

TITLE 5

Public Safety

Chapter 1	Law Enforcement
Chapter 2	Fire Protection
Chapter 3	Fire Prevention Code; Hazardous Materials
Chapter 4	Emergency Management

Title 5 ► Chapter 1

Law Enforcement

(Reserved for Future Use)

Title 5 ► Chapter 2

Fire Protection

- 5-2-1** Fire District Organization; Goals of the Fire District
- 5-2-2** Impeding Fire Equipment Prohibited
- 5-2-3** Police Power of the District; 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** Patio Fireplaces
- 5-2-11** Banning and/or Regulating the Use of Fire, Burning Materials
and Fireworks During the Existing of Extreme Fire Danger
- 5-2-12** Outdoor Solid Fuel Heating Devices

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

(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 District Constitution and By-Laws.** The Hatley Fire District is authorized and directed to adopt a constitution and by-laws for the control, management, government and regulation of its business and proceedings, except as otherwise prescribed herein.

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 a Fire Department along the streets or alleys of the Village of Hatley at the time of a fire or when the Fire District is using such streets or alleys in response to a fire alarm or for practice.

Sec. 5-2-3 Police Power of the District; 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 District may cause the arrest of any person failing to give the right-of-way to the Fire District 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 District, shall be permitted to come.
- (3) The Fire 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 District 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 Hatley 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 Safety and Professional Services, 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 Hatley Fire District designated by the Fire Chief, shall have the right and authority to enter any building or upon any premises in the Village of Hatley 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 the Fire Chief's 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 District 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 per year in all of the territory served by the Fire District.
- (4) Written reports of inspections shall be made and kept on file in the office of the Chief of the Fire District in the manner and form required by the Wisconsin Department of Safety and Professional Services.
- (c) **Fire Inspectors Handbook.** The *Fire Inspectors' Handbook*, SPS 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 District, and no vehicle shall be driven over any unprotected hose of the Fire District 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 District 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 firefighters 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 District 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 Hatley. This prohibition on burning includes burning of construction waste and debris at construction sites.
- (b) **Definitions.** The following definitions shall be applicable in this Section:
 - (1) **Designated Area.** An open pit with a maximum size of nine (9) square feet.
 - (2) **Garbage.** Discarded materials resulting from the handling, processing, preparation, storage, cooking and consumption of food, and discarded animal feces.
 - (3) **Open Burning.** Burning from which the products of combustion are emitted directly into the air without passing through a stack or chimney.
 - (4) **Refuse.** All matters produced from industrial or community life, subject to decomposition.

- (5) **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.
 - (6) **Burnable Yard Waste.** Leaves, yard and garden debris, excluding grass clippings, and brush including clean woody vegetative material less than three (3) inches in diameter.
- (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 midnight.
 - (3) Yard waste (herein defined as "burnable yard waste") may be burned on private property only, and must be supervised by an adult who must remain within fifty (50) feet of such burning activity. The Village Board shall designate dates/times when open burning of burnable yard waste is permitted.
 - (4) 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.
 - (5) Ceremonial campfire or bonfires, with prior approval of the Fire Chief, or his/her designee, may be permitted.
 - (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 as in Subsections (b)(3) and (4) above.
 - (7) Open burning when a permit is issued.
- (d) **Application for Permit.**
- (1) **Procedure for Issuance of Burning Permit.** The Fire Chief, or his/her designee, 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. An open burning permit is not required at such times when there is a minimum of two (2) inches of snow cover, provided all other open burning regulations are complied with. Such rules may govern conditions including, but not necessarily limited to, the following:
 - a. Day(s) and hours when burning is allowed;
 - b. Material which may or may not be burned;

- c. Whether open burning is allowed or whether burning is only allowed with an approved incinerator or burning device;
 - d. The length of time the permit is valid;
 - e. What constitutes an approved burning device or incinerator;
 - f. The size of the material pile burned by open burning;
 - g. The distance or distances to be maintained between the material being burned and other flammable material;
 - h. Supervision required for burning, including minimum age of supervisors and type of fire extinguishing equipment which must be present at the burn site;
 - i. 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. SPS 314, 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) Open burning under this Subsection may only be conducted after 6:00 p.m. and is prohibited on Sundays.
 - (5) 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).
 - (6) Any ashes created by burning such material as is lawful under this Section are to be disposed of in a manner authorized by law.
 - (7) 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.

- (8) No materials may be burned upon any street, curb, gutter, sidewalk, or drainage ditch.
- (f) **Fire Hazard Conditions.** The Fire Chief of the Hatley Fire District shall have the authority to ban all open burning 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 District 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. SPS 314, Wis. Adm. Code.

Sec. 5-2-10 Patio Fireplaces.

Patio fireplaces are permitted in the Village of Hatley 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 Fire District 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 Hatley. This extreme danger of fire affects

the health, safety, and general welfare of the residents of the Village of Hatley 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 Hatley 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 Marathon County, Wisconsin, is under Wisconsin Department of Natural Resources emergency fire regulations banning outdoor smoking and campfires, or when necessary as determined by 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 Fire Chief.

Sec. 5-2-12 Outdoor Solid Fuel Heating Devices.

- (a) **Definitions.** The following definitions shall be applicable herein:
- (1) **Outdoor Solid Fuel-Fired Heating Device.** A device designed for outside 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, corn or other solid-fuel 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 Hatley shall require registration with the Village Clerk of any solid fuel-fired heating device newly installed or installed as a replacement unit after the effective date of this Section. Registration must be made fourteen (14) days after the date of such installation.
- (c) **Placement and Use Requirements.**
 - (1) All outdoor solid fuel heating devices, including outdoor wood burning units, installed within the Village of Hatley are required to meet emission 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 and/or solid fuel-fired heating devices are subject to public nuisance consideration as described in this Code of Ordinances. Any dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities, may be declared a public nuisance by the Village Board or law enforcement authorities. Units shall not be used as a form of improper refuse disposal.
 - (3) Persons shall at all times operate their outdoor solid fuel heating devices in full compliance with the manufacturer's specifications. It is the responsibility of the owner/operator to possess a complete copy of and comply with such manufacturer's specifications. In the case of a conflict between the manufacturer's specifications and this Section, this Section shall govern.
 - (4) Units installed after the effective date of this Section shall be installed with a chimney/stack so that the combined height of the unit and chimney/stack is a minimum of fifteen (15) feet above ground. However, where buildings have less than twenty-five (25) feet of open space between principal structures, and it is intended to place the outdoor solid fuel heating device between the structures, such units shall have a minimum stack height of three (3) feet above the adjoining property's highest first floor elevations.
 - (5) All stacks or chimneys must be so constructed to be capable of withstanding high winds or other related elements.
 - (6) All outdoor solid fuel heating devices, whether pre-existing or installed after the effective date of this Section, shall have a minimum five (5) foot setback from side or rear lot lines. Pre-existing units existing at the time of adoption of this Section shall comply with such setback requirement within six (6) months of the effective date of this Section.

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) Ch. SPS 307, Wis. Adm. Code — Explosives and Fireworks.
 - (2) Ch. SPS 310, Wis. Adm. Code — Flammable, Combustible and Hazardous Liquids.
 - (3) Ch. SPS 314, Wis. Adm. Code — Fire Prevention.
 - (4) Ch. SPS 316, Wis. Adm. Code — Electrical Code.
 - (5) Chs. SPS 320–325, Wis. Adm. Code — Uniform Dwelling Code.
 - (6) Ch. SPS 320, Wis. Adm. Code — Smoke Detectors.
 - (7) Ch. SPS 330, Wis. Adm. Code — Fire Department Safety and Health.
 - (8) Ch. SPS 343, Wis. Adm. Code — Anhydrous Ammonia Code.
 - (9) Chs. SPS 361–366, Wis. Adm. Code — Commercial Building Code.
 - (10) Chs. SPS 375–379, Wis. Adm. Code — Buildings Constructed Prior to 1914.
 - (11) Chs. SPS 381–387, Wis. Adm. Code — Plumbing 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,

5-3-1

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 Hatley; except that the use of fireworks may be allowed by appropriate Permit issued by the Fire 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 Hatley Fire District 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 District 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 District 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 of Hatley 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 of Hatley provides fire and other emergency 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 Hatley, 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 Hatley 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/law enforcement officers and staff and to Fire District 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 law enforcement or fire officials 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 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 Hatley 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 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 SPS 320, Wis. Adm. 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.

State Law Reference: SPS 320, Wis. Adm. Code

Title 5 ► Chapter 4

Emergency Management

5-4-1 Emergency Management Director

Sec. 5-4-1 Emergency Management Director

The Emergency Management Director appointed and employed by Marathon County is hereby designated and appointed Emergency Management Director for the Village of Hatley, subject to the conditions and provisions set forth in the Marathon County Emergency Management Program.

