town of Cedarburg's Municipal Emergency Operations Plan and Chapter 36 Emergency Management of the Town Code have been reviewed by the Emergency Management Director of Ozaukee County with the proposed amendments to Chapter 36 to make it appropriate for this Municipality.

NOW, THEREFORE, BE IT ORDAINED by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, that Chapter 36 Emergency Management, of the Town of Cedarburg Code of Ordinances is hereby amended to read as follows, and that the Town Director of Emergency Management shall forward a copy of this ordinance to the County Director of Emergency Management:

(The below text modified with a strikethrough shall be deleted).
(The below text modified with an underline shall be added).

Chapter 36

EMERGENCY MANAGEMENT

§ 36-1. Policy and purpose.

By reason of the increasing possibility of disasters of unprecedented size and destructiveness, and to ensure that preparations will be adequate to cope with such disasters, and to provide for the common defense, to protect the public peace, health, safety and general welfare and to preserve the lives and property of the people, it is declared necessary to:

- A. Establish a local emergency management organization.
 - (1) The emergency management organization shall be composed of volunteer members.
 - (2) Members of the emergency management organization shall be deemed employees of the Town of Cedarburg upon the declaration of and during an emergency and during authorized training exercises for purposes of eligibility for workers' compensation benefits. All volunteer emergency management members must duly register with the emergency management organization to be eligible for said benefits.
 - (3) Members of the emergency management organization shall be indemnified by the Town of Cedarburg against any tort liability to third persons incurred in the performance of emergency management activities while acting in good faith and in a reasonable manner during any proclamation or training exercise. Emergency management activities shall be deemed and constituted a governmental function.
 - (4) Emergency management members may aid and assist the Ozaukee County Sheriff's Department and Cedarburg Fire Department when officially called to duty. Recruitment, training, guidance and government are the responsibility of the Emergency Management Director with the assistance of the county and state emergency management agencies.
- B. Provide for the exercise of necessary powers during emergencies.
- C. Provide for the rendering of cooperation and mutual aid between this Town and other political subdivisions.

§ 36-2. Definitions.

As used in this chapter, the following terms shall have the meaning indicated:

~~CHEMICAL WASTE~~ — ~~Unusable by products from any chemical and metal processing operations which often contain toxic or polluting materials that become an environmental threat if improperly disposed. Examples are digester streams from paper manufacture, fluorides from aluminum processing, mercury from chlor-alkali cells, tailings from asbestos production and insecticidal wastes.~~

~~CIVIL DEFENSE~~ — ~~All measures undertaken by or on behalf of the Town and its subdivisions to prepare for and minimize the effect of enemy action upon the civilian population.~~

EMERGENCY MANAGEMENT — Emergency management is the managerial function charged with creating the framework within which communities reduce vulnerability to threats/hazards and cope with disasters.

~~Includes civil defense and means all measures undertaken by or on behalf of the Town and its subdivisions to:~~

~~A. — Prepare for and minimize the effect of enemy action and natural or man-made disaster upon the civilian population, including but not limited to the release of a hazardous substance, hazardous material, chemical waste or radioactive waste during transportation.~~

~~B. — Effectuate emergency repairs to, or the emergency restoration of, vital public utilities and facilities destroyed or damaged by such action or disaster.~~

~~ENEMY ACTION~~ — ~~Any man-made hostile action which threatens the security of this Town or a portion thereof.~~

HAZARDOUS MATERIAL — Any material or substance which, if improperly handled, can be damaging to the health and well-being of man. Such materials cover a broad range of types which may be classified as follows:

- A. Poisons or toxic agents, including drugs, chemicals and natural or synthetic products that are in any way harmful, ranging from those that cause death to skin irritants and allergens.
- B. Corrosive chemicals, such as sodium hydroxide or sulfuric acid, that burn or otherwise damage the skin and mucous membranes on external contact or inhalation.
- C. Flammable materials (q.v.), including:
 - (1) Organic solvents;
 - (2) Finely divided metals or powders;
 - (3) Some classes of fibers, textiles or plastics; and
 - (4) Chemicals that either evolve or absorb oxygen during storage, thus constituting a fire risk in contact with organic materials.
- D. Explosives (q.v) and strong oxidizing agents such as peroxides and nitrates.
- E. Materials in which dangerous heat buildup occurs in storage, either by oxidation or microbiological action. Examples are fish meal, wet cellulosics and other organic waste materials.
- F. Radioactive chemicals that emit ionizing radiation (q.v.).

HAZARDOUS SUBSTANCE — Shall be defined by 42 U.S.C. § 9601(14) and all amendments and recreations thereof.

RADIOACTIVE WASTE — Waste containing radioisotopes and spent nuclear reactor fuel.

TRANSPORT or TRANSPORTATION — The movement of a hazardous substance, hazardous material, chemical waste or radioactive waste, by any mode, and in the case of a hazardous substance which has been accepted for transportation by a common or contract carrier, the term "transport" or "transportation" shall include any stoppage in transit which is temporary, incidental to the transportation movement, and at the ordinary operating convenience of a common or contract carrier, and any such stoppage shall be considered as a continuity of movement and not as the storage of a hazardous substance.

§ 36-3. Emergency Management Director.

- A. Appointment. The Emergency Management Director, ~~Deputy Director and Assistant Directors~~ shall be appointed by the Town Chairperson subject to confirmation by the Town Board and shall receive such compensation as may be authorized by the Town Board. The Director shall take and file an official oath.
- B. Duties and authority. The Director shall be the executive head of the emergency management organization and shall have direct responsibility for the organization, administration and operation of the emergency management organization subject to the direction and control of the Town Chairperson and Town Board. ~~He~~ That person shall coordinate all activities of emergency management within the Town and shall maintain liaison and cooperate with the Cedarburg Fire Department, Ozaukee County Sheriff and ~~their~~ his Department, and emergency management agencies and organizations of other political subdivisions and of the state and federal government and shall participate in county and state emergency management activities upon request and 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.
- C. General plan. The Director shall prepare a comprehensive general plan for the emergency management of the Town and shall present such plan to the Town Board for its approval. It shall be the duty of all municipal agencies and all emergency management forces of the Town to perform the duties and functions assigned by the plan as approved. Modification of the plan may be done by resolution.

§ 36-4. Declaration of emergency.

- A. Upon the declaration by the Governor, the Town Chairperson or the Emergency Management Director, in the absence of the Town Chairperson, or by the Town Board of a state of emergency, the Emergency Management Director 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 management plan.
- B. The emergency management organization shall take action in accordance with the emergency management plan only after the declaration of an emergency and the issuance of the 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.

§ 36-5. Utilization of existing services and facilities.

In preparing and executing the emergency management 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 shall cooperate with and extend such services and facilities to the Director.

§ 36-6. Mutual aid agreements.

The Emergency Management Director 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 Administrator, ~~of the State Division of Emergency Management,~~ Town Clerk, and Ozaukee County.

§ 36-7. Emergency regulations.

Whenever necessary to meet an emergency management emergency for which adequate regulations have not been adopted by the Town Board, the Town Chairperson and, in his absence, the Emergency Management Director may, by proclamation, promulgate and enforce such orders, rules and regulations relating to the conduct of persons and 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 management activities. Such proclamations shall be posted in ~~three~~ one public places and may be rescinded by the Town Board by resolution at any time. All items under this section must meet Wisconsin Legislature Chapter 323, Emergency Management Provisions.

§ 36-8. Violations and penalties.

It is unlawful for any person willfully to obstruct, hinder or delay any member of the emergency management organization in 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 in this chapter. For a violation of any of the provisions of these sections, ~~he~~ they shall be subject to a forfeiture pursuant to Chapter 1, § 1-3 of this Code and WI Legislature CH 323, Emergency Management Provisions. Additionally, any person who releases a hazardous substance during transportation shall be liable for:

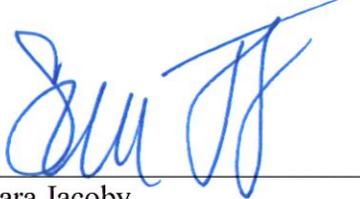
- A. All costs of removal or remedial action incurred by the Town of Cedarburg.
- B. Any other necessary costs of response incurred by any other person.
- C. Damages for injury to, destruction of or loss of natural resources or any property of any person, firm, company or corporation or any property of the Town of Cedarburg or any other governmental unit.

(The above text modified with a strikethrough shall be deleted).

(The above text modified with an underline shall be added).

This ordinance shall be in full force and effect upon its passage and posting as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, this 4th day of March, 2026.



Sara Jacoby
Assistant Administrator/Clerk



David M. Salvaggio
Town Chairman