

## **CHAPTER 5 PUBLIC SAFETY**

---

- 5.01 Fire Department Organization; Fire Protection District**
- 5.02 Police Power of the Department; Investigation of Fires**
- 5.03 Firemen May Enter Adjacent Property**
- 5.04 Duty of Bystanders to Assist**
- 5.05 Vehicles to Yield Right-of-Way**
- 5.06 Impeding Fire Equipment Prohibited**
- 5.07 Damaging Fire Hose; Parking by Hydrants; Blocking Fire Lanes Prohibited**
- 5.08 Interference with Use of Hydrants Prohibited**
- 5.09 Open Burning**
- 5.10 Disclosure of Hazardous Materials and infectious Agents; Reimbursement for Cleanup of Spills**
- 5.11 Recovery of Costs of Extinguishing and Cleaning up Fires Involving Hazardous Materials**
- 5.12 Violation and Penalties**

## CHAPTER 5 PUBLIC SAFETY

---

### SECTION 5.01 Fire Department Organization; Fire Protection District.

- (a) **Fire Department Recognized.** The Arlington Volunteer Fire Company is officially recognized as the Fire Department of the Village, and the duties of fire fighting and fire prevention in the Village are delegated to such Department.
- (b) **Appropriations.** The Village Board shall appropriate funds for the Arlington Volunteer Fire Company operations as apportioned by the Arlington Fire Board pursuant to the terms of the Arlington Fire Protection District Agreement.
- (c) **Fire Protection Contract.** Pursuant to Section 66.0301, Wis. Stats., the Village Board authorizes the Village President and Village Clerk to execute such contracts as are approved by the Village Board, from time-to-time, to procure fire protection service for the Village. All such contracts shall be presented to and approved by a majority of the Board before execution, and shall afford the Village the most efficient and highest quality fire protection as economically feasible.
- (d) **Arlington Fire Protection District.**
  - (1) **Association.** Pursuant to duly authorized fire protection contracts, the Village of Arlington, and the Towns of Arlington, Leeds and Lowville, and the Arlington Volunteer Fire Company, shall associate themselves together for the purpose of providing fire protection, forming the Arlington Fire Protection District.
  - (2) **Housing Facilities.** The Village, through the Community Center Commission, shall provide adequate and heated housing for the District's fire-fighting equipment in the Village of Arlington at a rent to be agreed upon pursuant to a lease between the Village and the Fire Board.
  - (3) **Fire Commission.** The Village President shall serve as the Village of Arlington's representative on the Fire Board.
  - (4) **Funding.** The Village of Arlington, shall contribute funds to the approved budget in the proportion that the total assessed valuation of the taxable property within the municipality and within the Fire District, as equalized for state purposes, bears to the total equalized valuation of the Fire District.
  - (5) **Equalized Valuation Report.** The Village Clerk shall submit to the secretary of the Fire Protection District on or before October 1 of each year a statement showing the latest equalized valuation of the taxable property within the Village.
- (e) **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.
- (f) **Organization.** The Arlington Volunteer Fire Company shall be organized and governed pursuant to its bylaws.

**SECTION 5.02 Police Power of the Department; Investigation of Fires.**

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

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

(b) **Fire Inspection Duties.**

- (1) The Fire Chief, or their designee, shall be the Fire Inspector of the Village of Arlington and shall have the power to appoint one or more deputy Fire Inspectors and shall perform all duties required of the Fire Inspectors by the laws of the State and rules of the Department of Commerce.
- (2) While acting as Fire Inspector pursuant to Sec. 101.14, Wis. Stats., the Fire Chief, their designee, or any officer of the Fire Company designated by the Fire Chief, shall have the right and authority to enter any building or upon any premises in the Village of Arlington at all reasonable hours for the purpose of making inspections or investigations which, under the provisions of this Code of Ordinances, he may deem necessary. Should the Fire Inspector find that any Statutory, Administrative Code or Ordinance provisions relating to fire hazards and prevention of fires are being violated, or that a fire hazard exists which should be eliminated, it shall be their duty to give such directions for the abatement of such conditions as he shall deem necessary and, if such directions be not complied with, to report such noncompliance to the Village Board for further action.
- (3) The Chief of the Fire Company or their designee, or officers or members of the Fire Company designated by him as fire inspectors, are required to inspect all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of any

law or ordinance relating to the fire hazard or to the prevention of fires. Such inspections shall be made at least once in six (6) months in all of the Village territory served by the Fire Company, and not less than once in three (3) months in such territory as the Village Board has designated or thereafter designates as within the Village or as a congested district subject to conflagration, and more often if the Chief of the Fire Company orders. Each six (6) month period shall begin on January 1 and July 1, and each three (3) month period on January 1, April 1, July 1 and October 1 of each year.

- (4) Written reports of inspections shall be made and kept on file in the office of the Chief of the Fire Company in the manner and form required by the Department of Commerce. A copy of such reports shall be filed with the Village Clerk.

### **SECTION 5.03 Firemen May Enter Adjacent Property.**

- (a) **Entering Adjacent Property.** It shall be lawful for any fireman 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 fireman in the discharge of their duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firemen in the discharge of their duty.
- (b) **Destruction of Property to Prevent the Spread of Fire.** During the progress of any fire, the Fire Chief or their assistant shall have the power to order the removal or destruction of any property necessary to prevent the further spread of fire; provided that it is inevitable that, unless such property is removed, other property is in danger of being destroyed by fire.

### **SECTION 5.04 Duty of Bystanders to Assist.**

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

### **SECTION 5.05 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, fire truck and other fire apparatus have passed. The penalty for violating this Section shall be as set forth in Section 1.06 of this Code of Ordinances.

## **SECTION 5.06 Impeding Fire Equipment Prohibited.**

No person shall impede the progress of a fire engine, fire truck or other fire apparatus of the Arlington Volunteer Fire Company along the streets or alleys of such Village at the time of a fire or when the Fire Department of the Village is using such streets or alleys in response to a fire alarm or for practice. The penalty for violating this Section shall be as set forth in Section 1.06 of this Code of Ordinances.

## **SECTION 5.07 Damaging Fire Hose; Parking by Hydrants; Blocking Fire Lanes Prohibited.**

- (a) **Driving Over Fire Hose.** No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the Arlington Volunteer Fire Company, and no vehicle shall be driven over any unprotected hose of the Fire Company 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 Company official in command.
- (b) **Parking Vehicles Near Hydrants.** It shall be unlawful for any person to park any vehicle or leave any object within ten (10) feet of any fire hydrant at any time.
- (c) **No Parking Near Fire.** It shall be unlawful for any person, in case of fire, to drive or park any vehicle within one block from the place of fire without the consent and authority of the Fire Chief or any police officer.
- (d) **Penalty.** The penalty for violating this Section shall be as set forth in Section 1.06 of this Code of Ordinances.

## **SECTION 5.08 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. The penalty for violating this Section shall be as set forth in Section 1.06 of this Code of Ordinances.

## **SECTION 5.09 Open Burning.**

- (a) **Prohibitions.** No person, firm or corporation shall build any outdoor fire within the corporate limits of the Village of Arlington except as set forth below in this Section. This prohibition on burning includes burning of construction waste or debris at construction sites. Further, this Section is intended to specifically prohibit the installation, use or maintenance of any wood fire furnace, stove or boiler that is not located within a building intended for human habitation.
- (b) **Exceptions.**
  - (1) Outdoor cooking over a fire contained in a device or structure designed for such use is permissible. This Section does not prohibit the warming of a person or the cooking of food, except that only wood, charcoal, propane, paper, or cardboard may be used as an accelerant, and the warming or cooking fire must be contained in a fire pit or within a rock or bricked

enclosure or grill, or within a device intended for warming or cooking. Burning barrels are not appropriate devices, and are prohibited.

- (2) Controlled burning of grass or similar vegetation for environmental management purposes, with the prior written approval of the Fire Chief, or their designee, are permitted. This exception does not permit the burning of grass, leaves or other lawn debris.
- (3) Ceremonial campfire or bonfires, with prior written approval of the Fire Chief, or their designee, are permitted.
- (4) 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.

(c) **Penalty:**

The penalty for violating this Section shall be as set forth in Section 1.06 of this Code of Ordinances.

**SECTION 5.10 Disclosure of Hazardous Materials and Infectious Agents; Reimbursement for Cleanup of Spills.**

(a) **Definitions.**

- (1) "Infectious agent" is a bacterial, mycoplasmal, fungal, parasitic or viral agent known to cause illness in humans which is used, researched, produce 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.

(b) **Application.**

- (1) All persons, firms or organizations using, researching or producing hazardous materials and/or infectious agents shall notify the Fire Company 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.

(c) **Information Required.**

- (1) Any person, firm or organization using, researching, producing and/or storing any hazardous materials shall provide in writing to the Fire Company the following information:
  - a. Address, location of where hazardous materials are used, researched, store or produced;
  - b. The trade name of the hazardous material;

- c. The chemical name and any commonly used synonym(s) for the hazardous material and the chemical name and any commonly used synonym/for its major components;
  - d. The exact location(s) 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 materials;
  - 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 material;
  - j. Recommended fire extinguishing media, special firefighting procedures and fire and explosion hazard information for the hazardous material;
  - k. Any effect of over-exposure to the hazardous material, emergency and first aid procedures and telephone numbers to call in an emergency;
  - l. Any condition or material which is incompatible with the hazardous material and must be avoided;
  - m. Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming into contact with the hazardous materials;
  - n. Procedures for handling or coming into contact with the hazardous materials.
- (2) Any person, firm or organization using, researching, producing and/or storing infectious agent and/or carrier of an infectious agent shall provide in writing to the Fire Company the following:
- a. The name and any commonly used synonym of the infectious agent;
  - b. Address/location where infectious agents are used, researched, stored and/or produced;
  - c. The exact locations where infectious agents are used, researched, stored and/or produced;
  - d. Amount of infectious agent on premises per exact locations;
  - e. Any methods of route of transmission of the infectious agents;
  - f. Any symptoms of effect of infection, emergency and first aid procedure and a telephone number to be called in an emergency;
  - g. Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming in contact with the infectious agent;
  - h. procedure for handling, clean-up and disposal of infectious agents leaked or spilled.
- (d) **Reimbursement for Cleanup of Spills.** Any person who possesses or controls a hazardous material or infectious agent which was discharged or caused the

discharge of a hazardous material or infectious agent shall reimburse the Village for actual and necessary expenses incurred by the Village or its agent to contain, remove or dispose of the hazardous agent or take any other appropriate action which is deemed appropriate under the circumstance.

**SECTION 5.11 Recovery of Costs of Extinguishing and cleaning Up Fires Involving Hazardous Materials.**

- (a) Every person, firm or corporation using, storing, handling or transporting flammable or combustible liquids, chemicals, gasses or other hazardous materials shall comply with the requirements of Chapter Comm. 10 Wis. Adm. Code, as may, from time-to-time, be amended.
- (b) Every person, firm or corporation using, storing handling or transporting (whether by rail or on the highways) flammable or combustible liquids, chemicals, gasses or other hazardous materials shall be liable to the Village for the actual cost of labor and materials associated with the use of any specialized extinguishing agent, chemical, neutralizer of similar material or equipment employed to extinguish, confine or clean up any such hazardous material which is involved in any accidental spill or in threat of any fire or accidental spill.

**5.12 Violation and Penalties.**

- (a) **Violations.** If the Fire Chief, the Fire Inspector, or their designee, find any Statutory, Administrative Code or Ordinance provision relating to fire hazards and prevention of fires are being violated, or that a fire hazard exists which should be eliminated, it shall be their duty to report such noncompliance to the Village Board for further action and possible order issuance.
- (b) **Remedial Action.** Whenever an order of the Village Clerk has not been complied with within 30 days after written notice has been mailed to the owner, the resident agent or occupant of the premises, the Village Board may institute appropriate legal action or proceedings.
- (c) **Penalties.** Any person, firm or corporation who fails or refuses to comply with the provisions of this Chapter or any order of the Village Board issued in accordance with this Chapter shall, upon conviction thereof, be subject to a forfeiture of not more than two hundred dollars (\$200.00), together with the costs of prosecution, including attorney fees (unless otherwise stated). Each and every day during which such violation continues shall be deemed a separate offense. If property re-inspection is required by the Board, it shall be at owner's expense.