

TITLE 5

Public Safety

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Title 5 ► Chapter 1

Law Enforcement

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

- (a) **Composition.** The Village of Elk Mound Police Department shall consist of such full or part-time officers, assistants and patrol officers as may be appointed by the Village Board pursuant to the Wisconsin Statutes and Village ordinances.
- (b) **Salaries; Collection of Fees.** Police Department members shall receive a salary as determined by the Village Board. All fees, bail deposits and other special funds or remuneration collected or received by the Police Department or any officer thereof shall be deposited with Dunn County not later than weekly following the receipt thereof.
- (c) **Tenure of Police Officers.** Police Department officers shall serve at the pleasure of the Village Board, subject to the provisions of Sec. 5-1-9.

Sec. 5-1-2 Records and Reports.

- (d) **Monthly Reports.** The Police Department shall give a monthly oral or written general report to the Village Board of all activities of the Department during the preceding month.
- (e) **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 of Elk Mound, 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 Village of Elk Mound Police Department shall:

- (a) Familiarize himself/herself with the ordinances of the Village and the Wisconsin Statutes and attend to the enforcement of such ordinances and statutes 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 of Elk Mound.
- (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 directed by the Village Board or the officer-in-charge.

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

- (a) **Duties.** In addition to the duties imposed upon him/her elsewhere in this Code of Ordinances, the Chief of Police shall:
 - (1) Have general command of the Police Department on administrative matters, subject to the direction of the Village Board.
 - (2) Cause to be maintained accurate records of complaints, crimes, traffic accidents, ordinance violations, arrests, summons, incidents, and calls for police service and shall provide a system of periodic summary and analysis to ensure the most efficient and effective deployment and use of the Department's resources. The Chief of Police shall submit or cause to be submitted to the various agencies such reports and summaries as are required by State Statutes or ordinances and shall participate in voluntary programs designed to improve law enforcement and public safety.
 - (3) Submit such reports and comply with such administrative procedures as may be prescribed by the Village Board relative to fiscal and administrative matters.
 - (4) Submit such reports and/or information and comply with such policies as may be prescribed by Village Board.

- (5) In the absence of specific direction from the Village Board, be responsible for the assignment, hours of duty, and transfer of all members of the Department. The Village Board reserves the right to establish terms of employment, including, but not limited to, conditions of employment and working hours.
 - (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 Police Department 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 Police Department shall cause to be maintained adequate personnel records of employment, assignment, promotions, attendance, performance and training for all members of the Department. Officers shall also comply with all provisions of the Wisconsin Law Enforcement Standards Board in regard to background investigations.

Sec. 5-1-7 Civilians to Assist.

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

Sec. 5-1-8 Hearing Authorities for Suspension or Removal of Law Enforcement Officers.

- (a) **Required Procedures.** Pursuant to Sec. 62.13(6m), Wis. Stats., the Village of Elk Mound 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 of Elk Mound. 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) **Applicability.** The provisions of this Section, required by Sec. 61.65(1)(am), Wis. Stats., first applies to law enforcement officers, when such officers are subject to a collective bargaining agreement which is in conflict with the statutory requirements, but which is still in effect on April 9, 1986, only after the expiration date of such agreement.

Title 5 ► Chapter 2

Fire Prevention

- 5-2-1 Elk Mound Fire District
- 5-2-2 Fire Department Authorized to Hold Volunteer Company Funds
- 5-2-3 Impeding Fire Equipment Prohibited
- 5-2-4 Police Power of the Department; Investigation of Fires
- 5-2-5 Damaging Fire Hose Prohibited; Parking by Hydrants;
Blocking Fire Lanes
- 5-2-6 Firefighters May Enter Adjacent Property
- 5-2-7 Duty of Bystanders to Assist
- 5-2-8 Vehicles to Yield Right-of-Way
- 5-2-9 Interference with Use of Hydrants Prohibited

Sec. 5-2-1 Elk Mound Fire District.

- (a) **Fire District Recognized.** The Elk Mound Fire District is officially recognized as the Fire Department of the Village of Elk Mound, and the duties of firefighting and fire prevention in the Village are delegated to such District.
- (b) **Appropriations.** The Village Board shall appropriate funds for Elk Mound Fire District operations as apportioned by the Elk Mound Fire District Board.
- (c) **Elk Mound Fire District.**
 - (1) **Purpose.** The purpose of the Elk Mound Fire District shall be to provide proper fire protection for all persons and properties situated within the district boundaries by the joint and mutual supervision and funds of the municipalities involved. It is the common belief of the Village of Elk Mound, the Town of Spring Brook and the Town of Elk Mound that:
 - a. Greater protection against fire losses in the Village of Elk Mound and the Towns can be secured by the joint ownership and purchase of firefighting equipment.
 - b. A more effective fire organization can be promoted by the joint and mutual cooperation of the Village and Towns with the existing Volunteer Fire Department of the Village.
 - c. The cost of protection can be more equitably shared by the Village and Towns involved.

- d. "Towns" means the Town of Spring Brook and the Town of Elk Mound.
- (2) **Name.** The name of this Association shall be the Elk Mound Fire District, and its headquarters shall be located in the Village of Elk Mound, Dunn County, Wisconsin.
- (3) **Boundaries.** The District shall consist of all property lying within the Village and all property lying within the Towns and additional territory as may be added to the District by the Trustees according to the articles of association and the bylaws.
- (d) **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.
- (e) **Organization.** The Elk Mound Fire District shall be organized and governed pursuant to its bylaws.

Sec. 5-2-2 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 Fire District or 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 Fire Chief is authorized to deposit volunteer company funds of the Fire District or Fire Department in an account in the name of the 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 Fire Chief is granted exclusive control over the expenditure of volunteer company funds of the Fire District or 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 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.** Fire District 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. 5-2-3 Impeding Fire Equipment Prohibited.

No person shall impede the progress of a fire engine, fire truck or other fire apparatus of the Elk Mound Fire District or other responding agency along the streets or alleys of the Village of Elk Mound at the time of a fire or when the Fire Department is using such streets or alleys in response to a fire alarm or for practice.

Sec. 5-2-4 Police Power of the Department; Investigation of Fires.

(a) Police Authority at Fires.

- (1) The Fire 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 and EMS 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 law enforcement officers and those admitted by order of any officer of the Department, shall be permitted to come.
- (3) The Fire Chief shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire or to prevent the spreading of fire or to protect the adjoining property, and during the progress of any fire he/she shall have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work of the Department during the progress of a fire

(b) Fire Inspection Duties.

- (1) The Fire Chief shall be the Fire Inspector of the Village of Elk Mound and he/she shall have the power to appoint one or more deputy Fire Inspectors and shall perform all duties required of the Fire Inspectors by the laws of the State and rules of the Wisconsin Department of Safety and Professional Services, particularly Sec. 101.14, Wis. Stats.

- (2) While acting as Fire Inspector pursuant to Sec. 101.14(2), Wis. Stats., the Fire Chief, or any officer of the Elk Mound Fire District so designated by the Fire Chief, shall have the right and authority to enter any building or upon any premises in the Village of Elk Mound 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 the Fire Inspector shall deem necessary.
- (3) The Chief of the Elk Mound Fire District is required, by himself/herself or by officers or members of the Department designated by the Chief as fire inspectors, to inspect all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of any law or ordinance relating to the fire hazard or to the prevention of fires. Such inspections shall be made at least once per calendar year in the Village and oftener as the Chief of the Fire Department orders. Repairs or alterations necessary to remove the hazardous condition shall be made within a reasonable time at the expense of the owner. The Inspector shall also investigate the storage and handling of explosives and inflammable liquids within the Village of Elk Mound.
- (4) Where violations are found, the Elk Mound Fire District will conduct a follow-up inspection to assure compliance within two (2) calendar months of the violation date. Non-compliance with the fire inspection will result in further actions taken by the Elk Mound Fire District and State of Wisconsin.
- (5) 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 Wisconsin Department of Safety and Professional Services. A copy of such reports shall be filed with the Fire Chief.

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

Sec. 5-2-5 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 Elk Mound Fire District or other fire department, and no vehicle shall be driven over any unprotected hose of the 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. 5-2-6 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 firefighter in the discharge of their duties.
- (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. 5-2-7 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. 5-2-8 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. 5-2-9 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.

Title 5 ► Chapter 3

Fire Prevention Code; Emergency Responses

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	Cost Recovery for Extinguishing and Cleaning Up Fires
5-3-5	Smoke and/or Heat Detectors Required in Rental Dwelling Units
5-3-6	False Alarms
5-3-7	Open Burning
5-3-8	Patio Fireplaces
5-3-9	Banning and/or Regulating the Use of Fire, Burning Materials and Fireworks During the Existing of Extreme Fire Danger
5-3-10	Outdoor Solid Fuel Furnaces
5-3-11	Portable Commercial Cooking Equipment
5-3-12	Fire Suppression Systems
5-3-13	Private Fire Service Mains
5-3-14	Rapid Entry System (Knox Box)
5-3-15	Damage Involving Emergency Vehicles

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

- (a) **State Administrative Codes Adopted.** The Village of Elk Mound by reference adopts the following rules and regulations as promulgated by the Wisconsin Department of Safety and Professional Services (SPS) in the Wisconsin Administrative Code, together with any future additions, deletions, or supplements thereto pertaining to fire prevention; SPS Administrative Code provisions referencing National Fire Protection Association Codes (NFPA) are also 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. Specifically adopted are the following SPS Codes, but not limited to:

- (1) Ch. SPS 307, Wis. Adm. Code — Explosives and Fireworks.
 - (2) Ch. SPS 310, Wis. Adm. Code — Flammable, Combustible and Hazardous Liquids.
 - (3) Ch. SPS 314, Wis. Adm. Code — Fire Prevention.
 - (4) Ch. SPS 316, Wis. Adm. Code — Electrical Code.
 - (5) Chs. SPS 320–325, Wis. Adm. Code — Uniform Dwelling Code.
 - (6) Ch. SPS 320, Wis. Adm. Code — Smoke Detectors.
 - (7) Ch. SPS 330, Wis. Adm. Code — Fire Department Safety and Health.
 - (8) Ch. SPS 343, Wis. Adm. Code — Anhydrous Ammonia Code.
 - (9) Chs. SPS 361-366, Wis. Adm. Code — Commercial Building Code.
 - (10) Chs. SPS 375-379, Wis. Adm. Code — Buildings Constructed Prior to 1914.
 - (11) Chs. SPS 381-387, Wis. Adm. Code — Plumbing Code.
- (b) **Adoption of NFPA Codes.** The following rules and regulations issued by the National Fire Protection Association (NFPA), together with any future additions, deletions or supplements thereto, are herewith adopted and incorporated by reference as part of this Chapter and shall be enforced with the same force and effect as though set forth in full herein. Provided, however, that where such rules and regulations are less stringent than other provisions found in the NFPA 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.
 - (8) Any NFPA Code referenced in SPS Codes.
- (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 by reference as part of this Chapter and shall, along with Title 7, Chapter 5 of this Code of Ordinances, be enforced with the same force and effect as if set forth in full herein. Provided, however, that where such statutory regulations are less stringent than other provisions found in this Code of Ordinances, the provisions of this Code of Ordinances shall apply. Notwithstanding any provisions of this Code of Ordinances 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 Elk Mound; except that the use of fireworks may be allowed by appropriate Permit issued by the Village per Section 7-5-1.
- (d) **Modifications.** The Fire Chief or Fire Inspector may grant a variance to the provisions of the Fire Prevention Code upon written application by the property owner or lessee, or duly authorized agent, when there are practical difficulties in carrying out the strict letter of the Fire Prevention Code, provided the general intent and purpose of such Code is observed, public safety is protected, and substantial justice is done. If granted, the details

of any such modifications when granted or allowed and the decision of the Fire Chief or Fire Inspector shall be entered into the records of the Elk Mound Fire District, and a signed copy shall be provided to the applicant. A copy of each such order or modification by the Fire Chief or Fire Inspector shall also be filed with the Village Clerk-Treasurer.

- (e) **Appeals.** Whenever the Fire Chief or Fire Inspector disapproves of an application for a Fire Prevention Code variance or a request for a permit thereunder is denied, or when it is asserted that the provisions of the Fire Prevention Code should not be applicable, or that the intent of the Fire Prevention Code has been misinterpreted, the applicant may appeal from such decision to the Village Board within thirty (30) days from the decision.
- (f) **Offenses.** Any person who violates any provisions of this Chapter, or who shall fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall construct in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any permit issued thereunder and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Village Board or by a court of competent jurisdiction within the time fixed herein, shall be subject to the penalty provisions of Section 1-1-6.

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 Elk Mound Fire District as prescribed by this Section.
 - (2) The provisions of this Section shall apply to all persons, firms or organizations using, researching, producing or storing hazardous materials and/or infectious agents on and after the effective date of this Section.
- (b) **Definitions.**
 - (1) "Infectious agent" is a bacterial, mycoplasmal, fungal, parasitic or viral agent known to cause illness in humans which is used, researched, produced or stored within or on premises.
 - (2) "Hazardous materials" are those materials that can cause death or disabling injury from brief exposure; those materials that could cause a lost-time injury from exposure; and those materials that could cause temporary disability or injury without permanent effects which are used, researched, produced or stored within or on premises except those household consumer products used at the point of consumption and not used for commercial or experimental purposes. This definition of hazardous materials shall include radioactive materials.

(c) **Information Required.**

- (1) Any person, firm or organization using, researching, producing and/or storing any hazardous materials shall provide in writing to the Elk Mound Fire District the following information:
 - a. Address, location of where hazardous materials are used, researched, stored or produced;
 - b. The trade name of the hazardous material;
 - c. The chemical name and any commonly used synonym for the hazardous material and the chemical name and any commonly used synonym for its major components;
 - d. The exact locations on the premises where materials are used, researched, stored and/or produced;
 - e. Amounts of hazardous materials on premises per exact location;
 - f. The boiling point, vapor pressure, vapor density, solubility in water, specific gravity, percentage volatile by volume, evaporation rate for liquids and appearance and odor of the hazardous material;
 - g. The flashpoint and flammable limits of the hazardous substance;
 - h. Any permissible exposure level, threshold limit value or other established limit value for exposure to a hazardous material;
 - i. The stability of the hazardous substance;
 - j. Recommended fire extinguishing media, special firefighting procedures and fire and explosion hazard information for the hazardous material;
 - k. Any effect of over-exposure to the hazardous material, emergency and first aid procedures and telephone numbers to call in an emergency;
 - l. Any condition or material which is incompatible with the hazardous material and must be avoided.
 - m. Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming into contact with the hazardous materials;
 - n. Procedures for handling or coming into contact with the hazardous materials.
- (2) Any person, firm or organization using, researching, producing and/or storing infectious agent and/or carrier of an infectious agent shall provide in writing to the Elk Mound Fire District the following:
 - a. The name and any commonly used synonym of the infectious agent;
 - b. Address/location where infectious agents are used, researched, stored and/or produced;
 - c. The exact locations where infectious agents are used, researched, stored and/or produced;
 - d. Amount of infectious agent on premises per exact locations;
 - e. Any methods of route of transmission of the infectious agents;
 - f. Any symptoms of effect of infection, emergency and first aid procedure and a telephone number to be called in an emergency;

- g. Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming in contact with the infectious agent;
 - h. Procedure for handling, clean-up and disposal of infectious agents leaked or spilled.
- (d) **Reimbursement for Cleanup of Spills.** Any person who possesses or controls a hazardous material or infectious agent which was discharged or caused the discharge of a hazardous material or infectious agent shall reimburse the Village for actual and necessary expenses incurred by the Village of Elk Mound or its agent to contain, remove or dispose of the hazardous substance or infectious agent or take any other appropriate action which is deemed appropriate under the circumstance.

Sec. 5-3-3 Fees for Extraordinary Services; Hazardous Material Incident Response Reimbursement.

- (a) **Purpose; Authority.**
- (1) The Village of Elk Mound provides fire and other emergency response services for the protection of the public health, safety and welfare, the costs of which are funded from the general tax revenue of the Village. Such services may involve property which is not owned by a property taxpayer of the Village such as utility transmission and telephone lines, gas lines, cable television equipment, or hazardous materials, or may involve property owned by a taxpayer of the Village of Elk Mound, 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 the Wisconsin Statutes 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 Elk Mound, 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 Elk Mound fire, law enforcement, utilities, emergency medical services, public works, or other similar response services.
- (4) **Emergency Services Response.** Includes, but is not limited to: fire service, emergency medical service, law enforcement. A person, firm, or corporation who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall be responsible for reimbursement to the responding agencies for actual and necessary expenses incurred in carrying out their duties under this Chapter. Actual and necessary expenses may include but not be limited to: replacement of equipment damaged by the hazardous material, cleaning, decontamination and maintenance of the equipment specific to the incident, specific laboratory expenses incurred in the recognition and identification of hazardous substances in the evaluation of response, decontamination, costs incurred in the procurement and use of specialized equipment specific to the incident, clean up and medical surveillance, and incurred costs in future medical surveillance of response personnel as required by the responding agencies medical advisor.
- (d) **Site Access.** Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to emergency government/law enforcement officers and staff and to Fire Department 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 or the senior law enforcement or fire officials on the scene of the emergency may order an evacuation of the area or take other appropriate steps for a period of time until the Village Board can take appropriate action.
- (f) **Enforcement.** The Fire Chief and his/her deputies, as well as law enforcement officers, shall have authority to issue citations or complaints under this Section.
- (g) **Civil Liability.** Any person, firm or corporation in violation of this Section shall be liable to the Village for any expenses incurred by the Village or loss or damage sustained by the Village of Elk Mound 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 Village 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 Cost Recovery for Extinguishing and Cleaning Up Fires.

- (a) **Purpose.** The Village of Elk Mound has determined that the increasing costs associated with fire suppression in conjunction with limitations on municipal revenues make it necessary to institute a system of cost recovery for extinguishing and cleaning up fires.
- (b) **Cost Recovery System.**
 - (1) Every owner of a structure, property or vehicle may be liable to the Village of Elk Mound and the Elk Mound Fire District for the cost of personnel and resources employed to extinguish, confine, suppress or clean up after any fire or threat of fire to a structure, property or vehicle, as provided by the Elk Mound Fire District and/or other departments covered under mutual aid agreements.
 - (2) Liability of the owners of structures or land shall be limited to the actual cost of suppressing or confining the fire, or threat of fire, as determined by the Fire Department.
 - (3) Liability of the owner of a vehicle, or the owner's insurance carrier, for fire suppression responses shall be the actual cost of suppressing or confining the fire, or threat of fire, as determined by the Elk Mound Fire District.
 - (4) This Section does not supercede the provisions of Title 5, Chapters 2-4 of the Village of Elk Mound Code of Ordinances which address special costs associated with, but not limited to, hazardous materials responses and other extraordinary situations. The payment limits established in Subsection (b)(2) above shall not apply to such situations.
- (c) **Payment.**
 - (1) Payment shall be made within sixty (60) days of the billing date of any statement submitted by the Village or the Elk Mound Fire District, and if not paid within sixty (60) days, shall accrue interest at the rate of one percent (1%) per month from the billing date. The statement shall indicate the actual cost of fire suppression services provided as determined by the Village or Department.
 - (2) The failure of any such owner to pay said charges within sixty (60) days from the date of billing shall result in the Village Clerk-Treasurer placing the amount owed on the tax roll as a special charge, or placing a lien on the property involved in the fire suppression incident.

- (3) The Village of Elk Mound or Elk Mound Fire District may also use any other legal means available to collect any unpaid amount due, including utilizing the services of a collection service or issuance of a citation for non-payment for services.

Sec. 5-3-5 Smoke and/or Heat Detectors Required in Rental Dwelling Units.

(a) Smoke Detectors Required.

- (1) The owner of every premises, occupied or vacant, on which is located one (1) or more rental dwelling units within the Village of Elk Mound shall install a working smoke detector device so located as to protect the sleeping areas of each dwelling unit. If sleeping areas are separated, the number of detection devices installed shall be that deemed necessary by the Fire Inspector to protect each sleeping area. If required by state regulations, carbon monoxide detectors shall also be installed.
- (2) For purposes of this Section, "dwelling unit" shall mean a room or group of rooms constituting all or part of a dwelling which are arranged, designed, used or intended for use exclusively as living quarters.

(b) Installation and Design Standards.

- (1) The Fire Chief or Fire Inspector are available to advise the owner of the rental premises of the types of detectors and points of installation within the dwelling which meet the requirements of this Section.
- (2) All smoke and heat detection devices shall be installed in locations meeting the installation standards of this Section, SPS 320, Wis. Adm. Code, the Wisconsin Statutes, and the National Fire Protection Association (NFPA) standards. The smoke detector(s) shall be installed according to the manufacturer's specifications, in the basement, at the head of any common stairway on each floor level (except attic and storage areas) and in each sleeping area.
- (3) Installation of a smoke detector in a common hallway leading to the sleeping areas, but not more than six (6) feet from the doorway of each sleeping area, may take the place of a smoke detector in each sleeping area adjacent to the hallway.
- (4) All smoke and heat detectors shall bear the Underwriters Laboratory or Factory Mutual seal of approval. All smoke detectors shall meet the Underwriters Laboratory Standard 217. At least one (1) smoke detector shall be installed for every dwelling unit located so as to protect sleeping areas.
- (5) In multi-family dwellings, additional devices connected to the building alarm system, if any, shall be installed in every public corridor serving one (1) or more dwelling units and on every separate level of the building, regardless of whether a sleeping area is located on such level. If a local fire alarm system is not provided or required, smoke detectors shall be connected to a signal outside of the enclosure which will be audible throughout the entire building.

- (6) In multi-family dwellings, in addition to smoke detectors in every living unit, all storage areas shall be protected with heat-sensing devices. These devices shall be connected to the building fire alarm system. If a local fire alarm system is not required, such device shall be connected to a signal outside of the enclosure which will be audible throughout the entire building. Heat-sensing devices shall be installed in space according to good engineering practices, but in no instance shall detectors be spaced more than thirty (30) feet on center and fifteen (15) feet from any wall.
 - (7) Smoke detector or heat-sensing devices shall be installed in all furnace, boiler and incinerator rooms in a multi-family dwelling.
- (c) **Miscellaneous Requirements.**
- (1) The owner of the building shall be solely responsible for the installation and maintenance of smoke detectors, to include battery replacement as required.
 - (2) The tenant shall be responsible for informing the owner in writing of any smoke detector malfunction, including the need for a new battery.
 - (3) The owner shall immediately upon receipt of written notice from the tenant repair/replace the smoke detector or replace the battery as needed.
 - (4) Neither the owner nor the tenant shall remove or disconnect the battery from a smoke detector at any time except for battery replacement.
 - (5) 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.
 - (6) The owner shall furnish to the tenant at the beginning of a new lease or new tenancy, written notice of the responsibilities of the tenant and the obligations of the owner regarding smoke detectors, their batteries and their maintenance.

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

Sec. 5-3-6 False Alarms.

- (a) **Purpose.**
- (1) False alarms, regardless of their cause, represent a significant public cost and endanger public safety by unnecessarily deploying fire, law enforcement, EMS or other emergency resources that would otherwise be available to respond to actual emergency situations. The purpose of this Section is to discourage the unnecessary deployment of such resources due to false alarms and to provide for reimbursement to the Village of Elk Mound and its emergency services providers for the costs thereof. This Section shall be liberally interpreted in the Village's favor to achieve these purposes.
- (b) **Scope.** A false alarm occurs for purposes of this Section when any signal, alarm, telecommunication, or telephone call generating an alert is falsely or improperly sent to an

emergency services provider alleging an emergency, but no such event has occurred and no emergency situation exists. In addition, the definition in Section 5-4-3(j) shall also apply. This Section is intended to impose strict liability on the person, business, corporation or other entity who owns or occupies the property which is served by the alarm system and shall be applied regardless of the cause of the false alarm unless a specific exemption applies. 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.

- (c) **Exemptions.** This Section shall not apply:
- (1) To false alarms resulting from personal medical alert signals by personal devices carried by individuals with heightened medical factors to summon assistance in case of a medical emergency.
 - (2) Where a test of the alarm system is being conducted upon notice to fire, law enforcement, EMS and other agencies that might reasonably be expected to respond to such alarm.
 - (3) Where an alarm is activated by weather and such activation could not have reasonably been prevented.
 - (4) To alarms related to activities referenced in Sec. 66.0627(7), Wis. Stats.
- (d) **Intentional False Alarm or Bomb Threats.** No person shall intentionally make a false alarm or cause the activation of a burglar/fire alarm device knowing that no criminal activity, fire or other emergency exists, or in any other manner make or convey a false alarm or bomb threat.
- (e) **False Alarm Charges.** The owner or occupant of any premises in the Village of Elk Mound shall pay a special false alarm response charge per Sections 1-3-1 for false alarms involving such premises occurring within the same calendar year.
- (f) **Collection.** The Village Clerk-Treasurer shall provide written notice by regular mail of all charges due under this Section to the owner and, if applicable, the occupant of the premises where the false alarm occurred. Such notice shall inform the owner and occupant of the right to appeal the charges being imposed under this Section. Except as provided in Subsection (g) below, those charges shall be paid by the owner or occupant within thirty (30) days, they shall be considered a delinquent special charge and included in the current or next tax roll pursuant to Sec. 66.0627, Wis. Stats.
- (g) **Appeals.** Any property owner or occupant who receives a notice that false alarm charges are being imposed against him/her under this Section may appeal the imposition of said charges by filing a written appeal upon the Village Clerk-Treasurer within fifteen (15) days after the date that the notice of such false alarm is mailed to him/her. Such appeal shall include a statement of grounds for appeal. The Village Clerk-Treasurer may prescribe a form to be used for appeals. If an appeal is filed, the time for payment under Subsection (f) shall be suspended until the appeal is decided by the Village Board. The charge will be reimposed if the appeal is denied.

Sec. 5-3-7 Open Burning.

- (a) **Open Burning Prohibited.** Except as provided in Subsection (c) below, no person shall build an open fire or engage in the open burning of any garbage, solid waste, yard waste, grasses, or other refuse of any kind on any public property or private property located within the Village of Elk Mound. This prohibition on burning includes burning of construction waste and debris at construction sites and the use of burning barrels.
- (b) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Garbage.** Discarded materials resulting from the handling, processing, preparation, storage, cooking and consumption of food, and discarded animal feces.
 - (2) **Open Burning.** Burning from which the products of combustion are emitted directly into the air without passing through a stack or chimney.
 - (3) **Refuse.** All matters produced from industrial or community life, subject to decomposition.
 - (4) **Solid Waste.** Garbage, refuse, recyclable materials, grasses, and all other discarded or salvageable solid materials including solid waste materials resulting from industrial, commercial, and agricultural operations, and from domestic use and public service activities.
- (c) **Exceptions.** The following are exceptions to the prohibition herein against open burning:
- (1) **Outdoor Cooking Devices.** Outdoor cooking over a fire contained in a device or structure designed for such use is permissible. This includes the open burning of fuel for cooking food, such as a barbecue or other similar outdoor activity if confined to a proper cooking device such as a grill or in an open pit. Approved cooking devices, such as but not limited to gas grills, charcoal grills, and electric grills, shall not be used above the first floor of any structure containing three (3) or more living units. Approved cooking devices in multi-family dwellings may be used on the first floor, provided a safe distance of fifteen (15) feet in any direction from combustible materials is maintained.
 - (2) **Recreational Fire Rings or Fire Pits; Permissible Burning Materials.** Recreational fire rings or fire pits are permitted for persons living in one- or two-family residences subject to the issuance of a permit from the Village, subject to the following conditions:
 - a. Fire rings/pits are to be constructed of steel no greater than four (4) feet in diameter and placed no less than six (6) inches above grade. Stone, concrete block or fire brick may be substituted for steel, subject to the same dimensions set forth for a steel fire ring/pit.
 - b. Firewood, cut to no greater than twenty (20) inches in length, may be burned in the fire ring/pit. This specifically excludes the burning of all other materials (i.e., cardboard, plywood, magazines, garbage, solid waste, plastic, rubber, treated wood, flammable liquids, or petroleum-based materials), with the exception of newsprint which may be used only to start the fire.

- c. At no time may firewood used in the fire ring/pit be stacked to a height greater than thirty-six (36) inches.
 - d. Recreational fire rings/pits shall be extinguished by 11:00 p.m. or when left unattended. Fire rings/pits shall be located a minimum of twenty-five (25) feet from any structure or fifteen (15) feet from a lot line.
 - e. Fire rings/pits must be attended to at all times by a person not less than sixteen (16) years of age who has readily available for use such fire extinguishing equipment as may be necessary for total control of the fire while burning and/or extinguishing such fire.
- (3) **Portable Fire Rings.** Portable fire rings, defined as moveable devices commercially designed and intended to contain and control outdoor wood fires, may be used in accordance with the manufacturer's recommendations and subject to the requirements of Subsection (c)(2) above and must be used upon a non-combustible surface (dirt without vegetation, stone, gravel, concrete, brick, etc.) with an area twice the diameter of the portable fire pit.
 - (4) **Controlled Burns.** 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. Also excepted are practice fires conducted by the Fire Department.
 - (5) **Ceremonial Bonfires.** Ceremonial campfire or bonfires, with prior written approval of the Fire Chief, or his/her designee, may be permitted.
 - (6) **Other Special Occasions.** Other occasions of desirable outdoor burning not specified by this Subsection, but not as an alternative to refuse removal or disposal of which other methods are available, may be granted single occasion approval as in Subsections (b)(3) and (4) above.
- (d) **No Burning Permits.** There is no application for a burning permit process, as open burning is not allowed within the limits of the Village of Elk Mound except pursuant to Subsection (c) above.
 - (e) **Fire Hazard Conditions.** The Fire Chief shall have the authority to ban all open burning when weather conditions are such that open burning would threaten life and/or property, or to order fires in violation of this Section to be extinguished.
 - (f) **Penalties.**
 - (1) The first time a person(s) is/are informed by the Elk Mound Fire District that he/she is in violation of any provision of this Section, he/she will be directed to extinguish the fire. The enforcement authority issuing the directive shall record same in the daily log. Failure to comply with the directive shall result in a penalty imposed as herein provided.
 - (2) Any person, firm or corporation violating the provisions of this Section shall be subject to a forfeiture as prescribed in Section 1-1-6. Each violation and each day a

violation continues or occurs shall constitute a separate offense. The imposition of a penalty under this Section shall not prohibit the Village from maintaining a separate action against the violator to secure monetary damage for any damage caused by the burning.

State Law Reference: Ch. SPS 314, Wis. Adm. Code.

Sec. 5-3-8 Patio Fireplaces.

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

Sec. 5-3-9 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 Elk Mound. This extreme danger of fire affects the health, safety, and general welfare of the residents of the Village of Elk Mound 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 Elk Mound 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 Dunn County is under Wisconsin Department of Natural Resources emergency fire regulations banning outdoor smoking and campfires, or when necessary as determined by the Fire Chief.
 - (2) Burning emergencies shall become effective upon the time and date of the Village President declaring a state of emergency and shall remain in effect until the period of emergency ceases to exist or until the ratification, alteration, modification, or repeal of the burning state of emergency by the Fire Chief.

Sec. 5-3-10 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 Elk Mound 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 Elk Mound are required to meet omission standards currently required by the Environmental Protection Agency (EPA). Emission standards currently required by the EPA are hereby adopted by reference together with any amendments or modifications made thereto in the future.

- (2) All outdoor wood burning units or solid fuel-fired heating devices are subject to public nuisance consideration as described in this Section.
- (3) Any dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities, may be declared a public nuisance by the Village Board.
- (4) Any indoor or outdoor solid fuel-fired heating device shall have a minimum stack height of fifteen (15) feet from ground level.
- (5) Any existing non-complying stack shall be removed or replaced within a period of six (6) months from the effective date of this Section.
- (6) All stacks or chimneys must be so constructed to withstand high winds or other related elements.
- (7) Buildings with less than twenty-five (25) feet of open space between units shall have a minimum stack height of three (3) feet above the adjoining property's highest roof elevation.

Sec. 5-3-11 Portable Commercial Cooking Equipment.

- (a) **Scope.** The scope of this Section includes:
 - (1) All types of commercial cooking equipment that uses rendered animal fat, vegetable shortening, and other such oily matter that produces grease-laden vapors and are used at any outdoor festival or gathering in the Village; and
 - (2) Cooking equipment used in fixed, mobile, or temporary concessions, such as, but not limited to, trucks, busses, trailers, pavilions, tents, or any form of roofed enclosure shall comply with this Section, in addition to NFPA 96 and its referenced materials.
- (b) **Operation and Use; Emergency Procedures.**
 - (1) Any person using and/or operating any approved cooking equipment shall be properly trained in its use and operation. Training shall be current and documented. Training shall include, but not be limited to, cooking under normal situations. In addition, training shall include procedures for an emergency shut down in the event of a fire or other emergency.
 - (2) Emergency procedures shall include, but not be limited to:
 - a. Evacuating the immediate area.
 - b. Notifying the proper authorities (Use of 911).
 - c. Proper use of portable fire extinguishers.
 - d. Shutting off the main fuel supply – plainly identified.
 - (3) Emergency shut down procedures shall be legible and permanently and conspicuously located on/in the unit at all times during operation.
- (c) **Equipment to be Attended.** The cooking equipment shall be attended at all times by a competent trained person of at least eighteen (18) years of age.
- (d) **Location.** The location of the cooking unit, unless contained within a vehicle, trailer or roofed enclosure, shall be a minimum of ten (10) feet away from any displays, tents, buildings, or other combustibles.

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- (e) **Fire Protection.** In addition to units that may include fire protection systems, portable fire extinguishers are required per NFPA 1, 10 and 58 (most current editions), as follows:
 - (1) NFPA 1 Fire Code: Chapter 13 Fire Protection Systems, Chapter 13.6.7 Fire Extinguishers provided for the protection of cooking appliances that use combustible cooking media (vegetable or animal oils/fats) shall be listed and labeled for Class K fires.
 - (2) NFPA 10 Standards for Portable Fire Extinguishers: Chapter 6.6 Installation for Class K Hazards. Class K fire extinguishers shall be provided for hazards where there is potential for fires involving combustible cooking media (vegetable or animal fats/oils).
- (f) **Notification.** Any user of such equipment shall notify the Fire Department when the cooking equipment will be used within the Village of Elk Mound. Notification shall be at a minimum forty-eight (48) hours in advance.
- (g) **Owner's Responsibility.** It is the responsibility of the owner of the cooking unit to ensure that proper training has been provided, emergency procedures are mounted, and that all required equipment is included and maintained in accordance with applicable codes, including the proper type and size of portable fire extinguishers).

Sec. 5-3-12 Fire Suppression Systems.

- (a) **Automatic Sprinkler Systems.**
 - (1) **Applicability.**
 - a. Pursuant to Section 101.14(4m), Wis. Stats, every multi-family residential dwelling of eight (8) or more units serviced by a public water system which is constructed within the Village of Elk Mound shall be constructed with an automatic fire sprinkler system for fire protection purposes.
 - b. For purposes of this Section, automatic fire sprinkler system has the meaning given in Section 145.01(2), Wis. Stats.
 - (2) **Plan Review.** Prior to any modification to existing commercial and industrial sprinkler systems or installation of a new sprinkler system, the plans approved by the State for such systems shall be submitted to the Central Fire and EMS Department for review, when not already required by the State of Wisconsin.
 - (3) **Standards.**
 - a. Applicable provisions of the Wisconsin Administrative Code regulating automatic fire sprinkler systems and fire safety are hereby adopted by reference, as may be amended from time to time. Furthermore, to the extent not inconsistent with the Wisconsin Administrative Code, the standards of the National Fire Protection Association regulating automatic fire sprinkler systems are hereby adopted and incorporated herein by reference. All sprinkler systems shall meet the standards of NFPA 13 "Standards for Installation for Sprinkler Systems", NFPA 13R

"Standards for the Installation of Sprinkler Systems in Residential Occupancies Up To and Including Four Stories in Height", NFPA 25 "Standards for the Inspection, Testing, and Maintenance for Water-Based Fire Protection Systems", and any of their referenced standards, and other standards adopted by the State of Wisconsin.

- b. Any automatic fire sprinkler system which is required by this Section shall be installed and maintained in every building and structure where required by the Wisconsin Administrative Code, if not otherwise required herein, and shall comply with the standards adopted by the Wisconsin Administrative Code and the National Fire Protection Association, in effect at the time of such installation. In the event of a conflict between any regulations adopted herein by reference, the most restrictive of such provisions shall apply.
- (4) **Plan Submittals.** Three (3) copies of the plans, specifications and calculations shall be submitted for review. Approved plans shall be stamped "conditionally approved", with a plan number, the date and signature of the approving official. One (1) copy will be kept on file with the Fire Department, while the other copies will be returned to the contractor. Full responsibility for the accuracy of the plans and calculations shall be the responsibility of the contractor.
 - (5) **Fire Department Connections.** Fire Department connections (FDC) on all systems shall be a 4" Storz Connection. The location of the FDC shall be approved by the Fire Department prior to work being commenced. No work may begin on the installation of the sprinkler system until plans have been submitted and reviewed by the Fire Department. The Fire Department shall be contacted no less than forty-eight (48) hours in advance for any tests required by code either during installation or inspection, testing, or maintenance of the system.
 - (6) **Certification and Inspection.**
 - a. Installers of an automatic fire sprinkler system shall, upon completion, certify to the Fire Chief, or his/her designee, that installation was completed pursuant to the requirements of this Section. Upon receipt thereof, the Fire Chief or his/her designee will inspect the installation and verify compliance or direct such appropriate action as is required to secure compliance.
 - b. No building or structure for which an automatic fire sprinkler system is required shall be occupied or used for its intended purpose until compliance with this Section is verified by the Fire Chief or the Fire Chief's designee. The Building Inspector shall not issue a certificate of occupancy for any building or structure until compliance with this Section, where required, is verified by the Fire Chief or his/her designee.
 - (7) **Connection to Water Supply System.** The water service line providing water to the automatic fire sprinkler system may be connected to the general water service lateral, or may be a separate lateral, provided, however, that if connected to the general water

service lateral, the line shall be separate and valved before the water meter which measures the domestic water supply. The sizing, location and all other aspects of the required water supply line shall be authorized and approved by representatives of the Water Utility and the owner of the premises which requires the automatic fire sprinkler service will be required to pay for the full cost of installing a new or separate fire service water supply line in addition to all necessary valves, fittings and other costs associated with the provision of such service.

- (8) **Documentation.** Copies of all inspection, testing, and maintenance of sprinkler systems shall be forwarded to the Fire Department. In addition, the most current maintenance/test record shall be posted at the system control panel.
- (9) **Maintenance.**
 - a. The owner or occupant of a building or structure containing the automatic fire sprinkler system shall maintain the system in an operative condition at all times. The owner or occupant of the building containing such system shall properly notify the Fire Chief, or his/her designee, in case said sprinkler protection system is inoperative due to a mechanical malfunction or otherwise.
 - b. An automatic fire sprinkler system may not be rendered inoperable without the written permission of the Fire Chief, or his/her designee, and then only for the duration of the time permitted thereby.
 - c. No such system, once installed for any reason, shall be disconnected or shall cease to be maintained should a building or structure cease to be occupied, in whole or in part, without first obtaining the permit to do so from the Fire Chief or his/her designee.
- (b) **Other Fire Suppression Systems.**
 - (1) **Plan Review.** Prior to any modification to or installation of any new fire suppression system, or the alteration of an existing system, plans shall be submitted to the Fire Department or its designee for review, when not already required by the State.
 - (2) **Standards.** All fire suppression systems, other than water based sprinkler systems, shall comply with the applicable NFPA standards (most current edition at the time of modification or installation).
 - (3) **Plan Submittals.** Three (3) copies of the plans, specifications and calculations shall be submitted for review. Approved plans shall be stamped "conditionally approved", with a plan approval number, the date and signature of the approving official. One (1) copy will be kept on file with the Elk Mound Fire District, while the other copies will be returned to the contractor. Full responsibility for the accuracy of the plans and calculations is the sole responsibility of the contractor.
 - (4) **Notifications.** No work may begin on the installation of a fire suppression system until plans have been submitted and reviewed by the Elk Mound Fire District. The Fire Department shall be contacted no less than forty-eight (48) hours in advance for any tests required by code either during installation or inspection, testing, or maintenance of the system.

- (5) **Documentation.** Copies of all inspection, testing, and maintenance of fire suppression systems shall be forwarded to the Elk Mound Fire District. In addition, the most current maintenance/test record shall be posted at the control panel.
- (c) **Fire Extinguishers.**
- (1) **Code Compliance.** The installation, maintenance, selection, and distribution of portable fire extinguishers shall be in accordance with NFPA 1 Fire Code, Chapter 13.6 and NFPA 10 "Standards for Portable Fire Extinguishers, except as otherwise provided hereunder.
- (2) **Fire Extinguisher Standards.**
- a. The owner, agent or occupant of all required occupancies has the option of purchasing a compliant fire extinguisher in lieu of maintenance requirements. In these situations the following applies:
1. A new fire extinguisher shall be purchased annually.
 2. The dated store purchase receipt for the new fire extinguisher shall be kept on file for inspection, and presented to the Fire Inspector for review and copying upon request.
 3. The date the new fire extinguisher was placed in service must be permanently displayed on the extinguisher.
- b. In situations where a conflict between the provisions of the Fire Code and the standards in Subsection (c)(2)a above and the manufacturer's recommendations relative to said fire extinguisher, the more restrictive provision shall be enforced.

Sec. 5-3-13 Private Fire Service Mains.

- (a) **Private Fire Service Mains and Their Appurtenances.** Prior to any modification to, or installation of a private fire service main and their appurtenances, or the alteration thereof, plans approved by the State for such systems shall be submitted to the Elk Mound Fire District or its designee for review, when not already required by the State. Only approved hydrants and post indicator valves (PIVs) shall be allowed for use on private property for the sole purpose of fire protection.
- (b) **Standards.** All private fire service mains and their appurtenances shall comply with NFPA 24 "Private Fire Service Mains and Their Appurtenances", and any of its referenced standards (most current edition at the time of modification or installation).
- (c) **Plan Submittals.** Three (3) copies of the plans, specifications and calculations shall be submitted for review. Approved plans shall be stamped "conditionally approved", with a plan approval number, the date and signature of the approving person. One (1) copy shall be kept on file by the Elk Mound Fire District, while the other copies will be returned to the contractor. Full responsibility for the accuracy of the plans and calculations is the sole responsibility of the contractor.

- (d) **Notifications.** No work may begin on the installation of a private fire service main and/or their appurtenances until plans have been submitted and reviewed by the Fire and EMS Department. The Elk Mound Fire District shall be contacted no less than forty-eight (48) hours in advance for tests required by code either during installation or inspection, testing, or maintenance of the system, suppression systems shall be forwarded to the Elk Mound Fire District.
- (e) **Documentation.** Copies of all inspection, testing, and maintenance of private service mains and their appurtenances shall be forwarded to the Elk Mound Fire District. In addition, the most current test/maintenance record shall be available upon request.

Sec. 5-3-14 Rapid Entry System (Knox Box).

- (a) **Rapid Entry Key Boxes Required.**
 - (1) The Village of Elk Mound encourages the use of rapid entry lock box devices and associated equipment (Knox Box System) for all commercial, industrial and residential buildings which have a fire sprinkler system and/or alarm systems with an annunciator panel. The Fire Department utilizes a key box system ("Knox Box") requiring the installation of miniature vaults on the exterior of buildings, gateposts, and/or other applicable locations to facilitate entry into such places in a timely manner during an emergency. Contained within these vaults are the keys necessary to gain entry into the facility and/or also keys to gain access to any locked equipment rooms or hazardous locations. Pertinent property information may also be contained in the vaults.
 - (2) Key boxes are recommended in all new public buildings, places of employment, and multi-family residential buildings that contain a fire alarm or a combination of fire alarms as well as any detection and/or fire suppression systems. Key boxes may be required on buildings that do not contain any of the above equipment by order of the Fire Chief or Building Inspector if the type of occupancy has contents or processes that warrant immediate access during an emergency when it would be impractical or unsafe to wait for a key holder. Gated facilities may also be required to install a padlock compatible with the key box system master key. In such cases the padlock could be double locked along with facility's padlock so as not to disrupt their normal operation. Required equipment shall be purchased by the owner/occupant.
- (b) **Rapid Entry Key Boxes Recommended.** The Village of Elk Mound recommends the use of lock box devices and associated equipment as described in Subsection (a) above in the following types of buildings; where building owners elect to provide such rapid entry box devices to facilitate access by the Fire Department, such devices and associated equipment shall be provided by a commercial vendor and be of the type authorized by the Fire Department:

- (1) In all commercial and/or industrial buildings other than those described in Subsection (a) above.
 - (2) In all multi-family residential structures containing three (3) or more living units, other than those described in Subsection (a) above, that have restricted access through locked doors and have a common corridor for access to the living units or mechanical rooms.
 - (3) In any other building where lack of access may result in loss of life or significant property or environmental damage, based on factors including, but not limited to, fire load, occupancy, exposures, type of building construction, building age, and storage or use of hazardous materials (single and two-family dwellings are exempt from this requirement).
- (c) **Retroactivity.** Participation in this key box system for existing occupancies that would be covered under this Section will be voluntary, except that businesses that have a change of occupancy or a change of use will be required to comply with this Section. Any keys that the Elk Mound Fire District currently has in its possession will be returned to the rightful owner. The Fire Department will no longer accept or carry loose keys. Occupancies wishing to participate in the key box system master key. In such cases the padlock could be double locked along with the facility's padlock so as not to disrupt their normal operation. Required equipment shall be purchased by the owner/occupant.
- (d) **Special Circumstances/Multiple Residential False Alarms.** The Fire Chief or Building Inspector may require the installation of a key box system on a private dwelling that contains a monitored fire alarm or fire suppression system where multiple false alarms have occurred.
- (e) **Location.**
- (1) The key box shall be installed in an accessible location approved by the Fire Department. The key box shall be mounted not less than five (5) feet or more than seven (7) feet above ground level immediately below the installation.
 - (2) Depending on the type and size of the occupancy, the Fire Chief or Building Inspector may require one or more key boxes to be placed on the structure. Public buildings that contain multiple occupancies may be required to have separate vaults for each separate occupancy. The key box will typically be placed near the main entrance to the occupancy. The mounting location of the box must be approved. The type and size of the key box to be installed must also be approved. The only acceptable equipment will be from the Knox Company. In most cases a Knox 4400 series box will be required. In certain cases where it may be necessary to keep MSDS, Hazmat data or building plans in the vault, a larger box may be required. For smaller occupancies and multi-family residential occupancies required storage for less than ten (10) keys, a Knox 3200 series box will be required.
- (f) **Security.** Security will be maintained through the use of Key Secure master key retention systems. All vaults will be keyed alike utilizing a master key that is proprietary to the Elk

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- Mound Fire District. The Elk Mound Fire District will be the sole agency that has access to the vault. The master key can only be released after entering a PIN code. All activity will be recorded electronically to add to the security of the system. Boxes shall only be accessed for fire or EMS emergencies, during routine fire inspections, or to update contents.
- (g) **Vault Contents.** The key box vault shall contain keys for the following: the main entrance, all locked points of access in the interior of the building, mechanical rooms, alarm rooms or panels, sprinkler rooms, electrical rooms, elevators and elevator control rooms, and any other locked areas that may be determined by the Fire Chief. Buildings containing hazardous processes and/or hazardous materials may also be required to place information regarding these hazards within the vault. This information shall be, at a minimum, the MSDS for all products, a list of responsible parties and emergency contact numbers, the list of hazards and quantities and their location within the facility, and any other information requested by the Fire Chief.
- (h) **Owner's Responsibility.**
- (1) Building owners are required:
 - a. To purchase an approved key box by contacting the Elk Mound Fire District and obtaining the necessary authorizations.
 - b. To provide to the Elk Mound Fire District the proper keys for the required access.
 - c. To notify the Elk Mound Fire District when the locks or keys have changed.
 - d. To keep the immediate area of the key box free and clear of any obstructions.
 - (2) The owner or occupant of buildings utilizing the key box system shall ensure that the keys and any other information contained within the vault will be kept up to date. The keys and any other contents will be verified and/or tested at the time of installation and also during regular fire inspections. If at any time the keys or information contained with the vault become outdated, or items must be added to the vault, arrangements must be made with the Elk Mound Fire District to gain access to place the updated items in the vault.
- (i) **Violations.** It shall be unlawful to tamper with or remove any key box without the permission of the building owner and Elk Mound Fire District.

Sec. 5-3-15 Damage Involving Emergency Vehicles.

- (a) **Damage to Emergency Vehicles.** If any emergency vehicle suffers damage because of insufficient access to any property within the Village of Elk Mound, the property owner shall be liable for the amount required to remedy or repair any such damage to the emergency vehicle.
- (b) **Damage to Property.** The Village of Elk Mound shall not be liable to any property owner for any damage to the owner's property caused by an emergency vehicle, when such

damage occurred because of insufficient access to the property. "Damage" as used in this Section shall include, without limitation, injury to trees or other vegetation, fences, posts, signs, lights or other structures.

- (c) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Insufficient Access.** A driveway or other roadway which provides less than fifteen (15) unobstructed feet in width clearance and less than fourteen (14) unobstructed feet in height clearance.
 - (2) **Emergency Vehicle.** Includes, without limitation, any ambulance or other medical emergency vehicle, fire apparatus or law enforcement vehicle, or any such Village equipment called in to provide assistance to such units.
- (d) **Reimbursement of Village.** Any property owner upon whose property a Village emergency vehicle suffers damage because of insufficient access will be notified, in writing, of the damage(s) sustained and the amount required to repair or remedy the damage. Such property owner shall reimburse the Village of Elk Mound the full amount specified within thirty (30) days of receipt of the written notice.

Title 5 ▶ Chapter 4

Emergency Government

5-4-1	Policy and Purpose
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Sec. 5-4-1 Policy and Purpose.

- (a) **Purpose.** To ensure that the County of Dunn will be prepared to cope with emergencies resulting from enemy action and with emergencies resulting from man-made and natural disasters, an Emergency Government Organization is created to carry out the purposes set out in Chapter 22, Wis. Stats.
- (b) **Definitions.** As used in this Chapter:
- (1) **Emergency Government** includes "civil defense" and means all measures undertaken by or on behalf of the State and its subdivisions.
 - a. To prepare for and minimize the effect of enemy action and natural or man-made disaster upon the civilian population.
 - b. To effectuate emergency repairs to, or the emergency restoration of, vital public utilities and facilities destroyed or damaged by such action or disaster.
 - (2) **Civil Defense** means all measures undertaken by or on behalf of the State and its subdivisions to prepare for and minimize the effect of enemy action upon the civilian population.

Sec. 5-4-2 County Emergency Government Committee.

- (a) **How Constituted.** The Executive Committee of the County Board as created under its rules is hereby designated as the County Emergency Government Committee. When acting as such committee, the Chairman shall be its chairman.

- (b) **Duties of County Emergency Government Committee.** The County Emergency Government Committee shall be an advisory and planning group and shall advise the County Emergency Government Director/Coordinator and the County Board of Supervisors on all matters pertaining to emergency government. It shall meet upon call of the chairman.

Sec. 5-4-3 County Emergency Government Director.

- (a) **Joint Director.** There is hereby created the office of County Municipal Emergency Government Director. The County Emergency Government Director shall also hold the office of Emergency Government Director of such municipalities of Dunn County as may hereafter enact an ordinance parallel to this Chapter. In addition to his duties as County Emergency Government Director, he shall have the additional duties and responsibilities of a Municipal Emergency Director as provided for in Sec. 66.30, Wis. Stats.
- (b) **Salary, Term, Appointment and Statutory Provision.**
 - (1) **Salary.** The salary of the Director and members of his staff shall be as determined by the County Board.
 - (2) **Term.** The term of the Dunn County Emergency Government Director shall be at the pleasure of the County Board.
 - (3) **Appointment.** The Emergency Government Director shall be appointed by the Emergency Government Committee subject to approval by the County Board.
 - (4) **Statutory Provision.** The provisions of Sec. 22.16(9), Wis. Stats., relating to personnel, shall apply to the selection of the Director and his staff.
- (c) **Status.** The County Emergency Government Director shall be considered to be an employee of the County not under civil service and shall be entitled to all of the rights, privileges and benefits that County employees have. He shall report to the County Emergency Government Committee.
- (d) **Municipal Deputy Emergency Government Director.**
 - (1) Each municipality passing a joint action ordinance with the County may appoint a Deputy Emergency Government Director.
 - (2) The Municipal Deputy Emergency Government Director shall operate under the administrative direction of the County Emergency Government Director.
 - (3) Remuneration, if any, for the Deputy Municipal Emergency Government Director shall be determined and paid by the governing body of that municipality.

Sec. 5-4-4 Sharing of Costs.

- (a) **Office and Staff.** The Dunn County Board shall provide offices, office furniture, stenographic help and such office supplies as may be necessary to carry out the functions of the County Emergency Government Director.

- (b) **Major Equipment and Services.** Costs of equipment and services shall be borne one hundred percent (100%) by the municipal government requiring such procurement with federal matching procured by the County Municipal Director when applicable. Federal matching fund reimbursements shall be returned to the Treasurer for the municipality procuring the equipment or services.

Sec. 5-4-5 Joint Action Meetings.

Whenever it is deemed necessary by either the County Emergency Government Committee or the Emergency Government Committee of a municipality participating in joint action, there shall be a joint meeting of the committees to decide such matters as may arise.

Sec. 5-4-6 Duties of the County Emergency Government Director.

- (a) **County-Wide Duties.** The Director, in his capacity as County Director, subject to the control and direction of the County Emergency Government Committee, and under the general supervision of the County Board shall:
- (1) Develop and promulgate emergency government plans for the County including planning for joint action municipalities, consistent with the State plan of emergency government;
 - (2) Coordinate and assist in the development of non-joint action municipal emergency government plans within the County, and integrate such plans with the County plan;
 - (3) Direct the County and joint action municipality emergency government programs;
 - (4) Direct county-wise emergency government training programs and exercises;
 - (5) Advise the State Administrator of Emergency Government of all emergency government planning for the County and render such reports as may be required by the administrator;
 - (6) In case of a state of emergency proclaimed by the Governor, direct the County and joint action municipalities in emergency government activities and coordinate the non-joint action municipal government activities within the County, subject to the coordinating authority of the State Administrator;
 - (7) Perform such other duties relating to emergency government as may be required by the County Board.
- (b) **Municipal Duties.** The Director in his capacity as director for a municipality participating in joint action shall:
- (1) Direct the municipal emergency government organization;
 - (2) Develop, promulgate and integrate into the County plan, emergency government plans for the operating services of the municipality.

- (3) Direct participation of the municipality in such emergency government training programs and exercises as may be required on the County level or by the State Administrator;
- (4) Direct the municipal emergency government training programs and exercises;
- (5) Perform all administrative duties necessary for the rendering of reports and procurement of federal matching funds for each municipality requesting federal matching funds;
- (6) In case of a state of emergency proclaimed by the Government, direct the activities of the municipal emergency government organization;
- (7) Perform such other duties, relating to emergency government, as may be required by the municipal governing body.

Sec. 5-4-7 Utilization of Existing Services and Facilities.

- (a) **Policy.** In preparing and executing the Emergency Government Program, the services, equipment, supplies and facilities of the existing departments and agencies of the County shall be utilized to the maximum extent practicable; and the officer and personnel of all such departments and agencies are directed to cooperate with and extend such services and facilities as are required of them.
- (b) **Joint Action.** Municipalities entering into joint action with Dunn County will provide for utilization of existing services of municipal government.

Sec. 5-4-8 Other Emergencies.

- (a) **Joint Action Municipalities.** If the Governor determines that an emergency exists growing out of natural or man-made disasters, the County Emergency Government Director will activate and direct the emergency government services at the appropriate level of government affected by the emergency.
- (b) **Non-Joint Action Municipalities.** In the event of a natural or man-made disaster, the County Director shall coordinate the municipalities affected and render such assistance as is required and available from County resources.
- (c) **Penalties.** No person shall willfully obstruct, hinder or delay any member of the emergency government organization in the enforcement of any order, rule, regulation or plan issued pursuant to this Chapter, or do any act forbidden by any order, rule, regulation or plan issued pursuant to the authority contained in this Chapter. For a violation of any of the provisions of this Chapter, he shall be subject to a penalty as provided in Section 1-1-6.