



Legal Basis

2024

1. Federal Legislation

1.1. 44 CFR Chapter 1 (Federal Emergency Management Agency, Department of Homeland Security)

Outlines the organizations, power and duties of the Federal Emergency Management Agency (FEMA). Details the operation and scope of FEMA programs such as hazard mitigation, the National Flood Insurance Program (NFIP), fire prevention and control, disaster assistance and preparedness (including, in Part 350- 350.15, radiological emergency preparedness.)

1.2 Disaster Relief and Emergency Assistance Act (Stafford Act.) (PL 100-707) Amended June 2019.

Limits the qualifying events for disaster assistance to natural catastrophes and established provisions for cost sharing by state and local governments.

1.3 Disaster Mitigation Action of 2000 (PL 106-390)

Amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for pre-disaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance and for other purposes.

1.4 Emergency Planning and Community Right-to-Know Act (EPCRA) (42 USC 11001 -11050)

Provides the public with information on the hazardous chemicals in their communities and establishes emergency planning and notification requirements to protect the public in the event of a release of an extremely hazardous substance.

1.5 Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 USC 9601-9675

Protects the public's health and environment by facilitating clean-up of environmental contamination and imposing costs on parties responsible for the pollution.

1.6 10 CFR 50.47 – Nuclear Regulatory Commission Emergency Plans

Requires the establishment of state and local plans and preparedness for coping with effects of radiological emergencies as part of the nuclear power plant license.

1.7 PDD-39, US Policy on Counterterrorism in conjunction with the Homeland Security Act Validates and reaffirms existing Federal Lead Agency responsibilities for counter-terrorism, which are assigned to the Department of Justice, as delegated to the Federal Bureau of Investigation (FBI), for threats or acts of terrorism within the United States. It is FBI policy that crisis management will involve only those Federal agencies requested by the FBI to provide expert guidance and/or assistance, as described in the PDD-39 Domestic Guidelines (classified) and FBI Incident Contingency Plans (classified).

1.8 Homeland Security Presidential Directive (HSPD) 5 – Management of Domestic Incidents

Enhances the ability of the United States to manage domestic incidents by establishing a single, comprehensive National Incident Management Systems (NIMS).

1.9 Presidential Policy Directive (PPD) 8 - National Preparedness

Strengthens the security and resilience of the United States through systematic preparation for the threats that pose the greatest risk to the security of the nation, including acts of terrorism, cyber attacks, pandemics, and catastrophic natural disasters.

2. State Legislation

State Statutes are located in State EOC.

2.1 Emergency Management

- Chapter 323 – Describes the organization, duties and powers for state and local emergency management programs.
 - 323.11 The governing body of any local unit of government may declare by ordinance or resolution an emergency existing within the local unit of government whenever conditions arise by reason of a riot or civil commotion, a disaster, or an imminent threat of a disaster that impairs transportation, food or fuel supplies, medical care, fire, health or police protection or other critical systems of the local unit of government. The period of the emergency shall be limited by the ordinance or resolution to the time during which the emergency conditions exist or are likely to exist.
 - 323.14(4)(b) If, because of the emergency conditions, the governing body of the local unit of government is unable to meet promptly, the chief executive officer or acting chief executive officer of any local unit of government shall exercise by proclamation all of the powers conferred upon the governing body under (a)/s.323.11 that appear necessary and expedient.
 - 323.52(1) Whenever during a state of emergency it becomes imprudent, inexpedient, or impossible to conduct the affairs of local government at the regular or usual place, the governing body of each local unit of government may meet at any place within or without the territorial limits of the local unit of government on the call of the presiding officer or his or her successor and shall proceed to establish and designate by ordinance, resolution or other manner, alternate or substitute places as the temporary locations of government where all or any part of the public business may be transacted and conducted during the emergency situation. Such alternate or substitute places may be within or without territorial limits of the local government and may be within or without those of the state. If practicable, they shall be the places designated as the temporary locations of government in the current emergency management plan.

2.2 Department of Military Affairs

- Chapter 21 - Describes departmental duties.

2.3 Department of Natural Resources

- Chapter 26.11- Forest fires; department jurisdiction; procedure.
- Chapter 29 – Wild Animals and Plants
- Chapter 87 – Flood Control Chapter NR 116 details Wisconsin's floodplain management program.
- Chapter 292.11 – Remedial Action – Hazardous substance spills (e.g., hazardous substance spills, reimbursement, imminent threat to public health.)

2.4 Department of Health and Family Services

- Chapter 250 – Describes the administration, supervision, powers and duties of state health activities.
- Chapter 251 – Describes the structure, duties and levels of services of local health departments.
- Chapter 252 – Describes departmental powers and duties regarding communicable diseases.
- Chapter 254 – Describes the powers, duties, identification and control of environmental health concerns (e.g., toxic substances, radioactive material/nuclear power plants, disease control.)

2.5 Department of Transportation

- Chapter 83.09 – Describes emergency repairs of county trunk highways.
- Chapter 85 - Describes departmental powers, duties and organization.
- Chapter 110.07 – Describes the powers and duties of traffic officers.
- Chapter 302.07 – Describes provisions for the maintenance of order in state, county and municipal prisons.

2.6 Department of Agriculture, Trade and Consumer Protection

- Chapter 93 – Describes departmental powers and duties.
- Chapter 95 – Describes the maintenance of animal health requirements (e.g., cooperation with the federal government during animal disease outbreaks, embargo and condemnation of diseased animals, slaughter on premises.)
- Chapter 97- Describes the regulation of food.

3. Counties

- Chapter 59 – Describes the legal status and organization (e.g., home rule; powers of the board chairperson and vice-chair, executive, administrator and sheriff.)

4. Towns

- Chapter 60 – Describes the legal status and organization (e.g., powers of the board chairperson; fire protection, law enforcement and ambulance service.)

5. Villages

- Chapter 61 – Describes the legal status and organization (e.g., powers of the president and board; ambulance service.)

6. Cities

- Chapter 62 – Describes the legal status and organization (e.g., powers of the mayor and council, ambulance service.)

7. General Municipal Law

- SS Chapter 66 – General Municipality Law
- SS 66.0313, Law Enforcement; mutual assistance
- SS Chapter 175.46 – Mutual aid agreements
- SS Chapter 213.095 – Police power of fire chief, rescue squads
- SS Chapter 895.483 – Civil liability exemption; regional and local emergency response teams and their sponsoring agencies

8. Local Legislation

- County Ordinance, Chapter – 14 Civil Emergencies, of the *Outagamie County Code of Ordinances*, contains the organization and responsibilities for Emergency Management, authority for substance release containment, clean up, and restoration management and administration, and transportation regulations during major evacuations and disasters.