

TITLE 5

Public Safety

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Title 5 ► Chapter 1

Law Enforcement

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

The Village of Livingston 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. The Chief of Police shall be appointed pursuant to Sections 2-3-2 and 2-3-6; subordinate members of the Department shall be selected by the Chief of Police, subject to conformation by the Village Board.

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 Wisconsin Statutes and attend to the enforcement of such ordinances by all lawful means.
- (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.
- (f) 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 general 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) In the absence of specific direction from the Village Board, be responsible for the assignment, hours of duty, and transfer of all members of the Department. The Village Board reserves the right to establish terms of employment, including, but not limited to, conditions of employment and working hours.

- (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 reports and 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.

Sec. 5-1-9 Hearing Authorities for Suspension or Removal of Law Enforcement Officers.

- (a) Pursuant to Sec. 62.13(6m), Wis. Stats., the Village may not suspend, reduce, suspend and reduce or remove any police chief or other law enforcement officer who is not probationary unless the Village follows the procedure under Sec. 62.13(5), Wis. Stats. To act under this Subsection in place of the Board of Police and Fire Commissioners under Sec. 62.13(1) through (6), Wis. Stats., the Village may do either of the following:
 - (1) Establish a committee of not less than three (3) members, none of whom may be an elected or appointed official of the Village or be employed by the Village. The Village shall pay each member for the member's cost of serving on the committee.

- (2) Send a written request for a hearing examiner to the division of hearings and appeals under Sec. 15.103(1), Wis. Stats. The Village shall reimburse the state for the state's costs under this paragraph.
- (b) The provisions of this Section, required by Sec. 61.65(1)(am), Wis. Stats., first applies to law enforcement officers, when such officers are subject to a collective bargaining agreement which is in conflict with the statutory requirements, but which is still in effect on April 9, 1986, only after the expiration date of such agreement.

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Title 5 ► Chapter 2

Fire Protection

- 5-2-1** Fire Department Organization; Goals of the Department
- 5-2-2** Impeding Fire Equipment Prohibited
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Blocking Fire Lanes
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and Fireworks During the Existing of Extreme Fire Danger
- 5-2-12** Fire Department Authorized to Hold Volunteer Company Funds
- 5-2-13** Outdoor Solid Fuel Heating Devices

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

(a) **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.

(b) **Fire Department Constitution and By-Laws.** The Livingston-Clifton Fire Department is authorized and directed to adopt a constitution and by-laws for the control, management, government and regulation of its business and proceedings. Said constitution and by-laws

shall become effective and operative after adoption of a two-thirds (2/3) vote of the members of the Department. All amendments shall be similarly adopted.

(c) **Village Board to Authorized Fire Equipment.**

- (1) **Authorization.** The Village Board shall provide such apparatus and equipment for the use of the Fire Department as it may deem expedient and necessary to maintain efficiency and to properly protect life and property from fire.
- (2) **Other Use.** No apparatus shall be used for any purpose except for fire fighting within the Village limits and such townships under contract, or in training therefor, except pursuant to an agreement approved by the Village Board after the Fire Chief has given his/her recommendations on such use. With the approval of the Fire Chief, such apparatus may be used for emergency purposes other than fire fighting within or out of the Village.

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 Fire Department along the streets or alleys of such Village at the time of a fire or when the Fire Department 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 Fire 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 Fire 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 Fire Department during the progress of a fire.

(b) **Fire Inspection Duties.**

- (1) The Fire Chief, or the Chief's designee, shall be the Fire Inspector of the Village of Livingston 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 Livingston-Clifton 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 Livingston 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 Fire Chief 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 Fire Department, 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 law enforcement 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 is 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.** Except as provided in Subsection (c) below, no person shall engage in the open burning of any garbage, solid waste, grasses, or other refuse of any kind on any public property or private property located within the Village of Livingston. This prohibition on burning includes burning of construction waste and debris at construction sites and the use of burning barrels.
- (b) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Garbage.** Discarded materials resulting from the handling, processing, preparation, storage, cooking and consumption of food, and discarded animal feces.
 - (2) **Open Burning.** Burning from which the products of combustion are emitted directly into the air without passing through a stack or chimney.
 - (3) **Refuse.** All matters produced from industrial or community life, subject to decomposition.
 - (4) **Solid Waste.** Garbage, refuse, recyclable materials, grasses, and all other discarded or salvageable solid materials including solid waste materials resulting from industrial, commercial, and agricultural operations, and from domestic use and public service activities.
- (c) **Exceptions.**
- (1) Outdoor cooking over a fire contained in a device or structure designed for such use is permissible. This includes the open burning of fuel for cooking food, such as a barbecue or other similar outdoor activity if confined to a proper cooking device such as a grill or in an open pit.
 - (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; this exception is not to be used for the burning of grass, leaves or other lawn debris.
 - (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 under Subsections (d) and (e) above when a permit is issued..
- (d) **Application for Permit.**
- (1) **Procedure for Issuance of Burning Permit.** The Fire Chief shall have the authority to issue special burning permits allowing open burning in circumstances not listed in Subsection (c) of this Section as deemed appropriate. The permit issuer may also

establish from time to time special rules or restrictions relating to open burning by permit. Such rules may govern conditions including, but not necessarily limited to, the following:

- a. Hours when burning is allowed;
- b. Day(s) when burning is allowed;
- c. Material which may or may not be burned;
- d. Whether open burning is allowed or whether burning is only allowed with an approved incinerator or burning device;
- e. The length of time the permit is valid;
- f. What constitutes an approved burning device or incinerator;
- g. The size of the material pile burned by open burning;
- h. The distance or distances to be maintained between the material being burned and other flammable material;
- i. Supervision required for burning, including minimum age of supervisors and type of fire extinguishing equipment which must be present at the burn site;
- j. The manner in which ashes created by the burning under the permit are to be disposed of.

- (2) **Issuance Of Permit.** If the permit issuer finds that the proposed burning complies with all Village ordinances and the regulations contained in Ch. COMM 14, Wis. Adm. Code, he/she shall approve the application, and a burning permit shall subsequently be issued to the applicant. A copy of any burning permit, and the application therefore, shall be kept on file with the Fire Chief. No burning permit issued shall be valid for more than thirty (30) days from the date when issued.

- (e) **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) The size of the pile of material to be burned shall not exceed four (4) feet in any direction measured horizontally, or three (3) feet measured vertically.
- (4) The pile of material being burned shall be at least fifty (50) feet away from any structure, wood or lumber pile, wooden fence, trees, or bushes. Provisions shall be made to prevent the fire from spreading to within fifty (50) feet of such items or the fire shall otherwise be contained in an approved incinerator or burner device which is located at least fifteen (15) feet from any structure, wood or lumber pile, wooden fence, trees, or bush(es).
- (5) Any ashes created by burning such material as is lawful under this Section are to be disposed of in a manner authorized by law.

- (6) 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.
- (7) No materials may be burned upon any street, curb, gutter, sidewalk, or drainage ditch.
- (8) Permits shall not be issued for burning barrels.
- (f) **Fire Hazard Conditions.** The Fire Chief of the Livingston-Clifton Fire Department shall have the authority to ban all open burning, except open burning used in food preparation, when weather conditions are such that open burning would threaten life and/or property.
- (g) **Penalties.**
 - (1) The first time a person(s) is/are informed by the Fire or Police Department that he/she is in violation of any provision of this Section, he/she will be directed to extinguish the fire. The officer issuing the directive shall record same in the daily police log. Failure to comply with the directive shall result in a penalty imposed as herein provided.
 - (2) Any person, firm or corporation violating the provisions of this Section shall be subject to a forfeiture as prescribed in Section 1-1-6. Each violation and each day a violation continues or occurs shall constitute a separate offense. The imposition of a penalty under this Section shall not prohibit the Village from maintaining a separate action against the violator to secure monetary damage for any damage caused by the burning.

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

Sec. 5-2-10 Patio Fireplaces.

Patio fireplaces are permitted in the Village of Livingston as long as they are commercially purchased units that enclose the entire fire area within the patio fireplace. Homemade units must meet the approval of the Fire Chief. The chimney area and viewable area of the patio fireplace must be screened with a spark reduction device at all times the patio fireplace is in operation. The patio fireplace shall only burn a readily combustible fuel source that consists of wood, charcoal, or manufactured fireplace logs. The burning of trash, leaves, woods with a chemical treatment (railroad tie, fence post, power pole, etc.), or other materials that tend to create a noxious or annoying smoke discharge are not allowed. This Section does not allow for below ground campfires or other device fires not clearly authorized in this Section or Section 5-2-9(c)(2). Upon the complaint of two (2) or more persons to the Police or Fire Department that the patio fireplace is causing annoyance, the person responsible for the patio fireplace shall immediately discontinue the use of the device.

Sec. 5-2-11 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 Livingston. This extreme danger of fire affects the health, safety, and general welfare of the residents of the Village of Livingston 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 Livingston 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 briquettes, gas grills, or camp stoves on private property; or
 - b. Charcoal grills using charcoal briquettes, 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 briquettes 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 Grant and Iowa Counties, Wisconsin, are 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.

Sec. 5-2-12 Fire Department Authorized to Hold Volunteer Company Funds.

- (a) **Purpose and Authority.** This Section is enacted pursuant to the authority of Sec. 66.0608, Wis. Stats, for the purpose of authorizing "volunteer funds" to be held in the name of the

Livingston-Clifton Fire Department. This Section is to be interpreted in conformance with that Statute as it may be amended from time to time.

- (b) **Adoption of Authorization.** The Fire Chief is authorized to deposit volunteer company funds of the Fire Department in an account in the name of the Department in any public depository in which other Village funds are being held by the Village Clerk-Treasurer or designee.
- (c) **Control of Funds.** The Fire Chief is granted exclusive control over the expenditure of volunteer company funds of the Fire Department. This authority is granted without limitation as to amount or type of funds. It is subject to the limitations and requirements hereinafter set forth.
- (d) **Limitations and Requirements.** The following limitations and requirements shall apply to the handling and disbursement of funds from the account:
 - (1) **Expenditures.** Expenditures withdrawn from the account may be made only upon majority vote of Volunteer Fire Department members present at a duly noticed meeting of the Fire Department. Such withdrawals and expenditures may be made for any purpose that promotes the ability of the Fire Department to provide services for which it is organized.
 - (2) **Accountings.** The Fire Chief shall provide the Village Board with a quarterly statement at the end of March, June, September and December of each calendar year. The statements shall be provided within thirty (30) days of the end of the calendar quarter. The statements shall include a detailed itemization of all receipts, expenditures, and the balance on hand at the end of the quarter. The source of all funds and the identity of the payee for each disbursement shall be set forth.
 - (3) **Audit.** Volunteer Fire Department accounts authorized by this Section shall be included in any audit of Fire Department funds. They shall be audited in the same manner as other Fire Department funds.

Sec. 5-2-13 Outdoor Solid Fuel Heating Devices.

- (e) **Definitions.** The following definitions shall be applicable herein:
 - (1) **Solid Fuel-Fired Heating Device.** A device designed for solid fuel combustion so that usable heat is derived for the interior of the building, and includes solid fuel-fired cooking stoves, and combination fuel furnaces or boilers which burn solid fuel including outdoor wood burning units.
 - (2) **Stacks or Chimneys.** Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel-fired heating device; especially that part of such structures extending above a roof.
 - (3) **Person.** An individual, partnership, corporation, company or other association.
 - (4) **Public Nuisance.** Any act or failure to perform a legal duty required by this Section is declared a public nuisance.

- (f) **Registration.** The Village of Livingston shall require registration with the Village Clerk-Treasurer of any solid fuel-fired heating device installed after the effective date of this Section. Registration must be made fourteen (14) days after the date of installation.
- (g) **Other Requirements.**
 - (1) All wood burning units installed within the Village of Livingston are required to meet omission standards currently required by the Environmental Protection Agency (EPA). Emission standards currently required by the EPA are hereby adopted by reference together with any amendments or modifications made thereto in the future.
 - (2) All outdoor wood burning units or solid fuel-fired heating devices are subject to public nuisance consideration as described in this Section.
 - (3) Any dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities, may be declared a public nuisance by the Village Board.
 - (4) Any indoor or outdoor solid fuel-fired heating device shall have a minimum stack height of fifteen (15) feet from ground level.
 - (5) Any existing non-complying stack shall be removed or replaced within a period of six (6) months from the effective date of this Section.
 - (6) All stacks or chimneys must be so constructed to withstand high winds or other related elements.
 - (7) Buildings with less than twenty-five (25) feet of open space between units shall have a minimum stack height of three (3) feet above the adjoining property's highest roof elevation.

Title 5 ► Chapter 3

Fire Prevention Code; Hazardous Materials

- 5-3-1** Adoption of Fire Prevention Codes
- 5-3-2** Disclosure of Hazardous Material and Infectious Agents;
Reimbursement for Cleanup of Spills
- 5-3-3** Fees for Extraordinary Services; Hazardous Material
Incident Response Reimbursement
- 5-3-4** Smoke Detectors

Sec. 5-3-1 Adoption of Fire Prevention Codes.

- (a) **State Administrative Codes Adopted.** The following rules and regulations as promulgated within the Wisconsin Administrative Code, together with any future additions, deletions, or supplements thereto, are herewith incorporated as part of this Chapter and shall be enforced with the same force and effect as though set forth in full herein. Provided, however, that where such rules and regulations are less stringent than other provisions found in this Chapter, the provisions of this Chapter shall apply:
- (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.

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- (15) Wis. Adm. Code Ch. COMM 75-79; Existing Buildings.
- (16) Wisconsin Electrical Code.
- (b) **Adoption of NFPA Codes.** The following rules and regulations issued by the National Fire Protection Association (NFPA), together with any future additions, deletions or supplements thereto, are herewith adopted and incorporated by reference as part of this Chapter and shall be enforced with the same force and effect as though set forth in full herein. Provided, however, that where such rules and regulations are less stringent than other provisions found in this Code, the provisions of this Chapter shall apply:
 - (1) Fire Prevention Code, NFPA 1, except for 3-2 3.1 and 7-1.2.
 - (2) Safety to Life from Fire in Buildings and Structures, NFPA 101.
 - (3) Water-based Fire Protection Systems, NFPA 54.
 - (4) Spray Applications Using Flammable or Combustible Materials, NFPA 33.
 - (5) National Fuel Gas Code, NFPA 54.
 - (6) Storage and Handling of Liquid Petroleum Gases Code, NFPA 58.
 - (7) Aircraft Fuel Servicing, NFPA 407.
- (c) **Statutory Fireworks Regulations.** Section 167.10 of Wis. Stats., pertaining to Regulation of Fireworks, together with any future additions, deletions, or supplements thereto, are herewith incorporated as part of this Chapter and shall be enforced with the same force and effect as though set forth in full herein. Provided, however, that where such rules and regulations are less stringent than other provisions found in this Chapter, the provisions of this Chapter shall apply. Notwithstanding any provisions of this Chapter to the contrary, no person may sell, possess or use fireworks, as that term is defined by Sec. 167.10(1), Wis. Stats., as may be amended from time to time, within the Village of Livingston; except that the use of fireworks may be allowed by appropriate Permit issued by the Fire Chief, Police Chief, or Village President (see Section 7-5-1).

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 Livingston-Clifton 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:
- Address, location of where hazardous materials are used, researched, stored or produced;
 - The trade name of the hazardous material;
 - 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;
 - The exact locations on the premises where materials are used, researched, stored and/or produced;
 - Amounts of hazardous materials on premises per exact location;
 - 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;
 - The flashpoint and flammable limits of the hazardous substance;
 - Any permissible exposure level, threshold limit value or other established limit value for exposure to a hazardous material;
 - The stability of the hazardous substance;
 - Recommended fire extinguishing media, special firefighting procedures and fire and explosion hazard information for the hazardous material;
 - Any effect of over-exposure to the hazardous material, emergency and first aid procedures and telephone numbers to call in an emergency;
 - Any condition or material which is incompatible with the hazardous material and must be avoided.
 - 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;
 - 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:
- The name and any commonly used synonym of the infectious agent;
 - 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 Fees for Extraordinary Services; Hazardous Material Incident Response Reimbursement.

- (a) **Purpose; Authority.**
- (1) The Village provides fire, police and other response services for the protection of the public health, safety and welfare, the costs of which are funded from the general tax revenue of the Village. Such services may involve property which is not owned by a property taxpayer of the Village such as utility transmission and telephone lines, gas lines, cable television equipment, or hazardous materials, or may involve property owned by a taxpayer of the Village, but which requires extraordinary response services, such as an open burning site or a hazardous substances or hazardous waste handling or storage site. Such response services benefit the owner or person in charge of such property and the public health, safety and welfare; and
 - (2) The Village, pursuant to Sec. 61.34, Wis. Stats., and its police powers may collect the costs of such response services from the owner or person in charge of the property if it is deemed proper and in the best interest of the public health, safety and welfare.
- (b) **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 Livingston, 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.

(c) **Definitions.**

- (1) **Hazardous Substances or Hazardous Waste.** As defined in Sec. 289.01(11) and (12), Wis. Stats.
 - (2) **Property.** The personal property or real estate directly involved in the response services, including but not limited to, utility transmission or telephone line, gas line, cable television equipment, open burning site or hazardous substance or hazardous waste handling or storage site.
 - (3) **Village Response Services.** Village of Livingston police, fire, utilities, public works, or other similar response services.
 - (4) **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.
- (d) **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 Department and Fire Department personnel for the purpose of evaluating the threat to the public and monitoring containment, cleanup and restoration activities.
- (e) **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.
- (f) **Enforcement.** The Fire Chief and his/her deputies, as well as the Village law enforcement officers, shall have authority to issue citations or complaints under this Section.
- (g) **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 Livingston by reason of such violation.

(h) **Responsibility for Costs.**

- (1) In the event the Village Board determines the costs incurred for Village response services are extraordinary in amount or the services for which the costs are incurred are extraordinary in type, the Village Board shall review and determine whether to seek reimbursement for the extraordinary costs from the owner of the property. The Board shall consider the amount of the costs involved, the nature of the response services, the impact of the response on other Village services, and such other factors it deems appropriate in making its determination.
- (2) The Village Board may direct the Village Clerk-Treasurer to issue an invoice for the costs of labor and materials, or a portion thereof, to the owner or person in charge of the property. The invoice shall include an itemization of the costs and a requirement for payment within thirty (30) days.

Sec. 5-3-4 Smoke Detectors.

- (a) All dwelling rental units, vacant or occupied, shall be provided with working, approved, listed and labeled smoke detectors. Smoke detectors shall be installed in accordance with the appropriate Department of Commerce (COMM) code that governs the dwelling building and in accordance with the manufacturer instructions.
- (b) The owner of the building shall be solely responsible for the installation and maintenance of smoke detectors, to include battery replacement as required.
- (c) The tenant shall be responsible for informing the owner in writing of any smoke detector malfunction, including the need for a new battery.
- (d) The owner shall immediately upon receipt of written notice from the tenant repair/replace the smoke detector or replace the battery as needed.
- (e) Neither the owner nor the tenant shall remove or disconnect the battery from a smoke detector at any time except for battery replacement.
- (f) The owner shall install new batteries in all smoke detectors at the beginning of a new lease or new tenancy and shall install new batteries annually.
- (g) The owner shall furnish to the tenant at the beginning of a new lease or new tenancy, written notice of the responsibilities of the tenant and the obligations of the owner regarding smoke detectors, their batteries and their maintenance.

Title 5 ► Chapter 4

Emergency Government

5-4-1 Joint Action Ordinances

Sec. 5-4-1 Joint Action Ordinance.

- (a) (1) A Joint Action Ordinance of the Board of Supervisors of Grant County providing for a county-municipal joint action emergency government plan of organization was adopted by said County Board on the fourth (4th) day of August, 1975. A copy of said County Ordinance is on file with the Village Clerk-Treasurer, and made a part of this Code of Ordinances, by reference, and is hereby ratified and accepted by the Village of Livingston, County of Grant.
- (2) This ratification and acceptance of the Joint Action Ordinance shall constitute a Mutual Agreement between the municipality of Village of Livingston and the County of Grant as provided by Section 1 of said Joint Action Ordinance.
- (b) The County-Municipal Emergency Government Director, appointed and employed by the Grant County Board as provided in the referred to Ordinance is hereby designated and appointed Emergency Government Director for the Village of Livingston, subject to the conditions and provisions as set forth in the Wisconsin Statutes, and the Grant County Joint Action Ordinance.

