

# Office of the Sheriff - Jefferson County



411 S. Center Avenue  
Jefferson, Wisconsin 53549-1703

**Paul S. Milbrath, Sheriff**

**Jeffrey Parker, Chief Deputy**

Jerry Haferman ★  
Administrative Captain

Duane Scott ★  
Patrol Captain

Paul Wallace  
Jail Captain

## **REVISED AGENDA**

### **LAW ENFORCEMENT AND EMERGENCY MANAGEMENT COMMITTEE**

Jefferson County Courthouse  
311 S. Main St., Room 112  
Jefferson, WI 53549

February 28, 2014 @ 8:30 a.m.

**PAUL BABCOCK, CHAIR; GEORGE JAECKEL; PAM ROGERS; DWAYNE MORRIS; ED MORSE**

1. Call to order
2. Roll call
3. Certification of compliance with open meetings law
4. Approve agenda
5. Approval of the January 24, 2014 meeting minutes
6. Public comment
7. Communications
8. Review / recommend Hazmat reimbursement ordinance
9. **Review / approval of National Commission on Correctional Health Care Conference – jail nurses**
10. Grants – Update of ongoing or new grants
11. Report from the Sheriff
12. Review monthly bills and financial items
13. Final report on 2013 budget
14. Review monthly jail and patrol activity reports
15. Discuss/approve jail assessment fund items
16. Convene in closed session pursuant to §19.85(1)(e) Wisc. Stats. to discuss labor negotiations
17. Reconvene in open session
18. Next meeting date is March 28, 2014
19. Adjourn

The committee may discuss and/or take action on any item specifically listed on the agenda.

*Individuals requiring special accommodations for attendance at the meeting should contact the County Administrator 24 hours prior to the meeting at 920-674-7101 so appropriate arrangements can be made.*

Business 920.674.7310 ★ Patrol 920.674.7344 ★ Detectives 920.674.7360 ★ Civil Process 920.674.7339 ★ Jail 920.674.7336  
Toll Free: Jefferson County 1.800.675.7310

**ORDINANCE NO. 2013-\_\_\_\_\_**

**Establish penalties for hazardous material discharges  
and reimbursement process for emergency responses**

THE COUNTY BOARD OF SUPERVISORS OF JEFFERSON COUNTY DOES  
HEREBY ORDAIN AS FOLLOWS:

SECTION I. PURPOSE

The purpose of this ordinance is to prohibit dangerous material discharges and to enable Jefferson County to require reimbursement from those responsible who possess or control a hazardous substance that is released or who causes the release of a hazardous substance thereby resulting in the response to and incurring of costs by the responding agency(ies).

SECTION II. PROHIBITED DISCHARGES.

- (1) No person, firm, or corporation shall discharge or cause to be discharged, leaked, leached, or spilled upon any public street, alley, or public property, or onto the ground, surface waters, sub-surface waters, or aquifers, or on any private property within Jefferson County, except those areas specifically licensed for waste disposal or landfill activities and to receive such materials, any explosive, flammable, toxic, or combustible solid, liquid, or gas, any radioactive material at or above Nuclear Regulatory Commission Restriction levels, etiologic agents, or 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.
- (2) Containment, Clean-Up and Restoration. Any person, firm, or corporation in violation of the above section shall, upon direction of the appropriate federal or state agency and the Emergency Management Director and/or the Jefferson County Hazardous Materials Response Team, begin immediate actions to contain, clean up, and remove to an approved repository the offending material(s) and restore the site to its original condition, with the offending person, firm, or corporation being responsible for all expenses incurred. Should any person, firm, or corporation fail to engage the necessary staff and equipment to comply or to complete the requirements of this section, the Emergency Management Director may order the required actions to be taken by public or private resources and allow the recovery of any and all costs incurred by Jefferson County and its cooperating agencies.
- (3) Site Access. Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to Emergency Management officers and staff and to County Sheriff's Department personnel for the purpose of evaluating the threat to the public and monitoring containment, clean up, and restoration activities.

- (4) Public Protection. Should any prohibited discharge occur that threatens the life, safety, or health of the public at, near, or around the site of a prohibited discharge, where the situation is so critical that immediate steps must be taken to protect life or property, ~~the incident commander or unified command the Director of Emergency Management, his/her designee, or the senior Sheriff's Department officer~~ on the scene of the emergency may order an evacuation of the area or take other appropriate protective steps for a period of time until the County Board, Wisconsin Department of Natural Resources, or other appropriate federal or state agency can take appropriate action.
- (5) Enforcement. The Director of Emergency Management and his or her designees, as well as the Sheriff's Department officers, shall have authority to issue citations or complaints under this section.
- (6) Civil Liability. Any person, firm, or corporation in violation of this section shall be liable to Jefferson County for any expenses incurred by the County or loss or damage sustained by the County by reason of such violations.
- (7) Penalties. Any person, firm, or corporation in violation of this section shall forfeit to Jefferson County, upon conviction thereof, not less than \$200 or more than \$2,000, plus the costs of prosecution, and in default of payment thereof, such alternate as the Court may order. Each day of violation shall constitute a separate offense. If a spill is voluntarily reported to the Jefferson County Emergency Management Director, the forfeiture shall be not less than \$25 nor more than \$200.

### SECTION III. DEFINITIONS.

- (1) Hazardous Substance. For purposes of this ordinance, a hazardous substance is any substance set forth in Section II (1) the release of which creates a hazard, potential hazard, public nuisance or has a deleterious effect on the environment.
- (2) "Responsible Party" Defined. For purposes of this ordinance, responsible party shall include any person or entity who was, at the time of the release responsible for, or in possession of, or in a position of control of a dangerous or hazardous substance, or any vehicle, container, or property used for the transport, conveyance, holding or storage of same and furthermore, including any person or entity in control of property onto which or from which the dangerous or hazardous substance matter was or may be released. For purposes of this ordinance the term "entity" shall mean any firm, corporation, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity.

### SECTION IV. FINANCIAL RESPONSIBILITY.

- (1) The cost of hazardous material responses shall be the responsibility of the party, agency, entity, or person which created the condition requiring the hazardous

materials response. The actual cost of the response shall be charged to the party, agency, entity, or person according to the following schedule:

- (a) Staff time, including the hourly rate for fringe benefits, of the staff involved in the response.
- (b) A charge for response by the HazMat vehicle and or the Jefferson County Mobile Command Post, in an amount to be determined annually by the Local Emergency Planning Committee based on the cost to operate the vehicle, depreciation and other factors bearing on the cost of activating the equipment.
- (c) The replacement cost of all consumable supplies used in the response and the actual cost of any charges incurred by the Team.
- (d) A use charge for reusable equipment, in an amount determined annually by the Local Emergency Planning Committee based on the operating cost of the equipment, its depreciation and other factors bearing on its cost.

SECTION V. ENFORCEMENT.

The Jefferson County Corporation Counsel shall be empowered to pursue any and all legal action to effect payment as herein provided for under Sections II (2), (5), (6) and (7), including representation of non-county agency members of the Level B Team. In the event of a conflict of interest, a non-county agency shall be represented by its municipal attorney.

SECTION VI. This ordinance shall be effective after passage and publication as provided by law.

Ayes \_\_\_\_\_ Noes \_\_\_\_\_ Abstain \_\_\_\_\_ Absent \_\_\_\_\_ Vacant \_\_\_\_\_

Requested by  
Local Emergency Planning Committee

Date of County Board Meeting

Philip C. Ristow: 08-22-13; 02-24-14