

TITLE 5

Public Safety

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Chapter 2	Fire Protection
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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 Boyd 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) **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. The Chief of Police shall, following the end of each calendar year, submit to the Village Board a written report on all activities and transactions of the Department during the year.
- (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.
- (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 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 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.

- (a) **Policies and Procedures.** 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.
- (b) **Residency Requirements.** Within twelve (12) months of his/her appointment, every full-time police officer shall reside, and continue to reside, within the Village limits. This requirement is waived under extenuating circumstances.

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.

- (c) 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.
- (d) 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.

Title 5 ► Chapter 2

Fire Protection

- 5-2-1** Fire Department Organization; Goals of the Department
- 5-2-2** Impeding Fire Equipment Prohibited
- 5-2-3** Police Power of the Department; Investigation of Fires
- 5-2-4** Damaging Fire Hose Prohibited; Parking by Hydrants;
Blocking Fire Lanes
- 5-2-5** Firefighters May Enter Adjacent Property
- 5-2-6** Duty of Bystanders to Assist
- 5-2-7** Vehicles to Yield Right-of-Way
- 5-2-8** Interference with Use of Hydrants Prohibited
- 5-2-9** Open Burning
- 5-2-10** Banning and/or Regulating the Use of Fire, Burning Materials
and Fireworks During the Existing of Extreme Fire Danger
- 5-2-11** Charges for Fire Protection
- 5-2-12** Cost Recovery for Extinguishing and Cleaning Up Fires

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 Composition.** The Fire Department is comprised of the Village of Boyd and all or parts of the Towns of Edson and Delmar. Additional areas may be serviced by contract.

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- (c) **Regulations.** Members of the Department shall be governed by the bylaws of the Department, the rules and regulations adopted by the Boyd-Edson-Delmar Fire Protection District Board, the resolutions and ordinances of the Village and the Wisconsin Statutes.
- (d) **Fire Chief, Powers and Duties.** The Fire Chief shall:
 - (1) Direct the operation of the Department at fires, subject to the rules and regulations which may be adopted by the Village Board and the Boyd-Edson-Delmar Fire Protection District Board;
 - (2) Issue and enforce such orders as in his/her judgment may be best calculated for the protection of property and the extinguishing of fires;
 - (3) Report annually to the Village Board and the Boyd-Edson-Delmar Fire Protection District Board all fires occurring the Fire Protection District, the origin thereof, if possible, together with the amounts and value of property destroyed and the amount of insurance, if any;
 - (4) Make a full statement of the condition of the Department at the end of each year and make further reports when ordered to do so by a resolution of the Village Board or required to do so by the rules and regulation so the Boyd Fire Protection District Board;
 - (5) Report promptly to the membership of the Department any member of the Department who may have disobeyed his/her orders or violated any of the rules governing the Department; and
 - (6) Have control and supervision of the fire alarm.
- (e) **Assistant Chief, Duties.** In the absence of the Chief, the senior ranking Assistant Chief shall take command and perform his/her duties.

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 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 Chief's designee, shall be the Boyd Fire Protection District Fire Inspector of the Village of Boyd 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 Wisconsin 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 Boyd 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. Pursuant to COMM 14.01(11)(b)(6), Wis. Adm. Code, the Chief of the Fire Department is authorized to reduce the frequency of fire inspections required under COMM 14.01(11)(b)(5), Wis. Adm. Code, to at least once per calendar year, provided the interval between those inspections does not exceed fifteen (15) months. The Chief of the Fire Department may require or conduct more frequent inspections than required under this Subsection.
 - (4) Written reports of inspections shall be made and kept on file in the office of the Chief of the Boyd-Edson-Delmar 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 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 person, firm or corporation shall build any outdoor fire within the corporate limits of the Village of Boyd without a written permit excepting as set forth below in this Section. This prohibition on burning includes burning of construction waste and debris at construction sites and the use of burning barrels. No person shall use outdoor burning barrels or other similar devices to burn refuse or any combustible materials.
- (b) **Exceptions.**
 - (1) Outdoor cooking over a fire contained in a device or structure designed for such use is permissible;
 - (2) Recreational burning pits or campfires 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 or campfires 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) Leaf burning as permitted under Subsection (c).
 - (6) 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 following issuance of a single-event burning permit obtained from the person or persons designated by the Village Board.
- (c) **Open Burning Regulations.** The following regulations shall be applicable for open burning, including for open burning for which a permit has been issued:
 - (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.
- (7) Permitted open burning is allowed only during hours of daylight.
- (d) **Leaf Burning.** Leaf burning is permitted at any time, provided the Fire Chief, or designee, is first notified.

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 Boyd. This extreme danger of fire affects the health, safety, and general welfare of the residents of the Village of Boyd 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 Boyd 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 Chippewa 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.

Sec. 5-2-11 Charges for Fire Protection.

It shall be lawful for the Village of Boyd to charge any tax-exempt organization the actual costs for the use of equipment and the services of the Boyd-Edson-Delmar Fire Department for the response by the Department for assistance to suppress any fire on the property owned by the organization or entity that is exempt from real estate property tax. The failure of any exempt organization or entity to pay said charges within thirty (30) days from the date of the exempt organization or entity is billed, authorizes the Clerk-Treasurer of the Village of Boyd, where the exempt organization or entity owns real estate, to place the amount owed on a special assessment or to place a lien on the property involved in the fire protection. The Clerk-Treasurer may also use any other legal means available under Wisconsin Law to collect the amount due and owing.

Sec. 5-2-12 Cost Recovery for Extinguishing and Cleaning Up Fires.

- (a) **Purpose.** The Village of Boyd has determined that the increasing costs associated with fire suppression in conjunction with limitations on municipal revenues make it necessary to institute a system of cost recovery for extinguishing and cleaning up fires.
- (b) **Cost Recovery System.**
 - (1) Every owner of a structure, property or vehicle shall be liable to the Village of Boyd and the Boyd-Edson-Delmar Fire Department for the cost of personnel and resources employed to extinguish, confine, suppress or clean up after any fire or threat of fire to a structure, property or vehicle, as provided by the Boyd-Edson-Delmar Fire Department and/or other departments covered under mutual aid agreements.
 - (2) Liability of the owners of structures or land shall be limited to the actual cost of suppressing or confining the fire, or threat of fire, as determined by the Boyd-Edson-

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 - (2) Liability of the owners of structures or land shall be limited to the actual cost of suppressing or confining the fire, or threat of fire, as determined by the Boyd-Edson-

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
- 5-3-4** Outdoor Solid Fuel Heating Devices

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 time amended, are incorporated herein by reference and adopted as part of this Fire Prevention Chapter:

- (1) Wis. Adm. Code Ch. ILHR 1; Safety.
- (2) Wis. Adm. Code Ch. ILHR 5; Explosives and Blasting Agents.
- (3) Wis. Adm. Code Ch. ILHR 7; Cleaning and Dyeing.
- (4) Wis. Adm. Code Ch. ILHR 10; Flammable and Combustible Liquids.
- (5) Wis. Adm. Code Ch. ILHR 11; Liquified and Petroleum Gases.
- (6) Wis. Adm. Code Ch. ILHR 14; Fire Protection.
- (7) Wis. Adm. Code Ch. ILHR 20–25; Uniform Dwelling Code.
- (8) Wis. Adm. Code Ch. ILHR 28; Smoke Detectors.
- (9) Wis. Adm. Code Ch. ILHR 30; Fire Department Safety and Health.
- (10) Wis. Adm. Code Ch. ILHR 35; Safety in Construction.
- (11) Wis. Adm. Code Ch. ILHR 43; Anhydrous Ammonia Code.
- (12) Wis. Adm. Code Ch. ILHR 50; Administration and Enforcement.
- (13) Wis. Adm. Code Ch. ILHR 51; Definitions and Standards.
- (14) Wis. Adm. Code Ch. ILHR 52; General Requirements.
- (15) Wis. Adm. Code Ch. ILHR 53; Structural Requirements.
- (16) Wis. Adm. Code Ch. ILHR 54; Factories, Office and Mercantile Buildings.
- (17) Wis. Adm. Code Ch. ILHR 55; Theaters and Assembly Halls.
- (18) Wis. Adm. Code Ch. ILHR 56; Schools and Other Places of Instruction.
- (19) Wis. Adm. Code Ch. ILHR 57; Apartment Buildings, Hotels and Places of Detention.

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- (20) Wis. Adm. Code Ch. ILHR 58; Health Care, Detention and Correctional Facilities.
- (21) Wis. Adm. Code Ch. ILHR 59; Hazardous Occupancies.
- (22) Wis. Adm. Code Ch. ILHR 60; Child Day Care Facilities.
- (23) Wis. Adm. Code Ch. ILHR 61; CBRF.
- (24) Wis. Adm. Code Ch. ILHR 62; Specialty Occupancies.
- (25) Wis. Adm. Code Ch. ILHR 64; Heating, Ventilating and Air Conditioning.
- (26) Wis. Adm. Code Ch. ILHR 66; Uniform Multifamily Dwelling.
- (27) Wis. Adm. Code Ch. ILHR 70; Historic Building.
- (28) Wis. Adm. Code Ch. ILHR 75-79; Existing Buildings.
- (29) 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 Boyd, 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 ?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 law enforcement officers, shall have authority to issue citations or complaints under this Section.
- (f) **Civil Liability for Hazardous Spills.** 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 Boyd by reason of such violation. It shall be lawful for the Village of Boyd to charge any individual, business or tax exempt organization for the actual costs for the use of equipment and the services of the Boyd-Edson-Delmar Fire Department for the response by the Department assistance in dealing with the spill of any hazardous materials. The failure of any individual, business or tax exempt organization to pay said charges within thirty (30) days from the date of the individual, business or tax exempt organization is billed, authorizes the Clerk-Treasurer of the Village of Boyd, where the individual, business or tax exempt organization owns real estate, to place the amount owed on special assessment or to place a lien on the property involved in the spill of hazardous materials. The Clerk-Treasurer may also use any other legal means available under Wisconsin law to collect the amount due and owing.

Sec. 5-3-4 Outdoor Solid Fuel Heating Devices.

- (a) **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.
- (b) **Registration.** The Village of Boyd shall require registration with the Building Inspector 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.
- (c) **Other Requirements.**
 - (1) All wood burning units installed within the Village of Boyd 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.
- (8) Outdoor solid fuel heating devices shall be located a minimum of ten (10) feet from a property line.

Title 5 ► Chapter 4

Regulation of Private Alarm Systems

5-4-1	Title
5-4-2	Declaration of Purpose
5-4-3	Definitions
5-4-4	Administrative Rules
5-4-5	Automatic Dialing Devices
5-4-6	Direct Connections to the Police Department
5-4-7	Testing
5-4-8	Notification
5-4-9	Fee for Answering Alarms
5-4-10	Village Liability

Sec. 5-4-1 Title.

This Chapter shall be known as the Village of Boyd 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.

- (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. 5-4-4 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. 5-4-5 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. 5-4-6 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. 5-4-7 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.

5-4-7

- (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 False Alarm or Bomb Threats.** No person shall intentionally cause the activation of a burglar/fire alarm device knowing that no criminal activity, fire or other emergency exists, or in any other manner make or convey a false alarm or bomb threat
- (c) **False Alarms; Administrative Charges.**
 - (1) 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 shall 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) pursuant to the fees prescribed in Section 1-3-1.
 - (2) 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 Boyd 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.

Title 5 ► Chapter 5

Emergency Government

5-5-1 Joint Action Emergency Government for the Village of Boyd
and County of Chippewa

Sec. 5-5-1 Joint Action Emergency Government for the Village of Boyd and County of Chippewa.

- (a) There is hereby created the office of municipal deputy civil defense director for the Village of Boyd, whom shall be appointed as provided by Section 2-3-2, who shall maintain liaison and cooperate with the Civil Defense Director.
- (b) The joint action ordinance of the Board of Supervisors of Chippewa County shall provide for a County-Municipal Joint Civil Defense Plan of organization, having been adopted by said County Board on the seventh (7th) day of January, 1963, a copy of which is on file with the Clerk-Treasurer, is hereby ratified and accepted by virtue of this Section. This ratification and acceptance of the joint action ordinance shall constitute a mutual agreement between the Village of Boyd and the County of Chippewa as provided by said joint action ordinance.
- (c) The County-Municipal Emergency Government Director, appointed and employed by the Chippewa County Board as provided in the referred to Ordinance is hereby designated and appointed Emergency Government Director for the Village of Boyd, subject to the conditions and provisions as set forth in the Wisconsin Statutes, and the Chippewa County Joint Action Ordinance.

