



FOX POINT FILES

BY DOUGLAS H. FRAZER

LOCAL GOVERNMENT EMERGENCY POWERS

PART 1

Emergency management is on our mind. The COVID-19 pandemic has highlighted

the importance of emergency preparedness on the federal, state, and local levels. Fortunately, Fox Point elected officials and senior staff, together with those in sister municipalities, Milwaukee County, and the State of Wisconsin, were able to mobilize quickly and efficiently.

State and local law already had powers and procedures in place.

State law. Chapter 323 of the Wisconsin statutes is devoted to emergency management. The purpose of the chapter is to “prepare the state and its subdivisions to cope with emergencies resulting from a disaster, or the imminent threat of a disaster.” A disaster is defined as a “severe or prolonged, natural- or human-caused occurrence that threatens or negatively impacts lives, health, property, infrastructure, the environment, the security of this state or a portion of the state, or critical systems, including computer, telecommunications, or agricultural systems.” The state’s principal role is to assist local units of government and law enforcement agencies in responding to a disaster or imminent threat of disaster.

Under this chapter, the governing body of each municipality is required to adopt an emergency management plan compatible with the state plan of emergency management and appoint a head of emergency management services. Governing bodies are authorized to appropriate funds and levy taxes for the emergency management program. Under Wis. Stat. Section 66.0301, local units of government may cooperate to furnish services, combine offices, and finance emergency management programs.

Likewise, each county is required to adopt an emergency management program and appoint a head of emergency management. The county emergency management head is responsible for assisting municipalities

within the county with developing emergency management plans and coordinating plans with the county, and integrating municipal plans with the county plan.

Local law. The head of emergency management services in each municipality (the chief of police in Fox Point) implements the municipality’s emergency management plans consistent with state plans, directs the emergency management program, and performs such other duties related to emergency management as the governing body in any emergency management committee the governing body requires.

Local governments may themselves declare emergencies.

The governing body of any municipality can declare (by ordinance or resolution) an emergency within the city, village or town whenever conditions arise “by reason of a riot or civil commotion, disaster, or imminent threat of a disaster, that impairs transportation, food or fuel supplies, medical care, fire, health and police protection or other critical systems.” Emergency powers extend to “whatever is necessary and expedient for the health, safety, protection, and welfare of persons and property” within the municipality. Wis. Stat. Section 323.11.

If the municipality’s governing body is unable to meet with promptness because of the emergency conditions, the chief executive officer of any city, village or town may exercise by proclamation all the powers conferred upon the governing body within the officer’s discretion that appear necessary and expedient. Wis. Stat. Section 323.14(4)(b).

In Part 2, we will explore the special powers the law grants to public health officers.

Douglas H. Frazer is a Fox Point resident and neighborhood contributor as well as the village president. The views expressed are his own and not necessarily those of the Village, the village board, other village board members, or Best Version Media, LLC.



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