

TITLE 5

Public Safety

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Chapter 1

Law Enforcement

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

The Village of Combined Locks Police Department shall consist of a Chief of Police and such other officers, assistants and patrolmen as from time to time may be appointed by the Village Board pursuant to the provisions of the Wisconsin Statutes.

Sec. 5-1-2 Records and Reports.

- (a) **Monthly Reports.** The Chief of Police shall give a monthly general report to the Village Board of all activities of the Department during the preceding month.
- (b) **Police Records.** There shall be kept by the Department a suitable record in which shall be entered the name of every person arrested in the Village, the name of the person making the arrest, the date and cause of the arrest, the Court from which the warrant was issued, the disposition made of the case, the amount of fine and costs paid and to whom paid, bond posted, and all complaints in full.

Sec. 5-1-3 General Powers of Police Officers.

Every member of the Police Department shall:

- (a) Familiarize himself/herself with the ordinances of the Village and the Statutes and attend to the enforcement of such ordinances by all lawful means.

- (b) Help prevent crimes, misdemeanors and violations of Village ordinances and protect the health, safety, public peace and order of the Village and its inhabitants.
- (c) Report all street and sidewalk obstructions, unlighted street lamps, unlawful street signs or signals, and defective or dangerous streets and sidewalks to the appropriate person or organization responsible for their repair or service.
- (d) Maintain order at the scene of a fire or any other fire response within the Village.
- (e) See that the necessary permits and licenses issued by the State or Village are in the possession of or properly displayed by any person engaged in an activity or business within the Village for which such permit or license is required and that the terms of such permits or licenses are complied with.
- (f) Perform such other lawful duties as ordered by the Chief of Police or his/her authorized representative.

Sec. 5-1-4 Responsibilities of Chief of Police.

- (a) **Duties.** In addition to the duties imposed upon him elsewhere in this Code of Ordinances, the Chief of Police shall:
 - (1) Have command of the Police Department on administrative matters, subject to the direction of the Village Board and Village Administrator.
 - (2) Cause to be maintained accurate records of complaints, crimes, traffic accidents, ordinance violations, arrests, summons, incidents, and calls for police service and shall provide a system of periodic summary and analysis to ensure the most efficient and effective deployment and use of the Department's resources. The Chief of Police shall submit or cause to be submitted to the various agencies such reports and summaries as are required by State Statutes or ordinances and shall participate in voluntary programs designed to improve law enforcement and public safety.
 - (3) Submit such reports and comply with such administrative procedures as may be prescribed by the Village Board relative to fiscal and administrative matters.
 - (4) Submit such reports and/or information and comply with such policies as may be prescribed by Village Board.
 - (5) Have control of the assignment, hours of duty, and transfer of all members of the Department.
 - (6) Plan, organize, staff, direct, and control all of the human and material resources of the Department for the most effective and efficient discharge of its duty to protect persons and property, preserve the peace, protect the rights of citizens and enforce the Wisconsin Statutes and the ordinances of the Village as are within its jurisdiction. The Chief of Police shall supervise the preparation and presentation of annual reports and budgets for the Police Department. The Chief of Police shall be required to certify to the correctness of all bills incurred by the Department.

- (7) Strive to maintain suitable, productive relationships with other Village departments and with other governmental agencies and private organizations concerned with law enforcement, crime prevention, administration of justice and public safety. The Chief of Police shall cooperate and exchange information with other Village departments in matters relating to their various functions.
 - (8) Plan and execute programs designed to prevent and repress crime, apprehend and prosecute offenders, recover property, and regulate non-criminal conduct, giving highest priority in the allocation of resources to crime and other offenses most hazardous to life and property.
- (b) **Custody of Department Equipment.** The Chief of Police shall be the custodian of all Village property, equipment and supplies under the control of, or used by, the Police Department and shall be responsible for the care, maintenance, safeguarding and accurate records of such property, equipment, and supplies.
- (c) **Custody of Department Property.** The Chief of Police shall be the custodian of all property and shall be responsible for the safekeeping, lawful disposition and accurate record of the same. The Chief of Police shall see that all property is returned to its lawful owner or otherwise disposed of according to the applicable statutes.

Sec. 5-1-5 Rules and Policies for the Police Department.

The Chief of Police shall establish and promulgate Rules of Conduct, Directives and Policies and Procedures and prescribe such duties for individual members as he/she may deem necessary for the effective and efficient command and operation of the Department; provided no such Rules of Conduct, Directive or Policy Procedure duties or assignment shall be in conflict with the statutes, ordinances and approved Village personnel rules and regulations.

Sec. 5-1-6 Maintenance of Personnel Records and Performance Evaluations.

The Chief of Police shall cause to be maintained adequate personnel records of employment, assignment, promotions, attendance, performance and training for all members of the Department. The Chief of Police shall also comply with all provisions of the Law Enforcement Standards Board in regard to background investigations. The Chief of Police shall keep himself/herself adequately informed of the activities of the Department and be assured that the duties of his/her subordinates are properly discharged. The Chief of Police shall formulate procedures for recognizing outstanding performance by Department members for investigating complaints of misconduct by any Department member and for taking appropriate disciplinary action subject to the provisions of the applicable statutes, Rules of the Department and the jurisdiction of the Village Board.

Sec. 5-1-7 Police Chief's Responsibility for Training.

The Chief of Police is responsible for the training of all members of the Department. The Chief of Police shall cause adequate and progressive programs of training to be organized and conducted to prepare Department members in the knowledge, procedures, and techniques of their duties and responsibilities. The Chief of Police will insure that, within budgetary limitations, members of the Department attend training courses, seminars, and conferences necessary to maintain and improve their job skills and professional knowledge. The Chief of Police shall encourage Department members to further their education in Law Enforcement through study, special courses, college attendance, extension programs, and independent readings.

Sec. 5-1-8 Civilians to Assist.

All persons in the Village, when called upon by any police officer or peace officer, shall promptly aid and assist him/her in the execution of his/her duties and whoever shall neglect or refuse to give such aid or assistance shall be subject to the general penalty as provided in Section 1-1-6 of this Code of Ordinances.

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

- (a) Pursuant to Sec. 62.13(6m), Wis. Stats., the Village may not suspend, reduce, suspend and reduce or remove any police chief or other law enforcement officer who is not probationary unless the Village follows the procedure under Sec. 62.13(5), Wis. Stats. To act under this Subsection in place of the Board of Police and Fire Commissioners under Sec. 62.13(1) through (6), Wis. Stats., the Village may do either of the following:
 - (1) Establish a committee of not less than three (3) members, none of whom may be an elected or appointed official of the Village or be employed by the Village. The Village shall pay each member for the member's cost of serving on the committee.
 - (2) Send a written request for a hearing examiner to the division of hearings and appeals under Sec. 15.103(1), Wis. Stats. The Village shall reimburse the state for the state's costs under this paragraph.
- (b) The provisions of this Section, required by Sec. 61.65(1)(am), Wis. Stats., first applies to law enforcement officers, when such officers are subject to a collective bargaining agreement which is in conflict with the statutory requirements, but which is still in effect on April 9, 1986, only after the expiration date of such agreement.

Chapter 2

Fire Protection

5-2-1	Fire Department Organization; Goals of the Department
5-2-2	Impeding Fire Equipment Prohibited
5-2-3	Police Power of the Department; Investigation of Fires
5-2-4	Damaging Fire Hose Prohibited; Parking by Hydrants; Blocking Fire Lanes
5-2-5	Firefighters May Enter Adjacent Property
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5-2-8	Interference with Use of Hydrants Prohibited
5-2-9	Outdoor and Refuse Burning
5-2-10	Pyrotechnics and Fireworks Prohibition
5-2-11	Solid Fuel-Fired Outdoor Heating Devices Prohibited

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

- (a) **Fire Department Recognized.** The Combined Locks Volunteer Fire Department is officially recognized as the Fire Department serving the Village of Combined Locks, and the duties of firefighting and fire prevention in the Village are delegated to such Department. The Combined Locks Volunteer Fire Department shall be responsible for the program of fire defense for the citizens and property within the Village of Combined Locks.
- (b) **Appropriations.** The Village Board shall appropriate funds for Fire Department operations and for such apparatus and equipment for the use of the Fire Department as the Board may deem expedient and necessary to maintain efficiency and properly protect life and property from fire.
- (c) **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.

- (d) **Bylaws Governance.** The Combined Locks Volunteer Fire Department shall be organized and governed pursuant to its bylaws.
- (e) **Bylaws.** The Fire Department shall adopt bylaws for its control, management and government and for regulating the business and proceedings of the Department, which bylaws, after adoption by a two-thirds (2/3) vote of the members of the Department, shall not become effective until approved by the Village Board.
- (f) **Compensation.** The officers and members of the Fire Department shall receive such compensation from the Village as may from time to time be fixed by the Village Board.
- (g) **Organization Generally.** The Fire Department shall be under the general management and supervision of the Village Board. The organization and internal regulation of the Fire Department shall be governed by the provisions of this Chapter and by such bylaws adopted by the Department as are approved by the Village Board, except as is otherwise provided by law or ordinance.
- (h) **Composition.** The Fire Department shall consist of one (1) Chief, Assistant Chief(s), together with firefighters as may be appointed by the Chief and approved by the Village Board; provided at no time shall the Department consist of less than twenty-two (22) active members.
- (i) **Membership.**
 - (1) **Application; Confirmation.** Any person desiring to be a member of the Fire Department may file with the secretary-treasurer an application in such form as the Fire Department may require. Each applicant shall also file a certificate of physical fitness from such physician as the Chief may designate.
 - (2) **Honorary Membership.** Active membership in the Department for other than the Chief shall cease at the age of seventy (70) unless the Village Board by a majority vote approves of the person continuing as an active member. Upon reaching the age of seventy (70), active members shall become honorary members. Members with thirty (30) of service are eligible for honorary membership regardless of age.
 - (3) **Resignations.** Resignations from the Department shall take the same course as applications for and appointments to membership.
- (j) **Powers and Duties of Chief.**
 - (1) **General Supervision.** The Fire Chief shall have the general supervision of the Department, which supervision shall be subject to and not conflict with this Chapter and the bylaws of the Department and shall enforce a rigid observance of this Chapter and the bylaws. He/she shall be responsible for the personnel and general efficiency of the Department.
 - (2) **Presiding Officer.** The Fire Chief preside at all meetings, call special meetings, preserve order and decide all points of order that may arise.
 - (3) **Command at Fires.** The Chief or Assistant Chief shall have complete command of an entire responsibility for all fire-fighting operations, plan the control of the same, direct the action of the Department when it arrives at a fire, observe that the Department does its duty, grant leaves of absence at a fire when he/she deems it proper and see that the fire-fighting apparatus is kept in proper condition at all times.

- (4) **Disciplinary Actions.** The Chief may demote or expel any officer or member of the Department for neglect or refusal to perform his/her departmental duties subject to an appeal from such demotion or expulsion to the Village Board as provided in Subsection (l) below.
- (5) **Department Budget.** Not later than September 1 of each year, the Chief shall file with the Village Administrator a detailed estimate of the appropriations needed for the conduct of the Department during the ensuing fiscal year.
- (6) **Reports.** The Fire Chief shall submit a written report to the Village Board not later than February 1 of each year, and at such other times as he/she deems desirable, relating to the condition of various pieces of apparatus and appurtenances, the number of hydrants and the condition of the same, the number of fires occurring since the previous report and the date of the same and the loss occasioned thereby, the number of members of each company, the total number of active members in the Department resignations and expulsions from the Department. He/she shall also report upon the drill and training program of the Department, together with such other pertinent information, including recommendations for improvements, as he deems proper and necessary for the operation of the Department.
- (7) **Enforcement of Fire Prevention Ordinances.** The Fire Chief shall enforce all fire prevention ordinances of the Village and State laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and on the activities of the Department.
- (8) **Fire Record Book.** The Fire Chief shall keep in a fire record book records of every fire to which the Department was called and shall enter in such book the locality of the fire, the time the alarm was received, the cause of the fire, where the fire started, the cause of delay (if any) in responding, the method of extinguishment and the equipment used, the amount of insurance carried on the building and its contents, the estimated fire loss, the time the fire was extinguished, the names of the men responding and general remarks.
- (9) **Apparatus Inventory.** The Fire Chief shall keep an inventory of all apparatus and equipment and an inventory of all hose, showing dates and results of tests on each length, which shall be individually numbered.
- (10) **Duties of Commanding Officer.** The Fire Chief shall perform such other duties as are usually incumbent on the commanding officer of a Fire Department.
- (11) **Chief Responsible.** The Chief shall have control of all apparatus used by the Department and shall be responsible for its proper maintenance. Emergency repairs may be authorized by the Chief.

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 Combined Locks Volunteer Fire Department along the streets or alleys of such Village at the

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

Sec. 5-2-3 Police Power of the Department; Investigation of Fires.

(a) Police Authority at Fires.

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

(b) Fire Inspection Duties.

- (1) The Fire Chief, or the Chief's designee, shall be the Fire Inspector of the Village of Combined Locks 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 Industry, Labor and Human Relations, particularly Sec. 101.14, Wis. Stats.
- (2) While acting as Fire Inspector pursuant to Sec. 101.14(2), Wis. Stats., the Fire Chief, or any officer of the Fire Department designated by the Fire Chief, shall have the right and authority to enter any building or upon any premises in the Village of Combined Locks at all reasonable hours for the purpose of making inspections or investigations which, under the provisions of this Code of Ordinances, he/she may deem necessary. Should the Fire Inspector find that any provisions of this Code relating to fire hazards and prevention of fires are being violated, or that a fire hazard exists which should be eliminated, it shall be his/her duty to give such directions for the abatement of such conditions as he/she shall deem necessary and, if such directions be not complied with, to report such noncompliance to the Village Board for further action.
- (3) The Chief of the Fire Department is required, by himself/herself or by officers or members of the Fire Department designated by him/her as fire inspectors, to inspect all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions

- liable to cause fire, or any violations of any law or ordinance relating to the fire hazard or to the prevention of fires. Such inspections shall be made at least once in six (6) months in all of the territory served by the Fire Department, and not less than once in three (3) months in such territory as the Village Board has designated or thereafter designates as within the Village or as a congested district subject to conflagration, and oftener as the Chief of the Fire Department orders. Each six (6) month period shall begin on January 1 and July 1, and each three (3) month period on January 1, April 1, July 1 and October 1 of each year.
- (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 Industry, Labor and Human Relations. A copy of such reports shall be filed with the Fire Chief.

State Law Reference: Section 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 Combined Locks Volunteer 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 police 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 duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firemen in the discharge of their duty.
- (b) **Destruction of Property to Prevent the Spread of Fire.** During the progress of any fire, the Fire Chief or his/her assistant shall have the power to order the removal or destruction

of any property necessary to prevent the further spread of fire; provided that it is inevitable that, unless such property is removed, other property is in danger of being destroyed by fire.

Sec. 5-2-6 Duty of Bystanders to Assist.

Every person who shall be present at a fire shall be subject to the orders of the Fire Chief or officer in command and may be required to render assistance in fighting the fire or in removing or guarding property. Such officer shall have the power to cause the arrest of any person or persons refusing to obey said orders.

Sec. 5-2-7 Vehicles to Yield Right-of-Way.

Whenever there shall be a fire or fire alarm or the Fire Department shall be out for practice, every person driving or riding in a motorized or other vehicle shall move and remain to the side of the street until the fire engine and fire truck and other fire apparatus shall have passed.

Sec. 5-2-8 Interference with Use of Hydrants Prohibited.

No person shall occupy any portion of such streets or alleys with a motorized or other vehicle between such fire engine or fire truck or other fire apparatus or any hydrant to which a fire hose may be, or may be about to be, attached.

Sec. 5-2-9 Outdoor and Refuse Burning.

- (a) **General Prohibition on Outdoor Burning and Refuse Burning.** Open burning, outdoor burning and refuse burning is prohibited in the Village of Combined Locks unless the burning is specifically permitted by this Section.
- (b) **Applicability/Exceptions.** This Section applies to all outdoor burning and refuse burning within the Village of Combined Locks except the following:
 - (1) This Section does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.
 - (2) This Section does not apply to burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation unless the material being burned includes refuse as defined in Subsection (c)(7) below.
 - (3) This Section does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

- (c) **Definitions.** The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:
- (1) "Campfire" means a small outdoor fire intended for recreation or cooking not including a fire intended for disposal of waste wood or refuse. A campfire shall not be larger than four (4) feet in diameter.
 - (2) "Clean Wood" means natural wood which has not been painted, varnished or coated with a similar material, has not been pressure-treated with preservatives, and does not contain resins or glues as in plywood or other composite wood products.
 - (3) "Fire Chief" means the Chief of the Village of Combined Locks Fire Department or other persons authorized by the Fire Chief.
 - (4) "Open Burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney.
 - (5) "Outdoor Burning" means open burning or burning in an outdoor wood-fired furnace.
 - (6) "Outdoor Wood-fired Furnace" means a wood-fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.
 - (7) "Refuse" means any waste material except clean wood.
- (d) **Materials That May Not Be Burned.** Unless a specific written approval has been obtained from the Wisconsin Department of Natural Resources, the following materials may not be burned in an open fire incinerator, burn barrel, furnace, stove, or any other indoor or outdoor incineration or heating device:
- (1) Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
 - (2) Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions of NR 590, Wis. Adm. Code.
 - (3) Asphalt and products containing asphalt.
 - (4) Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
 - (5) Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 - (6) Rubber including tires and synthetic rubber-like products.
 - (7) Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the Village recycling ordinance.
- (e) **Open Burning of Leaves, Brush, Clean Wood and Other Vegetative Debris.** Open burning of leaves, weeds, brush, stumps, clean wood, and/or other vegetative material is allowed only in accordance with the following provisions:
- (1) All permitted open burning shall be conducted in a safe nuisance-free manner, when wind and weather conditions are such as to minimize adverse effects and not create

- a health hazard or a visibility hazard on roadways, railroads, or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.
- (2) Except for barbeque, gas and charcoal grills, no open burning shall be undertaken during periods when either the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban applicable to the area.
 - (3) Fires set for forest, prairie, or wildlife habitat management are allowed with the approval of the Fire Chief.
 - (4) Outdoor campfires and small bonfires for cooking, ceremonies or recreation are allowed provided that the fire is confined by a control device or structure such as a barrel, fire ring, or fire pit. Campfires are not allowed after 11:00 p.m. on Sunday through Thursday, and are not allowed after 1:00 a.m. on Saturday and Sunday mornings. Bonfires are allowed only if approved by and in accordance with provisions established by the Fire Chief.
 - (5) In emergency situations such as natural disasters, burning that would otherwise be prohibited is allowed if specifically approved by the Wisconsin Department of Natural Resources.
 - (6) Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
 - (7) No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or water body.
 - (8) Except for barbecue, gas and charcoal grills, no burning shall be undertaken within twenty-five (25) feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief.
- (f) **Burn Barrels.** No person shall use or maintain a burn barrel in the Village of Combined Locks.
- (g) **Fire Department Practice Burns.** Except as provided in this Subsection for Fire Department practice burns, an existing unwanted building in the Village of Combined Locks may not be burned. A building, which is no longer standing, may not be used for a practice burn:
- (1) An existing building may be burned only by the Village of Combined Locks Fire Department and only if the Fire Chief determines that the burning is necessary for practice and instruction of firefighters or firefighting equipment.
 - (2) Asphalt shingles and asphalt or plastic siding shall be removed prior to the practice burn.
 - (3) A demolition notification shall be submitted to the Wisconsin Department of Natural Resources and all asbestos removed prior to the practice run.
 - (4) All ash shall be disposed of in an approved landfill or at an alternative location approved by the Wisconsin Department of Natural Resources.

- (5) At least five (5) days before a planned practice burn the Fire Chief or designee shall notify residents within five hundred (500) feet of the site of the proposed burn.
- (h) **Burning Permits.**
- (1) No person shall start or maintain any open burning without a burning permit issued by the Village of Combined Locks Fire Department.
 - (2) An outdoor campfire does not require a permit provided that the fire complies with all other applicable provisions of this Section.
 - (3) When weather conditions warrant, the Fire Chief or the Wisconsin Department of Natural Resources may declare a burning moratorium on all open burning and temporarily suspend previously issued burning permits for open burning.
 - (4) A burning permit issued under this Section shall require compliance with all applicable provisions of this Section and any additional special restrictions deemed necessary to protect public health and safety.
 - (5) Any violation of the conditions of a burning permit shall be deemed a violation of this Section. Any violation of this Section or the burning permit shall void the permit.
- (i) **Liability.** A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.
- (j) **Right of Entry and Inspection.** The Fire Chief or any authorized officer, agent, employee or representative of the Village of Combined Locks Volunteer Fire Department or the Village of Combined Locks who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this Section. [Note: If the owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with Section 66.0119, Wis. Stats.]
- (k) **Enforcement and Penalties.**
- (1) The Fire Chief or his/her designee and the Village President are authorized to enforce the provisions of this Section.
 - (2) The penalty for violation of any portion of this Section shall be a forfeiture of not less than Twenty-five Dollars (\$25.00) or more than Two Hundred and Fifty Dollars (\$250.00) plus the cost of prosecution. Penalties are doubled for second and subsequent offenses.

Sec. 5-2-10 Pyrotechnics and Fireworks Prohibition.

Use of fireworks or other pyrotechnic display is expressly prohibited inside any residence, commercial, entertainment or municipal building.

Sec. 5-2-11 Solid Fuel-Fired Outdoor Heating Devices Prohibited.

- (a) **Definition — Solid Fuel-Fired Outdoor Heating Device.** Any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat, or energy used as a component of

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a heating system in order to provide heat for any interior residential or commercial space or water source. (Examples: wood or other solid fuel burning boilers).

- (b) **Solid Fuel-Fired Outdoor Heating Devices Prohibited.** No person shall install, use, or maintain a solid fuel-fired outdoor heating device in the Village of Combined Locks.

Chapter 3

Fire Prevention Code; Hazardous Materials

- 5-3-1** Adoption of State Codes
- 5-3-2** Disclosure of Hazardous Materials and Infectious Agents;
Reimbursement for Cleanup of Spills
- 5-3-3** Recovery of Costs of Extinguishing and Cleaning Up Fires
Involving Hazardous Materials

Sec. 5-3-1 Adoption of State Codes.

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

- (a) Wis. Adm. Code Ch. ILHR 1; Safety.
- (b) Wis. Adm. Code Ch. ILHR 5; Explosives and Blasting Agents.
- (c) Wis. Adm. Code Ch. ILHR 7; Cleaning and Dyeing.
- (d) Wis. Adm. Code Ch. ILHR 8; Flammable and Combustible Liquids.
- (e) Wis. Adm. Code Ch. ILHR 9; Liquified and Petroleum Gases.
- (f) Wis. Adm. Code Ch. ILHR 14; Fire Protection.
- (g) Wis. Adm. Code Ch. ILHR 20; Dusts, Fumes, Vapors and Gases.
- (h) Wis. Adm. Code Ch. ILHR 21; Spray Coating.
- (i) Wis. Adm. Code Ch. ILHR 35; Safety in Construction.
- (j) Wis. Adm. Code Ch. ILHR 43; Anhydrous Ammonia Code.
- (k) Wis. Adm. Code Ch. ILHR 50; Administration and Enforcement.
- (l) Wis. Adm. Code Ch. ILHR 51; Definitions and Standards.
- (m) Wis. Adm. Code Ch. ILHR 52; General Requirements.
- (n) Wis. Adm. Code Ch. ILHR 53; Structural Requirements.
- (o) Wis. Adm. Code Ch. ILHR 54; Factories, Office and Mercantile Buildings.
- (p) Wis. Adm. Code Ch. ILHR 55; Theatres and Assembly Halls.
- (q) Wis. Adm. Code Ch. ILHR 56; Schools and Other Places of Instruction.
- (r) Wis. Adm. Code Ch. ILHR 57; Apartment Buildings, Hotels and Places of Detention.
- (s) Wis. Adm. Code Ch. ILHR 58; Health Care, Detention and Correctional Facilities.
- (t) Wis. Adm. Code Ch. ILHR 59; Hazardous Occupancies.

- (u) Wis. Adm. Code Ch. ILHR 60; Child Day Care Facilities.
- (v) Wis. Adm. Code Ch. ILHR 61; CBRF.
- (w) Wis. Adm. Code Ch. ILHR 62; Specialty Occupancies.
- (x) Wis. Adm. Code Ch. ILHR 64; Heating, Ventilating and Air Conditioning.
- (y) Wisconsin Electrical Code.

Sec. 5-3-2 Disclosure of Hazardous Materials and Infectious Agents; Reimbursement for Cleanup of Spills.

(a) Application.

- (1) All persons, firms or organizations using, researching or producing hazardous materials and/or infectious agents shall notify the Fire Department as prescribed by this Section.
- (2) The provisions of this Section shall apply to all persons, firms or organizations using, researching, producing or storing hazardous materials and/or infectious agents on and after the effective date of this Section.

(b) Definitions.

- (1) "Infectious agent" is a bacterial, mycoplasmal, fungal, parasitic or viral agent known to cause illness in humans which is used, researched, produced or stored within or on premises.
- (2) "Hazardous materials" are those materials that can cause death or disabling injury from brief exposure; those materials that could cause a lost-time injury from exposure; and those materials that could cause temporary disability or injury without permanent effects which are used, researched, produced or stored within or on premises except those household consumer products used at the point of consumption and not used for commercial or experimental purposes. This definition of hazardous materials shall include radioactive materials.

(c) Information Required.

- (1) Any person, firm or organization using, researching, producing and/or storing any hazardous materials shall provide in writing to the Fire Department the following information:
 - a. Address, location of where hazardous materials are used, researched, stored or produced;
 - b. The trade name of the hazardous material;
 - c. The chemical name and any commonly used synonym for the hazardous material and the chemical name and any commonly used synonym for its major components;
 - d. The exact locations on the premises where materials are used, researched, stored and/or produced;
 - e. Amounts of hazardous materials on premises per exact location;

- f. The boiling point, vapor pressure, vapor density, solubility in water, specific gravity, percentage volatile by volume, evaporation rate for liquids and appearance and odor of the hazardous material;
 - g. The flashpoint and flammable limits of the hazardous substance;
 - h. Any permissible exposure level, threshold limit value or other established limit value for exposure to a hazardous material;
 - i. The stability of the hazardous substance;
 - j. Recommended fire extinguishing media, special firefighting procedures and fire and explosion hazard information for the hazardous material;
 - k. Any effect of over-exposure to the hazardous material, emergency and first aid procedures and telephone numbers to call in an emergency;
 - l. Any condition or material which is incompatible with the hazardous material and must be avoided.
 - m. Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming into contact with the hazardous materials;
 - n. Procedures for handling or coming into contact with the hazardous materials.
- (2) Any person, firm or organization using, researching, producing and/or storing infectious agent and/or carrier of an infectious agent shall provide in writing to the Fire Department the following:
- a. The name and any commonly used synonym of the infectious agent;
 - b. Address/location where infectious agents are used, researched, stored and/or produced;
 - c. The exact locations where infectious agents are used, researched, stored and/or produced;
 - d. Amount of infectious agent on premises per exact locations;
 - e. Any methods of route of transmission of the infectious agents;
 - f. Any symptoms of effect of infection, emergency and first aid procedure and a telephone number to be called in an emergency;
 - g. Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming in contact with the infectious agent;
 - h. Procedure for handling, clean-up and disposal of infectious agents leaked or spilled.
- (d) **Reimbursement for Cleanup of Spills.** Any person who possesses or controls a hazardous material or infectious agent which was discharged or caused the discharge of a hazardous material or infectious agent shall reimburse the Village for actual and necessary expenses incurred by the Village or its agent to contain, remove or dispose of the hazardous substance or infectious agent or take any other appropriate action which is deemed appropriate under the circumstance.

**Sec. 5-3-3 Recovery of Costs of Extinguishing and Cleaning Up
Fires Involving Hazardous Materials.**

- (a) Every person, firm or corporation using, storing, handling or transporting flammable or combustible liquids, chemicals, gasses or other hazardous materials shall comply with the requirements of Chapter ILHR 8, Wis. Adm. Code, as the same is now in force and may hereafter from time to time be amended.
- (b) Every person, firm or corporation using, storing, handling or transporting (whether by rail or on the highways) flammable or combustible liquids, chemicals, gasses or other hazardous materials shall be liable to the Village for the actual cost of labor and materials associated with the use of any specialized extinguishing agent, chemical, neutralizer or similar material or equipment employed to extinguish, confine or clean up any such hazardous material which is involved in any accidental spill or in threat of any fire or accidental spill.

Chapter 4

Regulation of Private Alarm Systems

5-4-1	Title
5-4-2	Declaration of Purpose
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Sec. 5-4-1 Title.

This Chapter shall be known as the Village of Combined Locks Alarm Systems Ordinance.

Sec. 5-4-2 Declaration of Purpose.

The purpose of this Chapter is to provide minimum standards and regulations applicable to burglar, fire and holdup alarm systems, alarm business and alarm users. Both society in general and public safety in particular will be aided by providing a useful and usable system of private security which properly balances quick response by law enforcement with minimization of law enforcement time spent on alarms which are false or otherwise not the intended function of private security systems.

Sec. 5-4-3 Definitions.

Within this Chapter, the following terms, phrases and words and their derivations have the meaning given herein.

- (a) **Alarm Business.** Any business in which the owners or employees engage in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, or servicing alarm systems.
- (b) **Alarm System.** An assembly of equipment and devices or single device such as a solid state unit which plugs directly into 110-volt AC line or otherwise receives electrical energy arranged to signal the presence of a hazard requiring urgent attention and to which the Police or Fire Department is expected to respond. In this Chapter, the term "alarm system" shall include the terms "automatic holdup alarm systems," "burglar alarm systems," "holdup alarm systems" and "manual holdup alarm systems" as those terms are hereinafter defined, and fire alarm systems which monitor temperature, humidity or any other condition directly related to the detection of fire. Excluded from this definition and from the coverage of this Chapter are alarm systems used to alert or signal persons within the premises in which the alarm system is located of an attempted, unauthorized intrusion or holdup attempt or fire.
- (c) **Annunciator.** The instrumentation of an alarm console at the receiving terminal of a signal line through which both visual and audible signals show when an alarm device at a particular location has been activated or which, in the event of malfunction, may also indicate line trouble.
- (d) **Answering Service.** To a telephone answering service providing among its services the service of receiving on a continuous basis through trained employees emergency signals from alarm systems, and thereafter immediately relaying the message by live voice to the dispatch center of the Police or Fire Department.
- (e) **Automatic Dialing Device.** To an alarm system which automatically sends over regular telephone lines by direct connection or otherwise a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.
- (f) **Automatic Holdup Alarm System.** An alarm system in which the signal transmission is initiated by the action of the robber.
- (g) **Manual Holdup Alarm System.** An alarm system in which the signal transmission is initiated by the direct action of the person attached or by an observer thereof.
- (h) **Burglar Alarm System.** An alarm system which signals an entry or attempted entry into the area protected by the system.
- (i) **Direct Connect.** An alarm system which has the capability of transmitting system signals to the Police or Fire Department.
- (j) **False Alarm.** The activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner or lessee of an alarm system or of his employees or agents or other undetermined cause. False alarm does not include alarms caused by tornadoes or other violent climatic conditions.
- (k) **Interconnect.** To connect an alarm system to a voice grade telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.

- (l) **Central Station.** An office to which remote alarm and supervisory signaling devices are connected, where operators supervise the circuits.
- (m) **Primary Trunk Line.** A telephone line leading directly into the dispatch center of the Police or Fire Department that is for the purpose of handling emergency calls on a person-to-person basis and which is identified as such by a specific number included among the emergency numbers listed in the telephone directory or numbers in sequence therewith.
- (n) **Subscriber.** A person who buys or leases or otherwise obtains an alarm system and thereafter contracts with or hires an alarm business to monitor and/or service the alarm system.

Sec. 5-4-4 Administrative Rules.

The Chief of Police shall promulgate such rules as may be necessary for the implementation of this Chapter. Such rules shall require the approval of the Village Board and shall be open to inspection by the public.

Sec. 5-4-5 Automatic Dialing Devices.

No person shall interconnect any automatic dialing device to a Police or Fire Department primary trunk line. No person shall permit such devices, which were installed prior to the effective date of this Chapter, to remain interconnected from any property owned or controlled by that person. Such devices may be connected to a central station or an answering service. Relaying messages so received to the Police or Fire Department shall only be done person to person on the telephone line.

Sec. 5-4-6 Direct Connections to the Police Department.

Direct connections to the Police or Fire Department are prohibited, but may be authorized pursuant to the direct connection policies of each Department, a copy of which is on file with the Chief of Police and Fire Chief.

Sec. 5-4-7 Testing.

- (a) No alarm business or alarm system designed to transmit emergency messages to the Police Department shall be tested or demonstrated without prior notification and approval of the Police Department dispatcher. Alarm businesses or alarm system owners or lessors will be advised on proper test procedure.

- (b) No alarm system relayed through intermediate services to the Police Department will be tested to determine the Police Department's response without first notifying the appropriate authority. However, the Police Department may inspect or test on-site alarm systems authorized under this Chapter.
- (c) Alarm systems shall be in compliance with all pertinent response policies of the Police Department.

Sec. 5-4-8 Notification.

When the service provided by an alarm business to its subscribers is disrupted for any reason by the alarm business or the alarm business becomes aware of such disruption, it shall promptly notify its subscribers by telephone that protection is no longer being provided. If, however, the alarm business has written instructions from its subscriber not to make such notification by telephone during certain hours, the alarm business may comply with such instructions.

Sec. 5-4-9 Fee for Answering Alarms.

- (a) **Generally.** Each false alarm requires response of public safety personnel, involves unnecessary expense to the Village, increases the risk of injury to persons or damage to property and dilutes the overall public safety protection to the Village. Such false alarms constitute a public nuisance and must be abated.
- (b) **Intentional.** No person shall intentionally cause the activation of a burglar/fire alarm device knowing that no criminal activity, fire or other emergency exists.
- (c) **False Alarms; Administrative Charges.** 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 Village a charge for false alarms responded to by the Police or Fire Department according to the following schedule for each calendar year for each location connected, separate accounts to be kept for false alarms as to criminal activity and false alarms for fire or other emergencies:
 - (1) Responded to by Police Department:

a. First two (2) false alarms for a location	No Charge
b. Third (3rd) false alarm per location	\$ 25.00
c. Fourth (4th) false alarm per location	\$ 35.00
d. Fifth (5th) false alarm per location	\$ 45.00
e. Sixth (6th) and subsequent false alarm per location	\$ 65.00
 - (2) All false alarms responded to by Fire Department firefighting personnel and apparatus, in addition to a police response:

a. First two (2) false alarms for a location	No Charge
b. Third (3rd) and subsequent false alarm per location.	\$ 100.00

This Subsection is intended to impose a strict liability on the person, business, corporation or other entity responsible for alarm connection to either the police alarm panel or to alarm receiving firm to which the Police or Fire Department have responded and shall be applied regardless of the cause of the false alarm excepting those alarms excluded from the definition of "False Alarm." Failure to pay such administrative charge(s) in and of itself shall constitute a violation of this Section, and such charge(s) shall be collectible as a forfeiture upon prosecution and conviction thereof, together with an additional forfeiture(s) which may be imposed under the next Subsection (d) hereof for violation of this Section for allowing or maintaining condition(s) or act(s) violative of the intent of this Section of eliminating and minimizing the occurrence of false alarms, together with costs of prosecution.

- (d) **Other Violations.** Any person, corporation or other entity violating this Chapter in any manner, other than for collection of unpaid administrative charges treated in the preceding Subsection (a) of this Section, shall be subject to forfeiture as provided in Section 1-1-6 of this Code. When any premises located in the Village is owned, leased or occupied by two (2) or more persons as joint tenants, tenants in common, joint lessees, or in any other manner, each person shall see that the provisions of this Chapter are complied with, and each person may be subjected to a penalty on violation of this Section.
- (e) **Default of Payment for Forfeiture and/or Costs.** On default of payment of forfeiture and/or costs under the immediately preceding Subsections (c) and/or (d), such person or responsible officer of the violating corporation or other entity shall be confined in the county jail until the same be paid but not to exceed a length of time specified by the court which length of time shall not exceed six (6) months. Upon nonpayment of the fee, the amount due may be placed on the tax roll as a special charge pursuant to Sec. 66.60(16), Wis. Stats.

Sec. 5-4-10 Village Liability.

The Village of Combined Locks 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 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 Ten Dollars (\$10.00) permit fee.
- (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 Police Chief shall issue the permits and collect the fees.
- (d) **Application.** Application for permit required under this Chapter shall be filed with the Police Chief. The Police Chief shall prescribe the form of the application and request such information as is necessary to evaluate and act upon the permit application. The Police Chief shall deny a permit if the alarm system for which it is sought does not comply with this Chapter.
- (e) **Appeal.** Any person required by this Chapter to have a permit who has been denied such a permit by the Police Chief shall have a right to appeal that decision to the Village Board. The procedure for this appeal shall be as set forth in Section 5-4-12.

Sec. 5-4-12 Revocation of Permits.

- (a) **Hearing.** Before a permit issued pursuant to this Chapter may be revoked, a hearing shall be held before the Police 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 Police 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 Police Chief by filing a written notice of appeal with the Police 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 Police 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.

Chapter 5

Emergency Government

5-5-1 Joint Action Agreement

Sec. 5-5-1 Joint Action Agreement.

- (a) **Joint Action Ordinance.** The Joint Action Ordinance of the Board of Supervisors of Outagamie County adopted on September 6, 1968, is included by reference as a part of this Code and is ratified and accepted by the Village.
- (b) **Mutual Agreement.** The Joint Action Ordinance shall constitute a mutual agreement between the Village and Outagamie County as provided by Section 6 of such County ordinance.

