

Title 5 ▶ Chapter 1

Law Enforcement

(Reserved for Future Use)

Title 5 ▶ Chapter 2

Fire Protection

- 5-2-1 Fire Department Constitution and Bylaws; 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 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 Fire Department Authorized to Hold Volunteer Company Funds
- 5-2-13 Outdoor Solid Fuel Heating Devices

Sec. 5-2-1 Fire Department Constitution and Bylaws; 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 Recognized.** The Sullivan Volunteer Fire Department is hereby officially recognized as the Fire Department of the Village of Sullivan, and the duties of the firefighting and the prevention of fires in the Village is delegated to such Department.

5-2-1

- (c) **Appropriations.** The Village Board shall appropriate funds to provide for Fire Department operations and for such apparatus and equipment for the use of the Fire Department as it may deem expedient and necessary to maintain efficiency and properly protect life and property from fire.
- (d) **Organization.** The Fire Department shall be governed by its bylaws, subject to approval by the Village Board.
- (e) **Equipment Use.** No person, group, or organization may use for any reason equipment or property owned by the Village of Sullivan, unless they are a member of the Fire Department and have signed the Oath in Article XIX of the Department bylaws.

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

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

(b) **Fire Inspection Duties.**

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

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

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

- (a) **Driving Over Fire Hose.** No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the 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 Sullivan Volunteer 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 Sullivan 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.
- (b) **Exceptions.**
- (1) Outdoor cooking over a fire contained in a device or structure designed for such use is permissible;
 - (2) Recreational burning pits not exceeding four (4) feet in diameter and not located less than twenty-five (25) feet from any structure (the burning of clean wood only is permitted and the use of burning pits to burn refuse is prohibited); recreational burning pits shall be extinguished by 11:00 p.m.;
 - (3) Controlled burning of dry leaves and other nonoffensive dry yards debris during the periods of April 1 through May 31, and October 1 through November 30 of each year, provided, however, that such burning is:
 - a. Monitored by a responsible person until the fire has extinguished itself completely;
 - b. Conducted on days when excessive wind or atmospheric conditions will not result in danger to public health or safety;
 - c. Located off the public street pavement or street gutter;
 - d. Located at least thirty (30) feet from any neighboring residence;
 - e. Not used for covert incineration of offensive substances or materials;
 - (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 written 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)(4) and (5) above.
 - (7) Open burning when a permit is issued.
- (c) **Application for Permit.**
- (1) **Procedure for Issuance of Burning Permit.** Before the setting or starting of any open burning permitted under this Section, a permit authorizing the burn shall be first obtained by the owner, operator, or agent from the Fire Chief or from such other person as may be authorized or designated by the Fire Chief to issue such permits; permits are not required for types of open burning allowed under Subsection (b)(1)-(3) above. Application for a burning permit shall be made in writing upon a form furnished by the Fire Chief. The Fire Chief may also establish from time to time

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

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

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

- (d) **Open Burning Regulations.** The following regulations shall be applicable for open burning:

- (1) All open burning shall be performed in a safe, pollution-free manner, when wind and weather conditions are such as to minimize adverse affects, and in conformance with local and state fire protection regulation. Open burning shall not be used to covertly burn plastic, construction debris or other prohibited materials.
- (2) Startup shall be accomplished by using kindling materials rather than waste oil, tires or other rubber materials.
- (3) The size of the pile of material to be burned shall not exceed four (4) feet in any direction measured horizontally, or three (3) feet measured vertically.
- (4) The pile of material being burned shall be at least fifty (50) feet away from any structure, wood or lumber pile, wooden fence, trees, or bushes. Provisions shall be made to prevent the fire from spreading to within fifty (50) feet of such items or the fire shall otherwise be contained in an approved incinerator or burner device which is located at least fifteen (15) feet from any structure, wood or lumber pile, wooden fence, trees, or bush(es).
- (5) Any ashes created by burning such material as is lawful under this Section are to be disposed of in a manner authorized by law.

- (6) Open burning shall be constantly attended and supervised by a competent person of at least sixteen (16) years of age until such fire is extinguished. This person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire while burning and/or extinguishing such fire.
- (7) No materials may be burned upon any street, curb, gutter, sidewalk, or drainage ditch.
- (8) Permits shall not be issued for burning barrels.

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

Sec. 5-2-10 Patio Fireplaces.

Patio fireplaces are permitted in the Village of Sullivan 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(b)(2). Upon the complaint of two (2) or more persons to the Village Board or Fire Department that the patio fireplace is causing annoyance, the person responsible for the patio fireplace shall immediately discontinue the use of the device.

Sec. 5-2-11 Banning and/or Regulating the Use of Fire, Burning Materials and Fireworks During the Existence of Extreme Fire Danger.

- (a) **Declarations of Emergency.** When there occurs a lack of precipitation, there may exist an extreme danger of fire within the Village of Sullivan. This extreme danger of fire affects the health, safety, and general welfare of the residents of the Village of Sullivan 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 Sullivan 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 Jefferson 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. 5-2-12 Fire Department Authorized to Hold Volunteer Company Funds.

- (a) **Purpose and Authority.** This Section is enacted pursuant to the authority of Sec. 66.0608, Wis. Stats, for the purpose of authorizing "volunteer funds" to be held in the name of the Sullivan Volunteer Fire Department. This Section is to be interpreted in conformance with that Statute as it may be amended from time to time.
- (b) **Adoption of Authorization.** The Sullivan Village Board does hereby authorize the Fire Chief to deposit volunteer company funds of the Fire Department in an account in the name of the Sullivan Volunteer Fire Department in any public depository in which other Village funds are being held by the Village Clerk-Treasurer or designee.
- (c) **Control of Funds.** The Sullivan Volunteer Fire Department through its Fire Chief, is granted exclusive control over the expenditure of volunteer company funds of the Fire Department. This authority is granted without limitation as to amount or type of funds. It is subject to the limitations and requirements hereinafter set forth.
- (d) **Limitations and Requirements.** The following limitations and requirements shall apply to the handling and disbursement of funds from the account:

- (1) **Expenditures.** Expenditures withdrawn from the account may be made only upon majority vote of Sullivan Volunteer Fire Department members present at a duly noticed meeting of the Fire Department. Such withdrawals and expenditures may be made for any purpose that promotes the ability of the Fire Department to provide services for which it is organized.
- (2) **Accountings.** The Fire Chief shall provide the Village with a quarterly statement at the end of March, June, September and December of each calendar year. The statements shall be provided within thirty (30) days of the end of the calendar quarter. The statements shall include a detailed itemization of all receipts, expenditures, and the balance on hand at the end of the quarter. The source of all funds and the identity of the payee for each disbursement shall be set forth.
- (3) **Audit.** Sullivan Volunteer Fire Department accounts authorized by this Section shall be included in any audit of Fire District funds. They shall be audited in the same manner as other Fire District funds.

Sec. 5-2-13 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 Sullivan shall require registration with the Village Clerk-Treasurer of any solid fuel-fired heating device installed after the effective date of this Section. Registration must be made fourteen (14) days after the date of installation.
- (c) **Other Requirements.**
 - (1) All wood burning units installed within the Village of Sullivan 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 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.

5-2-13

- (4) Any indoor or outdoor solid fuel-fired heating device shall have a minimum stack height of twenty (20) feet from ground level.
- (5) Any existing non-complying stack shall be removed or replaced within a period of six (6) months from the effective date of this Section.
- (6) All stacks or chimneys must be so constructed to withstand high winds or other related elements.
- (7) Buildings with less than twenty-five (25) feet of open space between units shall have a minimum stack height of three (3) feet above the adjoining property's highest roof elevation.

Title 5 ► Chapter 3

Fire Prevention Code; Hazardous Materials

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

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

- (a) **State Administrative Codes Adopted.** The following rules and regulations as promulgated within the Wisconsin Administrative Code, together with any future additions, deletions, or supplements thereto, are herewith incorporated as part of this Chapter and shall be enforced with the same force and effect as though set forth in full herein. Provided, however, that where such rules and regulations are less stringent than other provisions found in this Chapter, the provisions of this Chapter shall apply:
- (1) Wis. Adm. Code Ch. COMM 4; Signs for Smoking Areas.
 - (2) Wis. Adm. Code Ch. COMM 7; Explosive Materials.
 - (3) Wis. Adm. Code Ch. COMM 9; Manufacture of Fireworks.
 - (4) Wis. Adm. Code Ch. COMM 10; Flammable and Combustible Liquids.
 - (5) Wis. Adm. Code Ch. COMM 14; Fire Protection.
 - (6) Wis. Adm. Code Ch. COMM 15; Cleaning and Dyeing.
 - (7) Wis. Adm. Code Ch. COMM 16; Electrical.
 - (8) Wis. Adm. Code Ch. COMM 20–25; Uniform Dwelling Code.
 - (9) Wis. Adm. Code Ch. COMM 28; Smoke Detectors.
 - (10) Wis. Adm. Code Ch. COMM 30; Fire Department Safety and Health.
 - (11) Wis. Adm. Code Ch. COMM 43; Anhydrous Ammonia Code.
 - (12) Wis. Adm. Code Chs. COMM 50-64; Building and Heating, Ventilating and Air Conditioning.
 - (13) Wis. Adm. Code Ch. COMM 66; Uniform Multifamily Dwelling.
 - (14) Wis. Adm. Code Ch. COMM 70; Historic Building.

5-3-1

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

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 Sullivan 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 Fees for Extraordinary Services; Hazardous Material Incident Response Reimbursement.

- (a) **Purpose; Authority.**
- (1) The Village provides fire, police and other response services for the protection of the public health, safety and welfare, the costs of which are funded from the general tax revenue of the Village. Such services may involve property which is not owned by a property taxpayer of the Village such as utility transmission and telephone lines, gas lines, cable television equipment, or hazardous materials, or may involve property owned by a taxpayer of the Village, but which requires extraordinary response services, such as an open burning site or a hazardous substances or hazardous waste handling or storage site. Such response services benefit the owner or person in charge of such property and the public health, safety and welfare; and
 - (2) The Village, pursuant to Sec. 61.34, Wis. Stats., and its police powers may collect the costs of such response services from the owner or person in charge of the property if it is deemed proper and in the best interest of the public health, safety and welfare.
- (b) **Prohibited Discharges.** No person, firm or corporation shall discharge or cause to be discharged, leaked, leached or spilled upon any public or private street, alley, public or private property, or unto the ground, surface waters, subsurface waters, or aquifers, or within the Village of Sullivan, 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 Sullivan police, fire, utilities, public works, or other similar response services.
 - (4) **Emergency Services Response.** Includes, but is not limited to: Fire Service, Emergency Medical Service, Law Enforcement. A person, firm, or corporation who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall be responsible for reimbursement to the responding agencies for actual and necessary expenses incurred in carrying out their duties under this Chapter. Actual and necessary expenses may include but not be limited to: replacement of equipment damaged by the hazardous material, cleaning, decontamination and maintenance of the equipment specific to the incident, specific laboratory expenses incurred in the recognition and identification of hazardous substances in the evaluation of response, decontamination, costs incurred in the procurement and use of specialized equipment specific to the incident, clean up and medical surveillance, and incurred costs in future medical surveillance of response personnel as required by the responding agencies medical advisor.
- (d) **Site Access.** Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to emergency government officers and staff and to Fire Department or law enforcement 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 official on the scene of the emergency may order an evacuation of the area or take other appropriate steps for a period of time until the Village Board can take appropriate action.
- (f) **Enforcement.** The Fire Chief and his/her deputies, as well as 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 Sullivan by reason of such violation.

(h) **Responsibility for Costs.**

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

Sec. 5-3-4 Smoke Detectors.

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

Title 5 ► Chapter 4

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; Emergency Contact Persons
5-4-7	Testing
5-4-8	Notification
5-4-9	Fee for Answering False Alarms
5-4-10	Village Liability
5-4-11	Unlawful False Alarms
5-4-12	Permits for Private Alarm Systems
5-4-13	Revocation of Permits

Sec. 5-4-1 Title.

This Chapter shall be known as the Village of Sullivan 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 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 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 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 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 Fire Chief 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 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 Fire Department shall only be done person to person on the telephone line.

Sec. 5-4-6 Direct Connections; Emergency Contact Persons.

- (a) **Direct Connections.** Direct connections to the 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 Fire Chief.
- (b) **Emergency Contact Persons.** The alarm user shall provide the Fire Department with the names and telephone numbers of at least two (2) persons who can be reached at any time, day or night, who are authorized to respond to an emergency signal transmitted by the automatic alarm system or device, and who are trained in the operation of functioning of the alarm system, and who can open the premises wherein the alarm system is installed. It shall be a violation of this Section if any of these persons cannot be contacted, or if they refuse to cooperate with and respond at the request of Fire Department officials; said person(s) may be subject to a forfeiture under the penalty section of this Chapter.

Sec. 5-4-7 Testing.

- (a) No alarm business or alarm system designed to transmit emergency messages to the Fire Department shall be tested or demonstrated without prior notification and approval of the Fire Department dispatcher. Alarm businesses or alarm system owners or lessors will be advised on proper test procedure.
- (b) No alarm system relayed through intermediate services to the Fire Department will be tested to determine the Fire Department's response without first notifying the appropriate authority. However, the Fire 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 Fire 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 False Alarms.

- (a) **Generally.**
 - (1) 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.
 - (2) The user of any private alarm system which, upon activation, elicits a response from the Fire Department, shall be subject to a fee for each false alarm in the calendar year. A "false alarm" shall be defined as an alarm which was discharged falsely, accidentally, through mechanical failure, malfunction, improper installation, lack of maintenance, or by negligence of the owner or lessee of the alarm system or the owner's employees or agents.
- (b) **Exceptions.**
 - (1) Alarms that occur during electrical storms, tornadoes, blizzards, or other natural disasters or acts of God.
 - (2) Disruption of the telephone circuits beyond the control of the alarm company and/or the alarm user.

- (3) Electrical power or disruption or failure not caused by the user.
 - (4) Alarms caused by failure of equipment at the Jefferson County Communications Center (911).
- (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 Department a charge for false alarms responded to by the Fire Department according to the schedule in Section 1-3-1 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 Department to the responsible party(s).
 - (2) Those subject to fees for false alarms shall be notified in writing of such fees. Failure to pay the fee within thirty (30) days of invoice shall be grounds to subject the user to the penalties contained within Section 1-1-6 in addition to the false alarm fees prescribed by this Chapter. In addition to any other methods provided by law, false alarm fees shall be allocated to the property served as a special charge under the Wisconsin Statutes.
 - (3) 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 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.
 - (4) The fee shall be imposed whether the Fire Department received the alarm by direct connection or through an intermediary, such as an answering service or modified central station. If the Fire Chief are notified in writing prior to the day of installation of a new alarm system, the fee imposed by this Section shall be waived for a ninety (90) day period beginning with the date of the installation.
- (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 Sullivan 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.

Sec. 5-4-11 Unlawful False Alarms.

It shall be unlawful for any persons to give or cause to be given a false alarm, or to pull the lever of any signal box, except in the case of fire, or tamper, meddle or interfere in any way with said boxes, or any of the wires, or supports there connected with any part of the fire/police alarm system, or to make any connection or communication therewith so as to interrupt or interfere with the proper working of said system or injure or destroy machinery or fixtures connected to said system.

Sec. 5-4-12 Permits for Private Alarm Systems.

- (a) **Permit Required.** A permit is required for each private alarm system on premises within the Village. There shall be a fee as prescribed by Section 1-3-1.
- (b) **Interior Alarms.** A permit under this Chapter is not required for an alarm system which gives a signal, visual or audible or both, solely within the interior of the building in which it is located.
- (c) **Issuing Authority.** The Fire Chief shall issue the permits and collect the fees.
- (d) **Application.** Application for permit required under this Chapter shall be filed with the Fire Chief. The Fire Chief shall prescribe the form of the application and request such information as is necessary to evaluate and act upon the permit application. The Fire Chief

shall deny a permit if the alarm system for which it is sought does not comply with this Chapter.

- (e) **Appeal.** Any person may appeal the issuance of an invoice to the Fire Chief. The appeal shall be filed with the Village Clerk-Treasurer on a form provided by the Village Clerk-Treasurer's office. The appeal shall be in writing and specify the reason for the appeal. The Fire Chief shall determine whether to sustain or modify the invoice in whole or in part and shall notify the appellant of this decision in writing within fifteen (15) days of the receipt of the appeal. Any person aggrieved by a decision of the Fire Chief may appeal such decision to the Village Board pursuant to the procedures in Section 5-4-13(c).

Sec. 5-4-13 Revocation of Permits.

- (a) **Hearing.** Before a permit issued pursuant to this Chapter may be revoked, a hearing shall be held before the Fire Chief. Notice setting forth the time, place and nature of the hearing shall be sent by mail or delivered to the permittee at the address shown on the permit application not less than seven (7) days prior to the hearing.
- (b) **Grounds for Revocation.** The Fire Chief may revoke a permit on the following grounds:
- (1) The application for a permit contains a false statement of a material fact.
 - (2) A licensee has repeatedly failed to comply with the provisions of this Chapter.
 - (3) An alarm system repeatedly actuates false alarms.
- (c) **Appeals.** Any permittee may appeal the decision of the Fire Chief by filing a written notice of appeal with the Fire Chief within ten (10) days after the decision. Such appeal shall be heard by the Village Board within thirty (30) days after filing the appeal. The Village Board may affirm, amend or reverse the decision or take other action deemed appropriate. An appeal timely taken suspends the revocation until the Village Board gives its decision. The Fire Chief shall give written notice of the time and place of the hearing to the appellant by certified mail or personal delivery not less than seven (7) days before the hearing. In conducting the hearing, the Village Board shall not be limited by the technical rules of evidence.

