

# Title 5 Public Safety

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# Chapter 1 Law Enforcement

(Reserved for Future Use)

# Chapter 2 Fire Protection

## **Section 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 Services.** The Adell Fire Department is an independent fire company that provides fire safety services to the Village of Adell by agreement.

## **Section 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.

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

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

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

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

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

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

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

#### ***Section 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

#### ***Section 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.

#### ***Section 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.

### **Section 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.

### **Section 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.

### **Section 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 Adell 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, the use of burning barrels and the open burning of pallets. 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, non-painted 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 Fire Chief or such other 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, painted wood, pallets, 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) **Enforcement Costs.** In the event open burning in violation of this Section occurs which must be extinguished, such cost shall be billed to the property owner. If unpaid after thirty (30) days, the costs shall be entered on the tax roll as a special tax as provided in Sec. 66.0627, Wis. Stats.

### ***Section 5-2-10 Banning and/or Regulating the Use of Fire, Burning Materials and Fireworks during the Existing of Extreme Fire Danger***

- a) **Declarations of Emergency.** When a lack of precipitation occurs, there may exist an extreme danger of fire within the Village of Adell. This extreme danger of fire affects the health, safety, and general welfare of the residents of the Village of Adell 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 Adell 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 Sheboygan 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

## Chapter 3 Fire Prevention Code; Hazardous Materials

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

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

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

### **Section 5-3-2 Disclosure of Hazardous Material 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.

### **Section 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 Adell, 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 Public Works 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 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 Adell by reason of such violation. It shall be lawful for the Village of Adell to charge any individual, business or tax exempt organization for the actual costs for the use of equipment and the services of the 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 Adell, 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.

### **Section 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 Adell 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 Adell 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.