

# TITLE 5

---

## Public Safety

<b>Chapter 1</b>	Law Enforcement
<b>Chapter 2</b>	Fire Protection
<b>Chapter 3</b>	Fire Prevention Code; Hazardous Materials
<b>Chapter 4</b>	Regulation of Private Alarm Systems

# Title 5 › Chapter 1

---

## Law Enforcement

<b>5-11</b>	Organization of Police Department
<b>5-12</b>	Records and Reports
<b>5-13</b>	General Powers of Police Officers
<b>5-14</b>	Responsibilities of Chief of Police
<b>5-15</b>	Rules and Policies for the Police Department
<b>516</b>	Maintenance of Personnel Records and Performance Evaluations
<b>5-17</b>	Police Chiefs Responsibility for Training
<b>5-18</b>	Civilians to Assist

### **Sec. 5-1-1      Organization of Police Department.**

The Village of Shiocton Police Department shall consist of a Chief of Police and such other full or part-time officers, assistants and patrol officers as from time to time may be appointed by the Village Board pursuant to the provisions of the Wisconsin Statutes.

### **Sec. 5-1-2      Records and Reports.**

- (a) Monthly Reports.** The Chief of Police shall give a monthly oral or written general report to the Village Board of all activities of the Department during the preceding month.
- (b) Police Records.** There shall be kept by the Department a suitable record in which shall be entered the name of every person arrested in the Village, the name of the person making the arrest, the date and cause of the arrest, the Court from which the warrant was issued, the disposition made of the case, the amount of fine and costs paid and to whom paid, bond posted, and all complaints in full.

### **Sec. 5-1-3      General Powers of Police Officers.**

Every member of the Police Department shall:

- (a) Familiarize himself/herself with the ordinances of the Village and the Statutes and attend to the enforcement of such ordinances by all lawful means.

**5-1-3**

- (b) Help prevent crimes, misdemeanors and violations of Village ordinances and protect the health, safety, public peace and order of the Village and its inhabitants.
  - (c) Report all street and sidewalk obstructions, unlighted street lamps, unlawful street signs or signals, and defective or dangerous streets and sidewalks to the appropriate person or organization responsible for their repair or service.
  - (d) Maintain order at the scene of a fire or any other fire response within the Village.
  - (e) See that the necessary permits and licenses issued by the State or Village are in the possession of or properly displayed by any person engaged in an activity or business within the Village for which such permit or license is required and that the terms of such permits or licenses are complied with.
- (I) Perform such other lawful duties as ordered by the Chief of Police or his/her authorized representative.

**Sec 5-1-4      Responsibilities of Chief of Police.**

- (a) **Duties.** In addition to the duties imposed upon him/her elsewhere in this Code of Ordinances, the Chief of Police shall:
- (1) Have command of the Police Department on administrative matters, subject to the direction of the Village Board.
  - (2) Cause to be maintained accurate records of complaints, crimes, traffic accidents, ordinance violations, arrests, summons, incidents, and calls for police service and shall provide a system of periodic summary and analysis to ensure the most efficient and effective deployment and use of the Department's resources. The Chief of Police shall submit or cause to be submitted to the various agencies such reports and summaries as are required by State Statutes or ordinances and shall participate in voluntary programs designed to improve law enforcement and public safety.
  - (3) Submit such reports and comply with such administrative procedures as may be prescribed by the Village Board relative to fiscal and administrative matters.
  - (4) Submit such reports and/or information and comply with such policies as may be prescribed by Village Board.
  - (5) Have control of the assignment, hours of duty, and transfer of all members of the Department.
  - (6) Plan, organize, staff, direct, and control all of the human and material resources of the Department for the most effective and efficient discharge of its duty to protect persons and property, preserve the peace, protect the rights of citizens and enforce the Wisconsin Statutes and the ordinances of the Village as are within its jurisdiction. The Chief of Police shall supervise the preparation and presentation of annual budgets for the Police Department. The Chief of Police shall be required to certify to the correctness of all bills incurred by the Department.

- (7) Strive to maintain suitable, productive relationships with other Village departments and with other governmental agencies and private organizations concerned with law enforcement, crime prevention, administration of justice and public safety. The Chief of Police shall cooperate and exchange information with other Village departments in matters relating to their various functions.
  - (8) Plan and execute programs designed to prevent and repress crime, apprehend and prosecute offenders, recover property, and regulate non-criminal conduct, giving highest priority in the allocation of resources to crime and other offenses most hazardous to life and property.
- (b) **Custody of Department Equipment.** The Chief of Police shall be the custodian of all Village property, equipment and supplies under the control of, or used by, the Police Department and shall be responsible for the care, maintenance, safeguarding and accurate records of such property, equipment, and supplies.
- (c) **Custody of Department Property.** The Chief of Police shall be the custodian of all property and shall be responsible for the safekeeping, lawful disposition and accurate record of the same. The Chief of Police shall see that all property is returned to its lawful owner or otherwise disposed of according to the applicable statutes.

## **Sec. 5-1-5 Rules and Policies for the Police Department.**

The Chief of Police shall establish and promulgate Rules of Conduct, Directives and Policies and Procedures and prescribe such duties for individual members as he/she may deem necessary for the effective and efficient command and operation of the Department; provided no such Rules of Conduct, Directive or Policy Procedure duties or assignment shall be in conflict with the statutes, ordinances and approved Village personnel rules and regulations.

## **Sec. 5-1-6 Maintenance of Personnel Records and Performance Evaluations.**

The Chief of Police shall cause to be maintained adequate personnel records of employment, assignment, promotions, attendance, performance and training for all members of the Department. The Chief of Police shall also comply with all provisions of the Law Enforcement Standards Board in regard to background investigations. The Chief of Police shall keep himself/herself adequately informed of the activities of the Department and be assured that the duties of his/her subordinates are properly discharged. The Chief of Police shall formulate procedures for recognizing outstanding performance by Department members for investigating complaints of misconduct by any Department member and for taking appropriate disciplinary action subject to the provisions of the applicable statutes, Rules of the Department and the jurisdiction of the Village Board.

### **Sec. 5-1-7 Police Chief's Responsibility for Training.**

The Chief of Police is responsible for the training of all members of the Department. The Chief of Police shall cause adequate and progressive programs of training to be organized and conducted to prepare Department members in the knowledge, procedures, and techniques of their duties and responsibilities. The Chief of Police will insure that, within budgetary limitations, members of the Department attend training courses, seminars, and conferences necessary to maintain and improve their job skills and professional knowledge. The Chief of Police shall encourage Department members to further their education in law enforcement through study, special courses, college attendance, extension programs, and independent readings.

### **Sec. 5-1-8 Civilians to Assist.**

All persons in the Village, when called upon by any law enforcement officer, shall promptly aid and assist him/her in the execution of his/her duties and whoever shall neglect or refuse to give such aid or assistance shall be subject to the general penalty as provided in Section 1-1-6 of this Code of Ordinances.

AFFIDAVIT OF POSTING

ORDINANCE NO. TITLE 5 - Public Safety  
Fire Protection

STATE OF WISCONSIN )  
:SS  
COUNTY OF OUTAGAMIE)

BETTY J. BUNNELL, BEING FIRST DULY SWORN, ON OATH DEPOSES AND SAYS THAT SHE IS THE VILLAGE CLERK OF THE VILLAGE OF SHIOCTON, OUTAGAMIE COUNTY, WISCONSIN: THAT ON THE 17th DAY OF March 2004, SHE DULY POSTED IN THREE PUBLIC PLACES WITHIN THE SAID VILLAGE OF SHIOCTON, OUTAGAMIE COUNTY, WISCONSIN A COPY OF THE ATTACHED ORDINANCE OF THE VILLAGE OF SHIOCTON, PASSED BY THE VILLAGE BOARD OF SAID VILLAGE ON THE 16th DAY OF January, 2004

THAT SUCH PLACES OF POSTING WERE AS FOLLOWS:

1. UNITED STATES POST OFFICE (FRONT LOBBY)
2. DAIRYMAN'S STATE BANK SHIOCTON BRANCH (MAIN OFFICE)
3. VILLAGE HALL BULLETIN BOARD (INSIDE FRONT DOOR)

THAT ALL OF THE ABOVE NAMED LOCATIONS ARE SITUATED IN THE VILLAGE OF SHIOCTON, OUTAGAMIE COUNTY, WISCONSIN.

VILLAGE CLERK/TREASURER

SUBSCRIBED AND SWORN TO BEFORE ME

THIS 1<sup>st</sup> DAY OF April, 2004 ME

NOTARY PUBLIC, STATE OF WISCONSIN

MY COMMISSION EXPIRES 6/30/05

Two handwritten signatures in cursive script. The first signature appears to be 'Betty J. Bunnell' and the second is less legible but appears to be another name.



## **Sec. 5-2-3 Police Power of the Department; Investigation of Fires.**

(d) **Purpose and Scope:**

(1) Purpose: The purpose of this chapter is to prescribe regulations consistent with the recognized good practice for the safeguarding of life, health, safety prevention of fire and explosion from hazardous conditions that potentially exist in buildings or on premises and to the occupants thereof.

(2) Scope: The provisions of this chapter shall apply to all public buildings and places of employment to include all buildings or structures located on such properties with the following exceptions:

(a) **Exempt Buildings:** The following buildings and uses are not public buildings or places of employment and are not subject to the provisions of this chapter:

1. One (1) — and two (2) family dwellings.
2. Buildings used exclusively for farming.
3. Buildings used primarily to house livestock.
4. Temporary buildings used for construction purposes only, not to exceed two (2) stories in height and not used as living quarters.
5. Buildings owned by the Federal Government

(e) **Administration and Enforcement:**

(1) Authorized Deputy or Agent: It is recognized that the Fire Chief of the fire department and the Fire Inspector are duly authorized as a deputy of the state of Wisconsin. The Fire Chief of the fire department and the Fire Inspector are duly authorized agents of the Village of Shiocton for the enforcement of all the provisions of this chapter and all other standards adopted by reference herein.

(2) Fire Prevention Inspections: The Fire Chief, the fire Inspector and any other officer appointed by the Fire Chief, shall be responsible for causing all public buildings and places of employment, to include any building or structure located on such property, to be inspected for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of any law or ordinance relating to fire hazards or to the prevention of fires.

(3) Frequency of Inspections: The Fire Chief shall inspect or cause to be inspected by the Fire Inspector, or any other officer appointed by the Fire Chief, at least twice per calendar year or as often as may be necessary, all building and premises described in this chapter,.

(4) Inspection Warrants: The Fire Chief or Fire Inspector may obtain an administrative warrant or search warrant as granted under sections 66.122 and 66.123 of the Wisconsin State Statutes when necessary in his opinion for the purpose of making an inspection or investigation of any building or premises





where the owner has either failed to respond to previous orders for entry or has refused entry.

- (5) Written Orders: Whenever any inspector shall find in any building or on any premises, any condition liable to cause fire, or any violations of any law or ordinance relating to fire hazards or to the prevention of fires, or any condition which interferes with the life, health or safety of any individual or occupant, he shall order the same to be removed or remedied.
- (6) Service of Orders: The service of orders under this chapter may be made upon either the occupant of the premises to whom it is directed, the owner of the premises or both. Any such order may be given verbally, hand written on an approved inspection form or typed and delivered to such occupant personally or by placing such order in a conspicuous place on the door to the entrance of the premises. Whenever it may be necessary to serve an order upon the owner of the premises, such an order may be served either by hand delivering to, and leaving a copy with such a person, or if such owner is absent from the jurisdiction of the inspector making the order, by mailing a copy to the owner's last known address.
- (7) Compliance to Orders: Any such order given, shall forthwith be complied with by the owner and occupant of such building, structure or premises. The owner or occupant may, within twenty-four (24) hours of the receipt of such order, appeal to the Fire Chief in writing for a review of such order, who shall thereafter as soon as possible, file his decision. Unless such order is revoked or modified by the Fire Chief, it shall remain in full force and shall be complied with in the time fixed in said order.
- (8) Penalties: Failure to comply with any orders issued pursuant to the provisions of this chapter by the Chief of the fire Department, the Fire Inspector, or any duly authorized representative, shall constitute an Ordinance violation, and any person, firm or corporation found guilty of such violation shall, upon the conviction thereof, be fined a sum of not less than One Hundred (\$100) Dollars nor more than One Thousand (\$1000) Dollars, together with the costs of the prosecution and any other court fees, and if in default of payment thereof shall be imprisoned until such forfeiture and costs are paid, but not to exceed fifteen (15) days. Each and every twenty-four (24) hours such violation shall continue shall constitute a separate offense. Any person, firm or corporation found guilty of a violation of any section of this Chapter for which a specific penalty is not herein provided shall, upon conviction thereof, be fined the sum of not less than One Hundred (\$100) Dollars nor more than One Thousand (\$1000) Dollars, together with the costs of the prosecution and any other court fees, and if in default of payment thereof shall be imprisoned until such forfeiture and costs are paid, but not to exceed fifteen (15) days. Each and every twenty-four (24) hours such violation shall continue shall constitute a separate offense.
- (9) Payment of Forfeiture in Lieu of Court Appearance: Any person charged with a violation of the offenses listed below, may pay the amount enumerated therein, along with court costs, penalty assessments and any other applicable fees at the police department in lieu of a court appearance. Persons wishing to



contest the charges contained below may contact the police department to arrange a court appearance.

<u>Section number</u>	<u>Violation</u>	<u>Forfeiture</u>
9A	No Fire Extinguisher	\$ 50.00
9-B	Fire Extinguisher Maintenance Past Due	20.00
9-C	Fire Extinguisher Obstructed	20.00
9-D	Improper Fire Extinguisher Installation	20.00
9-E	Blocked Exit	100.00
9F	Blocked Exit Pathway/Aisle	100.00
9G	No EXIT Light Fixture	50.00
9H	No Directional EXIT Light Fixture	20.00
9I	EXIT Light Burned Out	20.00
9-J	Fire Doors Blocked Open	20.00
9-K	Access to Hydrant Obstructed	50.00
9-L	Fire Lane Parking Violation	50.00
9-M	Obstructed Electrical Panels	20.00
9N	Access to Gas Shut Off Obstructed	20.00
9-O	Sprinkler Maintenance Past Due	100.00
9P	Access to Sprinkler Connection Obstructed	50.00
9Q	Hood Exhaust Cleaning Past Due	50.00
9R	Hood Suppression Maintenance Past Due	50.00
9-S	Improper Smoke/Heat Detection Maintenance	100.00
9T	Missing Smoke/Heat Detector	100.00
9-U	Smoke/Heat Detection System Not Tested	100.00
9-V	Improper Fire Alarm Maintenance	100.00
9-W	Missing Fire Alarm Device	100.00
9-X	Fire Alarm System Not Tested	100.00
9-Y	Illegal Storage of Flammable Liquids	20.00
9-Z	Illegal Use of Electrical Extension Cords	20.00
9-AA	No Change in Occupancy Certificate	20.00
9-BB	Department of Commerce Violation	50.00
9-CC	National Fire Protection Association Violation	50.00

(10) Validity: Should any section, subsection, paragraph, sentence, clause, phrase or word of this Chapter be declared for any reason to be invalid or unconstitutional, the remainder of this Chapter shall not be affected thereby and shall continue in full force and effect.

(11) Citation Authority: The Village of Shiocton hereby elects to use the citation method of enforcement of ordinances. Any law enforcement officer and any other village personnel charged with the responsibility of enforcing the provisions of this Municipal code are hereby authorized pursuant to Sec. 800.01(2)(a), Wisconsin State Statutes, to issue citations for violations of this Code of Ordinances, including ordinances for which a statutory counterpart exists. Whenever it may be necessary to serve a citation upon either an owner, occupant or both, the citation shall be hand written on an approved form and delivered to such occupant or owner by either hand delivering to, or leaving a copy with such a person, or if such owner is absent from the jurisdiction of the inspector making the citation, by mailing a copy to the owner's last known address.

Effective Date: This ordinance shall take effect and be in force one day after proof of posting is filed and recorded in the Office of the Village Clerk



# Title 5 › Chapter 2

---

## Fire Protection

<b>521</b>	Fire Department Organization; Goals of the Department
<b>522</b>	Impeding Fire Equipment Prohibited
<b>523</b>	Police Power of the Department; Investigation of Fires
<b>524</b>	Damaging Fire Hose Prohibited; Parking by Hydrants; Blocking Fire Lanes
<b>525</b>	Firefighters May Enter Adjacent Property
<b>526</b>	Duty of Bystanders to Assist
<b>527</b>	Vehicles to Yield Right-of-Way
<b>528</b>	Interference with Use of Hydrants Prohibited
<b>529</b>	Open Burning
<b>5210</b>	Banning and/or Regulating the Use of Fire, Burning Materials and Fireworks During the Existing of Extreme Fire Danger

### **Sec. 5-2-1 Fire Department Organization; Goals of the Department.**

- (a) **Fire Department Recognized.** The Shiocton-Bovina Fire Department is officially recognized as the Fire Department serving the Village of Shiocton, and the duties of firefighting and fire prevention in the Village are delegated to such Department. The Shiocton-Bovina Fire Department ("Department") shall be responsible for the program of fire defense for the citizens and property within the Village of Shiocton.
- (b) **Appropriations.** The Village Board shall appropriate funds for Fire Department operations and for such apparatus and equipment for the use of the Fire Department as the Board may deem expedient and necessary to maintain efficiency and properly protect life and property from fire.
- (c) **Goals of the Fire Defense Program.**
- (1) The primary objective of the fire defense program is to serve all citizens, without prejudice or favoritism, by safeguarding, collectively and individually, their lives against the effects of fires and explosions.
  - (2) The second objective of the fire defense program is to safeguard the general economy and welfare of the community by preventing major conflagrations and the destruction by fire of industries and businesses.

- (3) The third objective of the fire defense program is to protect the property of all citizens against the effects of fire and explosions. All property deserves equal protection regardless of location or monetary value.
- (d) **Bylaws Governance.** The Shiocton-Bovina Fire Department shall be organized and governed pursuant to its bylaws.

### **Sec. 5-2-2 Impeding Fire Equipment Prohibited.**

No person shall impede the progress of a fire engine, fire truck or other fire apparatus of the Shiocton-Bovina Fire Department along the streets or alleys of such Village at the time of a fire or when the Fire Department of the Village is using such streets or alleys in response to a fire alarm or for practice.

### **Sec. 5-2-3 Police Power of the Department; Investigation of Fires.**

#### **(a) Police Authority at Fires.**

- (1) The Chief and assistants or officers in command at any fire are hereby vested with full and complete police authority at fires. Any officer of the Department may cause the arrest of any person failing to give the right-of-way to the Fire Department in responding to a fire.
- (2) The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting firefighters and police officers and those admitted by order of any officer of the Department, shall be permitted to come.
- (3) The Chief shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire or to prevent the spreading of fire or to protect the adjoining property, and during the progress of any fire he/she shall have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work of the Department during the progress of a fire.

#### **(b) Fire Inspection Duties.**

- (1) The Fire Chief, or the Chiefs designee, shall be the Fire Inspector of the Village of Shiocton and shall have the power to appoint one or more deputy Fire Inspectors and shall perform all duties required of the Fire Inspectors by the laws of the State and rules of the Department of Commerce, particularly Sec. 101.14, Wis. Stats.
- (2) While acting as Fire Inspector pursuant to Sec. 101.14(2), Wis. Stats., the Fire Chief, or any officer of the Fire Department designated by the Fire Chief, shall have the right and authority to enter any building or upon any premises in the Village of

Shiocton at all reasonable hours for the purpose of making inspections or investigations which, under the provisions of this Code of Ordinances, he/she may deem necessary. Should the Fire Inspector find that any provisions of this Code relating to fire hazards and prevention of fires are being violated, or that a fire hazard exists which should be eliminated, it shall be his/her duty to give such directions for the abatement of such conditions as he/she shall deem necessary and, if such directions be not complied with, to report such noncompliance to the Village Board for further action.

- (3) The Chief of the Fire Department is required, by himself/herself or by officers or members of the Fire Department designated by him/her as fire inspectors, to inspect all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of any law or ordinance relating to the fire hazard or to the prevention of fires. Such inspections shall be made at least once in six (6) months in all of the territory served by the Fire Department, and not less than once in three (3) months in such territory as the Village Board has designated or thereafter designates as within the Village or as a congested district subject to conflagration, and oftener as the Chief of the Fire Department orders. Each six (6) month period shall begin on January 1 and July 1.
  - (4) Written reports of inspections shall be made and kept on file in the office of the Chief of the Fire Department in the manner and form required by the Department of Commerce. A copy of such reports shall be filed with the Fire Chief.
- (c) **Fire Inspectors Handbook.** The *Fire Inspectors' Handbook*, COMM is hereby adopted and made part of this Code of Ordinances by references.

*State Law Reference:* Sec. 101.14(2), Wis. Stats.

#### **Sec. 5-2-4 Damaging Fire Hose Prohibited; Parking by Hydrants; Blocking' Fire Lanes.**

- (a) **Driving Over Fire Hose.** No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the DefiartmeK:and no vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street, private driveway or other place, to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.
- (b) **Parking Vehicles Near Hydrants.** It shall be unlawful for any person to park any vehicle or leave any object within ten (10) feet of any fire hydrant at any time.
- (c) **No Parking Near Fire.** It shall be unlawful for any person, in case of fire, to drive or park any vehicle within one block from the place of fire without the consent and authority of the Fire Chief or any police officer.



### **Sec. 5-2-5 Firefighters May Enter Adjacent Property.**

- (a) **Entering Adjacent Property.** It shall be lawful for any firefighter while acting under the direction of the Fire Chief or any other officer in command to enter upon the premises adjacent to or in the vicinity of a building or other property then on fire for the purpose of extinguishing such fire and in case any person shall hinder, resist or obstruct any firefighter in the discharge of his/her duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firemen in the discharge of their duty.
- (b) **Destruction of Property to Prevent the Spread of Fire.** During the progress of any fire, the Fire Chief or his/her assistant shall have the power to order the removal or destruction of any property necessary to prevent the further spread of fire; provided that it is inevitable that, unless such property is removed, other property is in danger of being destroyed by fire.

### **Sec. 5-2-6 Duty of Bystanders to Assist.**

Every person who shall be present at a fire shall be subject to the orders of the Fire Chief or officer in command and may be required to render assistance in fighting the fire or in removing or guarding property. Such officer shall have the power to cause the arrest of any person or persons refusing to obey said orders.

### **Sec. 5-2-7 Vehicles to Yield Right-of-Way.**

Whenever there shall be a fire or fire alarm or the Fire Department shall be out for practice, every person driving or riding in a motorized or other vehicle shall move and remain to the side of the street until the fire engine and fire truck and other fire apparatus shall have passed.

### **Sec. 5-2-8 Interference with Use of Hydrants Prohibited.**

No person shall occupy any portion of such streets or alleys with a motorized or other vehicle between such fire engine or fire truck or other fire apparatus or any hydrant to which a fire hose may be, or may be about to be, attached.

## Sec. 5-2-9 Open Burning.

- (a) **Open Burning Prohibited.** No firm or corporation shall build any outdoor fire within the corporate limits of the Village of Shiocton excepting as set forth below in this Section. This prohibition on burning includes burning of construction waste and debris at construction sites. Burning barrels used by individuals are permitted.
- (b) **Exceptions.**
- (1) Outdoor cooking over a fire contained in a device or structure designed for such use is permissible;
  - (2) Recreational burning pits not exceeding four (4) feet in diameter and not located less than twenty-five (25) feet from any structure (the burning of clean wood only is permitted and the use of burning pits to burn refuse is prohibited); recreational burning pits shall be extinguished by 11:00 p.m.;
  - (3) Controlled burning of grass or similar vegetation for environmental management purposes, with the prior written approval of the Fire Chief, or his/her designee, may be permitted;
  - (4) Ceremonial campfire or bonfires, with prior written approval of the Fire Chief, or his/her designee, may be permitted.
  - (5) Other occasions of desirable outdoor burning not specified by this Subsection, but not as an alternative to refuse removal or disposal of which other methods are available, may be granted single occasion approval as in Subsections (2) and (3) above.
- (c) **Open Burning Regulations.** The following regulations shall be applicable for open burning:
- (1) All open burning shall be performed in a safe, pollution-free manner, when wind and weather conditions are such as to minimize adverse affects, and in conformance with local and state fire protection regulation. Open burning shall not be used to covertly burn plastic, construction debris or other prohibited materials.
  - (2) Startup shall be accomplished by using kindling materials rather than waste oil, tires or other rubber materials.
  - (3) Quantities of materials to be burned shall be restricted to allow for complete burnout while attended.
  - (4) Any ashes created by burning such material as is lawful under this Section are to be disposed of in a manner authorized by law.
  - (5) Open burning shall be constantly attended and supervised by a competent person of at least sixteen (16) years of age until such fire is extinguished. This person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire while burning and/or extinguishing such fire.
  - (6) No materials may be burned upon any street, curb, gutter, sidewalk, or drainage ditch.

*State Law Reference:* Ch. COMM 14, Wis. Adm. Code.

## **Sec. 5-2-10 Banning and/or Regulating the Use of Fire, Burning Materials and Fireworks During the Existence of Extreme Fire Danger.**

- (a) **Declarations of Emergency.** When there occurs a lack of precipitation, there may exist an extreme danger of fire within the Village of Shiocton. This extreme danger of fire affects the health, safety, and general welfare of the residents of the Village of Shiocton and constitutes a state of emergency. It is hereby found that the regulation of fires, burning materials, and fireworks is necessary and expedient for the health, safety, welfare and good order of the Village of Shiocton during said emergency.
- (b) **Regulation of Fires, Burning Materials and Fireworks.** When a burning state of emergency is declared, it may be ordered that a person may not:
- (1) Set, build, or maintain any open fire, except:
    - a. Charcoal grills using charcoal briquets, gas grills, or camp stoves on private property; or
    - b. Charcoal grills using charcoal briquets, gas grills, or camp stoves in Village parks placed at least twenty (20) feet away from any combustible vegetation.
  - (2) Throw, discard or drop matches, cigarettes, cigars, ashes, charcoal briquets or other burning materials while outdoors except into a noncombustible container that does not contain combustible materials.
  - (3) Light or ignite a flare, except upon a roadway in an emergency.
  - (4) Light, ignite, or use anything manufactured, processed, or packaged solely for the purpose of exploding, emitting sparks or combustion for amusement purposes, including fireworks, firecrackers, bottle rockets, caps, toy snakes, sparklers, smoke bombs, or cylindrical or cone fountains that emit sparks and smoke, except in displays authorized by the Village where adequate fire prevention measures have been taken.
- (c) **Period of Emergency.**
- (1) The periods of emergency for which this Section shall be in effect shall be during such periods that Outagamie County, Wisconsin, is under Wisconsin Department of Natural Resources emergency fire regulations banning outdoor smoking and campfires, or when necessary as determined by the Village President, upon the recommendation of the Fire Chief.
  - (2) Burning emergencies shall become effective upon the time and date of the Village President declaring a state of emergency and shall remain in effect until the period of emergency ceases to exist or until the ratification, alteration, modification, or repeal of the burning state of emergency by the Village Board.

## Title 5 ▶ Chapter 3

---

# Fire Prevention Code; Hazardous Materials

- 5-3-1 Adoption of State Codes; Flammable Materials Storage
- 5-3-2 Disclosure of Hazardous Material and Infectious Agents;  
Reimbursement for Cleanup of Spills
- 5-3-3 Hazardous Material Incident Response Reimbursement

### **Sec. 5-3-1 Adoption of State Codes; Flammable Materials Storage.**

The following Orders, Rules and Regulations of the Wisconsin Department of Commerce (formerly the Department of Industry, Labor and Human Relations), all of which are set forth in the Wisconsin Administrative Code as from time to amended, are incorporated herein by reference and adopted as part of this Fire Prevention Chapter:

- (1) Wis. Adm. Code Ch. COMM 4; Signs for Smoking Areas.
- (2) Wis. Adm. Code Ch. COMM 7; Explosive Materials.
- (3) Wis. Adm. Code Ch. COMM 9; Manufacture of Fireworks.
- (4) Wis. Adm. Code Ch. COMM 10; Flammable and Combustible Liquids.
- (5) Wis. Adm. Code Ch. COMM 14; Fire Protection.
- (6) Wis. Adm. Code Ch. COMM 15; Cleaning and Dyeing.
- (7) Wis. Adm. Code Ch. COMM 16; Electrical.
- (8) Wis. Adm. Code Ch. COMM 20-25; Uniform Dwelling Code.
- (9) Wis. Adm. Code Ch. COMM 28; Smoke Detectors.
- (10) Wis. Adm. Code Ch. COMM 30; Fire Department Safety and Health.
- (11) Wis. Adm. Code Ch. COMM 43; Anhydrous Ammonia Code.
- (12) Wis. Adm. Code Chs. COMM 50-64; Building and Heating, Ventilating and Air Conditioning.
- (13) Wis. Adm. Code Ch. COMM 66; Uniform Multifamily Dwelling.
- (14) Wis. Adm. Code Ch. COMM 70; Historic Building.
- (15) Wis. Adm. Code Ch. COMM 75-79; Existing Buildings.
- (16) Wisconsin Electrical Code.

## **Sec. 5-3-2 Disclosure of Hazardous Materials and Infectious Agents; Reimbursement for Cleanup of Spills.**

### **(a) Application.**

- (1) All persons, firms or organizations using, researching or producing hazardous materials and/or infectious agents shall notify the Fire Department as prescribed by this Section.
- (2) The provisions of this Section shall apply to all persons, firms or organizations using, researching, producing or storing hazardous materials and/or infectious agents on and after the effective date of this Section.

### **(b) Definitions.**

- (1) "Infectious agent" is a bacterial, mycoplasmal, fungal, parasitic or viral agent known to cause illness in humans which is used, researched, produced or stored within or on premises.
- (2) "Hazardous materials" are those materials that can cause death or disabling injury from brief exposure; those materials that could cause a lost-time injury from exposure; and those materials that could cause temporary disability or injury without permanent effects which are used, researched, produced or stored within or on premises except those household consumer products used at the point of consumption and not used for commercial or experimental purposes. This definition of hazardous materials shall include radioactive materials.

### **(c) Information Required.**

- (1) Any person, firm or organization using, researching, producing and/or storing any hazardous materials shall provide in writing to the Fire Department the following information:
  - a. Address, location of where hazardous materials are used, researched, stored or produced;
  - b. The trade name of the hazardous material;
  - c. The chemical name and any commonly used synonym for the hazardous material and the chemical name and any commonly used synonym for its major components;
  - d. The exact locations on the premises where materials are used, researched, stored and/or produced;
  - e. Amounts of hazardous materials on premises per exact location;
  - f. The boiling point, vapor pressure, vapor density, solubility in water, specific gravity, percentage volatile by volume, evaporation rate for liquids and appearance and odor of the hazardous material;
  - g. The flashpoint and flammable limits of the hazardous substance;
  - h. Any permissible exposure level, threshold limit value or other established limit value for exposure to a hazardous material;
  - i. The stability of the hazardous substance;
  - j. Recommended fire extinguishing media, special firefighting procedures and fire and explosion hazard information for the hazardous material;

- k. Any effect of over-exposure to the hazardous material, emergency and first aid procedures and telephone numbers to call in an emergency;
- l. Any condition or material which is incompatible with the hazardous material and must be avoided.
  - m. Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming into contact with the hazardous materials;
  - n. Procedures for handling or coming into contact with the hazardous materials.
- (2) Any person, firm or organization using, researching, producing and/or storing infectious agent and/or carrier of an infectious agent shall provide in writing to the Fire Department the following:
  - a. The name and any commonly used synonym of the infectious agent;
  - b. Address/location where infectious agents are used, researched, stored and/or produced;
  - c. The exact locations where infectious agents are used, researched, stored and/or produced;
  - d. Amount of infectious agent on premises\_ per exact locations;
  - e. Any methods of route of transmission of the infectious agents;
  - f. Any symptoms of effect of infection, emergency and first aid procedure and a telephone number to be called in an emergency;
  - g. Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming in contact with the infectious agent;
  - h. Procedure for handling, clean-up and disposal of infectious agents leaked or spilled.
- (d) **Reimbursement for Cleanup of Spills.** Any person who possesses or controls a hazardous material or infectious agent which was discharged or caused the discharge of a hazardous material or infectious agent shall reimburse the Village for actual and necessary expenses incurred by the Village or its agent to contain, remove or dispose of the hazardous substance or infectious agent or take any other appropriate action which is deemed appropriate under the circumstance.

### **Sec. 5-3-3 Hazardous Material Incident Response Reimbursement.**

- (a) **Prohibited Discharges.** No person, firm or corporation shall discharge or cause to be discharged, leaked, leached or spilled upon any public or private street, alley, public or private property, or unto the ground, surface waters, subsurface waters, or aquifers, or within the Village of Shiocton, except those areas specifically licensed for waste disposal or landfill activities and to receive such materials, any explosive, flammable or combustible solid liquid or gas, any radioactive material at or above Nuclear Regulatory 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.

- (b) Emergency Services Response.** Includes, but is not limited to: Fire Service, Emergency Medical Service, Law Enforcement. A person, firm, or corporation who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall be responsible for reimbursement to the responding agencies for actual and necessary expenses incurred in carrying out their duties under this Chapter. Actual and necessary expenses may include but not be limited to: replacement of equipment damaged by the hazardous material, cleaning, decontamination and maintenance of the equipment specific to the incident, specific laboratory expenses incurred in the recognition and identification of hazardous substances in the evaluation of response, decontamination, costs incurred in the procurement and use of specialized equipment specific to the incident, clean up and medical surveillance, and incurred costs in future medical surveillance of response personnel as required by the responding agencies medical advisor.
- (c) Site Access.** Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to emergency government officers and staff and to Village Police and Fire Department personnel for the purpose of evaluating the threat to the public and monitoring containment, cleanup and restoration activities.
- (d) 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, and that the situation is so critical that immediate steps must be taken to protect life and limb, the Village President his/her assistant, or the senior Village police or fire official on the scene of the emergency may order an evacuation of the area or take other appropriate steps for a period of time until the Village Board can take appropriate action.
- (e) Enforcement.** The Fire Chief and his/her deputies, as well as the Village police officers, shall have authority to issue citations or complaints under this Section.
- (f) Civil Liability.** Any person, firm or corporation in violation of this Section shall be liable to the Village for any expenses incurred by the Village or loss or damage sustained by the Village of Shiocton by reason of such violation.

## Title 5 › Chapter 4

---

# Regulation of Private Alarm Systems

5-4-1	Title
542	Declaration of Purpose
543	Definitions
544	Administrative Rules
545	Automatic Dialing Devices
546	Direct Connections to the Police Department
547	Testing
548	Notification
549	Fee for Answering Alarms
5410	Village Liability

### **Sec. 5-4-1 Title.**

This Chapter shall be known as the Village of Shiocton Alarm Systems Ordinance.

### **Sec. 5-4-2 Declaration of Purpose.**

The purpose of this Chapter is to provide minimum standards and regulations applicable to burglar, fire and holdup alarm systems, alarm business and alarm users. Both society in general and public safety in particular will be aided by providing a useful and usable system of private security which properly balances quick response by law enforcement with minimization of law enforcement time spent on alarms which are false or otherwise not the intended function of private security systems.

### **Sec. 5-4-3 Definitions.**

Within this Chapter, the following terms, phrases and words and their derivations have the meaning given herein.



**5-4-3**

- (a) Alarm Business.** Any business in which the owners or employees engage in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, or servicing alarm systems.
- (b) Alarm System.** An assembly of equipment and devices or single device such as a solid state unit which plugs directly into 110-volt AC line or otherwise receives electrical energy arranged to signal the presence of a hazard requiring urgent attention and to which the Police or Fire Department is expected to respond. In this Chapter, the term "alarm system" shall include the terms "automatic holdup alarm systems," "burglar alarm systems," "holdup alarm systems" and "manual holdup alarm systems" as those terms are hereinafter defined, and fire alarm systems which monitor temperature, humidity or any other condition directly related to the detection of fire. Excluded from this definition and from the coverage of this Chapter are alarm systems used to alert or signal persons within the premises in which the alarm system is located of an attempted, unauthorized intrusion or holdup attempt or fire.
- (c) Annunciator.** The instrumentation of an alarm console at the receiving terminal of a signal line through which both visual and audible signals show when an alarm device at a particular location has been activated or which, in the event of malfunction, may also indicate line trouble.
- (d) Answering Service.** A telephone answering service providing among its services the service of receiving on a continuous basis through trained employees emergency signals from alarm systems, and thereafter immediately relaying the message by live voice to the dispatch center of the Police or Fire Department.
- (e) Automatic Dialing Device.** An alarm system which automatically sends over regular telephone lines by direct connection or otherwise a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.
- (f) Automatic Holdup Alarm System.** An alarm system in which the signal transmission is initiated by the action of the robber.
- (g) Manual Holdup Alarm System.** An alarm system in which the signal transmission is initiated by the direct action of the person attached or by an observer thereof.
- (h) Burglar Alarm System.** An alarm system which signals an entry or attempted entry into the area protected by the system.
- (i) Direct Connect.** An alarm system which has the capability of transmitting system signals to the Police or Fire Department.
- (j) False Alarm.** The activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner or lessee of an alarm system or of his employees or agents or other undetermined cause. False alarm does not include alarms caused by tornadoes or other violent climatic conditions.
- (k) Interconnect.** To connect an alarm system to a voice grade telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.

- (l) **Central Station.** An office to which remote alarm and supervisory signaling devices are connected, where operators supervise the circuits.
- (m) **Primary Trunk Line.** A telephone line leading directly into the dispatch center of the Police or Fire Department that is for the purpose of handling emergency calls on a person-to-person basis and which is identified as such by a specific number included among the emergency numbers listed in the telephone directory or numbers in sequence therewith.
- (n) **Subscriber.** A person who buys or leases or otherwise obtains an alarm system and thereafter contracts with or hires an alarm business to monitor and/or service the alarm system.

### **Sec. 544 Administrative Rules.**

The Chief of Police shall promulgate such rules as may be necessary for the implementation of this Chapter. Such rules shall require the approval of the Village Board and shall be open to inspection by the public.

### **Sec. 545 Automatic Dialing Devices:**

No person shall interconnect any automatic dialing device to a Police or Fire Department primary trunk line. No person shall permit such devices, which were installed prior to the effective date of this Chapter, to remain interconnected from any property owned or controlled by that person. Such devices may be connected to a central station or an answering service. Relaying messages so received to the Police or Fire Department shall only be done person to person on the telephone line.

### **Sec. 546 Direct Connections to the Police Department.**

Direct connections to the Police or Fire Department are prohibited, but may be authorized pursuant to the direct connection policies of each Department, a copy of which is on file with the Chief of Police and Fire Chief.

### **Sec. 547 Testing.**

- (a) No alarm business or alarm system designed to transmit emergency messages to the Police Department shall be tested or demonstrated without prior notification and approval of the Police Department dispatcher. Alarm businesses or alarm system owners or lessors will be advised on proper test procedure.

- (b) No alarm system relayed through intermediate services to the Police Department will be tested to determine the Police Department's response without first notifying the appropriate authority. However, the Police Department may inspect or test on-site alarm systems authorized under this Chapter.
- (c) Alarm systems shall be in compliance with all pertinent response policies of the Police Department.

### **Sec. 5-4-8 Notification.**

When the service provided by an alarm business to its subscribers is disrupted for any reason by the alarm business or the alarm business becomes aware of such disruption, it shall promptly notify its subscribers by telephone that protection is no longer being provided. If, however, the alarm business has written instructions from its subscriber not to make such notification by telephone during certain hours, the alarm business may comply with such instructions.

### **Sec. 5-4-9 Fee for Answering Alarms,**

- (a) **Generally.** Each false alarm requires response of public safety personnel, involves unnecessary expense to the Village, increases the risk of injury to persons or damage to property and dilutes the overall public safety protection to the Village. Such false alarms constitute a public nuisance and must be abated.
- (b) **Intentional.** No person shall intentionally cause the activation of a burglar/fire alarm device knowing that no criminal activity, fire or other emergency exists.
- (c) **False Alarms; Administrative Charges.** Any person, business, corporation or other entity having permissible alarm system with alarm device(s) at one or more locations in accordance with this Chapter may, in the Chiefs discretion, pay to the Departments a charge for false alarms responded to by the Police or Fire Department according to the following schedule for each calendar year for each location connected, separate accounts to be kept for false alarms as to criminal activity and false alarms for fire or other emergencies. The cost of false alarms outside of Village limits shall be billed by the Village as a service to the Departments to the responsible party(s).

(1) Responded to by Police Department:

- |  |           |
|--|-----------|
| a. First two (2) false alarms for a location           | No Charge |
| b. Third (3rd) false alarm per location                | \$ 25.00  |
| c. Fourth (4th) false alarm per location               | \$ 35.00  |
| d. Fifth (5th) false alarm per location                | \$ 45.00  |
| e. Sixth (6th) and subsequent false alarm per location | \$ 65.00  |

(2) All false alarms responded to by Fire Department firefighting personnel and apparatus, in addition to a police response:

- |   |           |
|---|-----------|
| a. First two (2) false alarms for a location            | No Charge |
| b. Third (3rd) and subsequent false alarm per location. | \$100.00  |

This Subsection is intended to impose a strict liability on the person, business, corporation or other entity responsible for alarm connection to either the police alarm panel or to alarm receiving firm to which the Police or Fire Department have responded and shall be applied regardless of the cause of the false alarm excepting those alarms excluded from the definition of "False Alarm." Failure to pay such administrative charge(s) in and of itself shall constitute a violation of this Section, and such charge(s) shall be collectible as a forfeiture upon prosecution and conviction thereof, together with an additional forfeiture(s) which may be imposed under the next Subsection (d) hereof for violation of this Section for allowing or maintaining condition(s) or act(s) violative of the intent of this Section of eliminating and minimizing the occurrence of false alarms, together with costs of prosecution.

- (d) Other Violations.** Any person, corporation or other entity violating this Chapter in any manner, other than for collection of unpaid administrative charges treated in the preceding Subsection (a) of this Section, shall be subject to forfeiture as provided in Section 1-1-6 of this Code. When any premises located in the Village is owned, leased or occupied by two (2) or more persons as joint tenants, tenants in common, joint lessees, or in any other manner, each person shall see that the provisions of this Chapter are complied with, and each person may be subjected to a penalty on violation of this Section.
- (e) Default of Payment for Forfeiture and/or Costs.** On default of payment of forfeiture and/or costs under the immediately preceding Subsections (c) and/or (d), such person or responsible officer of the violating corporation or other entity shall be confined in the county jail until the same be paid but not to exceed a length of time specified by the court which length of time shall not exceed six (6) months. Upon nonpayment of the fee, the amount due may be placed on the tax roll as a special charge pursuant to Sec. 66.0627, Wis. Stats.

### **Sec. 5-4-10 Village Liability.**

The Village of Shiocton shall be under no duty or obligation to a subscriber or to any other person concerning any provision of this Chapter, including, but not limited to, any defects in an alarm system or any delays in transmission or response to any alarm; however, this in no way shall be construed that it is not the proper function of law enforcement to respond to alarms.