

# Title 5

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## Public Safety

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## Chapter 1

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### Law Enforcement

5-1-1	Organization
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5-1-3	Civilians to Assist
5-1-4	Municipal Court

#### **Sec. 5-1-1 Organization.**

Law enforcement services in the Village shall be provided by a Village Marshal and such other officers, assistants, and patrol officers as from time to time may be appointed by the Village Board pursuant to the provisions of the Wisconsin Statutes.

#### **Section 5-1-2 Records and Reports.**

The Village Marshal shall submit a quarterly general report to the Village Board of all law enforcement activities during the preceding quarter.

#### **Sec. 5-1-3 Civilians to Assist.**

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

## Sec. 5-1-4 Municipal Court.

- (a) **Created.** There is created and established a Municipal Court, to be designated as the “Mid-Moraine Municipal Court,” under the provisions of Ch. 755, Wis. Stats., and pursuant to the Tenth-Amended Agreement for the Operation of the Mid-Moraine Municipal Court, and as may be amended in the future (“Agreement”), a copy of which is on file with the village clerk.
- (b) **Municipal Court Judge.** The Municipal Court shall be under the jurisdiction of and presided over by a Municipal Judge, who shall be an attorney licensed to practice law in Wisconsin and who resides in any of the Member Municipalities as defined in the Agreement. The Municipal Judge shall be elected at large in the Spring election for a term of two years commencing on May 1<sup>st</sup> of the year of his or her election. The governing bodies of the Member Municipalities shall provide for a primary election in the event that more than two candidates file nomination papers for the position of Municipal Judge.
- (c) **Bond.** The amount of the bond required by Sec. 755.03(1), Wis. Stats., shall be \$2,500.
- (d) **Hours.** The Municipal Court shall be open at such times as the Municipal Judge determines, subject to the Agreement.
- (e) **Contempt.** The Municipal Judge may impose a forfeiture for contempt of court and a jail sentence for nonpayment of the forfeiture and any applicable assessments, under Sec. 800.12(2), Wis. Stats.
- (f) **Jurisdiction.** This section shall be construed to limit neither the jurisdiction of the Municipal Court nor the authority of the Municipal Court to impose penalties under the Wisconsin Statutes.
- (g) **Service Fees.** Pursuant to the provisions of Section 814.70, 814.705 and 814.71 of Wis. Stats., on behalf of the Village of Fredonia, the Mid-Moraine Municipal Court, of which the municipality is a member of, shall charge a \$50.00 warrant and commitment order service fee for all warrants or orders issued. Upon the Municipal Court’s receipt of payment, the Village of Fredonia shall receive \$25.00 of the fee and the Mid-Moraine Municipal Court shall receive \$25.00 of the fee.
  - (1) If there is more than one defendant or person to be served at a given address, the warrant or commitment order service fee shall apply to each person served. If the person has warrants or commitment orders from multiple jurisdictions, the fee shall be assessed with regard to each such warrant or commitment order.
  - (2) All warrant or commitment order service fees that are forwarded by the Municipal Court to the Village of Fredonia shall be deposited in the Village’s General Fund.
  - (3) The sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

# Chapter 2

## Fire Department

- 5-2-1 Fire Department Organization; Goals of the Department
- 5-2-2 Impeding Fire Equipment Prohibited
- 5-2-3 Police Power of the Department
- 5-2-4 Damaging Fire Hose Prohibited; Parking by Hydrants; Blocking Fire Lanes
- 5-2-5 Firemen May Enter Adjacent Property
- 5-2-6 Duty of Bystanders to Assist
- 5-2-7 Vehicles to Yield Right-of-Way
- 5-2-8 Investigation of Fires
- 5-2-9 Annual Report
- 5-2-10 Equipment and Apparatus
- 5-2-11 Powers and Duties of Fire Chief

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

- (a) **Fire Department Recognized.** The volunteer fire company organized under the title of Fredonia Volunteer Fire Department is hereby officially recognized as the Fire Department of the Village of Fredonia, and the duty of fire fighting and the prevention of fires in the Village of Fredonia is delegated to such Department. Its organization and internal regulation shall be governed by the provisions of this Chapter and by such Bylaws adopted by the Department as are approved by the Village Board, except as is otherwise provided by law and ordinance.
- (b) **Bylaws.** The Fredonia Fire Department is hereby authorized and directed to adopt the bylaws for the control, management and government and for the regulation of business and proceedings of the Department, which bylaws shall not become effective and operative until presented to and approved by the Village Board. Amendments shall be adopted in the same manner.
- (c) **Appropriations.** The Village Board shall appropriate funds for Fire Department operations and for such apparatus and equipment for the use of the Fire Department as the Board may deem expedient and necessary to maintain efficiency and properly protect life and property from fire.
- (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 effect of fire and explosions. All property deserves equal protection, regardless of location or monetary value.
- (e) **Membership.** The Fire Department shall consist of a Fire Chief, who is appointed for a two (2) year term beginning May 1 of each odd-numbered year, and such other personnel that the Village Board of Trustees may from time to time authorize. The Appointment shall be made by the majority vote of the Village Board.
- (f) **Vacancy of Chief.** A vacancy in the office of the Chief shall be filled by appointment by the majority vote of the Village Board. Upon creation of a vacancy in the office of Chief, the ranking officer shall perform the duties of Chief until such vacancy is filled. Upon appointment the Chief shall assume office immediately and shall hold office until the end of the term.
- (g) **Removal of Chief.** The Chief shall hold office until the end of his term unless he is removed by cause, after a hearing by action of three-quarter (3/4) of the members of the Village Board, on the recommendation of the Public Safety Committee, unless his services be sooner terminated by resignation, change of residence or death.
- (h) **Request for Membership.** Any person desiring to be a member of the Fire Department may file with the Secretary of the Department an application in such form as the Department may require. Each applicant shall also file a certificate of fitness from such physician as the Village may designate. All members accepted for membership shall serve a six (6) month probationary period before final acceptance.
- (i) **Resignations.** All resignations from the Department shall take the same course as applications for and appointments to membership.
- (j) **Right to Hearing.** Any member or officer of the Department who has been expelled or demoted for any offense, or neglect of duty, or insubordination shall have the right to appear before the members of the Public Safety Committee and state why such penalty should not be confirmed. The Public Safety Committee may by a three-quarter (3/4) vote of the members order the Chief to reinstate the member or officer.
- (k) **Companies.**
- (1) the Department shall organize into one (1) or, at the option of the Chief, into two (2) or more companies.
  - (2) Each of the companies shall be in the charge of a captain, or in his absence, a lieutenant who shall be responsible to the Chief.
- (l) **Election of Officers.** The election of the secretary/treasurer and such officers as the bylaws may require shall be held at the annual meeting of the Department in such manner as is provided in the bylaws. In case of any vacancy, the Chief shall appoint a member in good standing to fill the office until the next annual election.

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

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

### **Sec. 5-2-3 Police Power of the Department.**

- (a) The Chief and assistants or officers in command at any fire are hereby vested with full and complete police authority at fires. Any officer of the Department may cause the arrest of any person failing to give the right-of-way to the Fire Department in responding to a fire.
- (b) 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 Department, shall be permitted to come.
- (c) 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.

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

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

- (a) **Driving Over Fire Hose.** No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the Fredonia Fire Department, and no vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street, private driveway or other place, to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.
- (b) **Parking Vehicles Near Hydrants.** It shall be unlawful for any person to park any vehicle or leave any object within ten (10) feet of any fire hydrant at any time.
- (c) **No Parking Near Fire.** It shall be unlawful for any person, in case of fire, to drive or park any vehicle within one block from the place of fire without the consent and authority of the Fire Chief or any police officer.

### **Sec. 5-2-5 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 his duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firemen in the discharge of their duty.
- (b) **Destruction of Property to Prevent the Spread of Fire.** During the progress of any fire, the Fire Chief or his assistant shall have the power to order the removal or destruction of any property necessary to prevent the further spread of fire; provided that it is inevitable that, unless such property is removed, other property is in danger of being destroyed by fire.

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

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

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

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

## **Sec. 5-2-8 Investigation of Fires.**

- (a) The Fire Chief shall investigate the cause, origin and circumstances of every fire occurring in the Village which is of suspicious nature or which involves loss of life or injury to persons or by which property has been destroyed or substantially damaged. Such investigations shall be begun immediately upon the occurrence of such a fire by the Fire Chief and, if it appears that such fire is of suspicious origin, the Fire Chief shall take charge immediately of the physical evidence, shall notify the proper authorities designated by law to pursue the investigation of such matters and shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case.
- (b) The Village Attorney and the Police Department, upon the request of the Chief of the Fire Department, shall assist in the investigation of any fire which, in the opinion of the Chief of the Fire Department, is of suspicious origin.

## **Sec. 5-2-9 Annual Report.**

A report of the Fire Department shall be made annually and transmitted to the Fredonia Village Board. It shall contain all proceedings under this Chapter, which such statistics as the Fire Chief may wish to include therein. The Fire Chief shall also recommend any amendments to the Chapter which, in his judgment, shall be desirable.

## **Sec. 5-2-10 Equipment and Apparatus.**

- (a) **Responsibility.** The Chief shall have control of all apparatus as used by the Department and shall be responsible for its proper maintenance. Emergency repairs may be authorized by the Chief, or the next officer in charge in the Chief's absence, after checking with the Village President and the Public Safety Committee Chairperson.
- (b) **Use.** No apparatus shall be used for any purpose except for fire fighting or training except pursuant to an agreement approved by the Village Board, after the Chief has given his recommendations for such use.

## **Sec. 5-2-11 Powers and Duties of Fire Chief.**

- (a) The Chief shall have general supervision of the Fire Department personnel, apparatus and equipment, subject to the ordinances of the Village and the rules and regulations of the Department. The Chief may suspend, reduce, suspend and reduce or remove any officer or member of the Department for neglect or refusal to perform Department duties, subject to the right of any member demoted or expelled to appeal to the Public Safety Committee. He shall enforce or cause to be enforced all fire prevention ordinances, laws and regulations of the Village and State.
- (b) It shall be the duty of the Chief or his assistants to have complete command of, and entire responsibility for, all fire fighting operations.
- (c) At a time designated by the Village Board, the Chief shall file with the Village Clerk-Treasurer a detailed estimate of the appropriations needed for the operations of the Department during the ensuing fiscal year.
- (d) It shall be the duty of the Fire Chief to submit a written report to the Village Board, not later than March 1<sup>st</sup> of each year, and at such other times as he deems desirable, relating to the conditions of the various pieces of apparatus, the number of fires since the previous report, the date of same and loss occasioned thereby, the number of members of each company, the total number of active members in the Department and resignations and expulsions from the Department. He shall also report on the training program of the Department, together with other pertinent information, including recommendations of such improvements as he deems proper and necessary for the operation of the Department.
- (e) The Chief shall as Fire Inspector appoint one (1) or more deputy Fire Inspectors who shall perform all duties required of fire inspectors by the laws of the State and the rules of the State Department of Labor, Industry and Human Relations.
- (f) The Fire Chief shall perform such other duties as are incumbent on the commanding officer of the Fire Department.

## **Chapter 3**

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### **Fire Prevention Code**

- 5-3-1 Intent of Chapter**
- 5-3-2 Application to New and Existing Conditions**
- 5-3-3 Adoption of Codes**
- 5-3-4 Definitions**
- 5-3-5 Authority to Enter Premises**
- 5-3-6 Fire Inspection Duties**
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- 5-3-11 Open Flame**

- 5-3-12 Open Burning**
- 5-3-13 Combustible Materials**
- 5-3-14 Smoking Prohibited Conditions**
- 5-3-15 Fire Hazards**
- 5-3-16 Fire Extinguishing Equipment**
- 5-3-17 Fire Lanes**
- 5-3-18 Enforcement**
- 5-3-19 Replacement or Cost of Any Extinguishing Agent, Neutralizers, Chemicals or Materials**
- 5-3-20 Disclosure of Hazardous Materials and Infectious Agents; Reimbursement for Cleanup of Spills**
- 5-3-21 Recovery of Costs**

### **Sec. 5-3-1 Intent of Chapter.**

It is the intent of this Chapter to prescribe regulations consistent with recognized standard practice for the safeguarding to a responsible degree of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life and property in the use or occupancy of buildings or premises.

### **Sec. 5-3-2 Application to New and Existing Conditions.**

- (a) **General Applicability.** The provisions of this Chapter shall apply equally to new and existing conditions, except that existing conditions not in strict compliance with the terms of this Chapter shall be permitted to continue where the exceptions do not constitute a distinct hazard to life or adjoining property.
- (b) **Exceptions.** Nothing contained in this Chapter shall be construed as applying to the transportation of any article or thing shipped in conformity with the regulations prescribed by the Interstate Commerce Commission, nor as applying to the military forces of the United States.

### **Sec. 5-3-3 Adoption of Codes.**

- (a) The following Orders, Rules and Regulations of the Department of Industry, Labor and Human Relations, all of which are set forth in the Wisconsin Administrative Code as from time to time amended, in the Orders, Rules and Regulations of the Department of Commerce as from time to time amended, and in the NFPA 1 Fire Prevention Code as from time to time amended, are incorporated herein by reference and adopted as part of this Fire Prevention Chapter.
  - (1) Wisconsin Department of Commerce Chapter 32 Public Employee Safety and Health.
  - (2) Wisconsin Department of Commerce Chapter 7 Explosive Materials.
  - (3) Wis. Adm. Code Ch. ILHR 7; Cleaning and Dyeing.

- (4) Wisconsin Department of Commerce Chapter 10 Flammable and Combustible Liquids.
  - (5) Wis. Adm. Code Ch. ILHR 9; Liquified and Petroleum Gases.
  - (6) 2000 edition of NFPA 1, Fire Prevention Code including the documents listed in Chapter 32 of that Code.
  - (7) Wis. Adm. Code Ch. ILHR 20; Dusts, Fumes, Vapors and Gases.
  - (8) Wis. Adm. Code Ch. ILHR 21; Spray Coating.
  - (9) Wis. Adm. Code Ch. ILHR 35; Safety in Construction.
  - (10) Wisconsin Department of Commerce Chapter 43 Anhydrous Ammonia.
  - (11) Wis. Adm. Code Ch. ILHR 50; Administration and Enforcement.
  - (12) Wis. Adm. Code Ch. ILHR 51; Definitions and Standards.
  - (13) Wis. Adm. Code Ch. ILHR 52; General Requirements.
  - (14) Wis. Adm. Code Ch. ILHR 53; Structural Requirements.
  - (15) Wis. Adm. Code Ch. ILHR 54: Factories, Office and Mercantile Buildings.
  - (16) Wis. Adm. Code Ch. ILHR 55; Theatres and Assembly Halls.
  - (17) Wis. Adm. Code Ch. ILHR 56; Schools and Other Places of Instruction.
  - (18) Wis. Adm. Code Ch. ILHR 57; Apartment Buildings, Hotels and Places of Detention.
  - (19) Wis. Adm. Code Ch. ILHR 58; Health Care, Detention and Correctional Facilities.
  - (20) Wis. Adm. Code Ch. ILHR 59; Hazardous Occupancies.
  - (21) Wis. Adm. Code Ch. ILHR 60; Child Day Care Facilities.
  - (22) Wis. Adm. Code Ch. ILHR 61; CBRF.
  - (23) Wis. Adm. Code Ch. ILHR 62; Specialty Occupancies.
  - (24) Wis. Adm. Code Ch. ILHR 64; Heating, Ventilating and Air Conditioning.
  - (25) Wisconsin Electrical Code.
- (b) Whenever the provisions of the aforementioned codes conflict, the stricter interpretation shall apply.
- (c) Copies of each of said codes are on file in the office of the Chief of the Fire Prevention Bureau of the Fire Department of the Village of Fredonia and shall remain so filed and be, at all reasonable times, open to inspection by any interested persons.

### **Sec. 5-3-4 Definitions.**

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the following meanings.

- (a) **Approval.** Listed or approved by Underwriters' Laboratories Inc., Factory Mutual Research Corp., the National Bureau of Standards the American Gas Association Laboratories or other nationally recognized testing authorities and accepted by the Fire Chief as a result of his investigations and experiences.
- (b) **Automatic Fire Warning System.** A supervised system which automatically detects a fire condition, actuates a fire alarm signal device and indicates the location from which the signal originates.

- (c) **Dwelling.** A building occupied exclusively for residence purposes and having not more than two (2) apartments or as a boarding or rooming house serving not more than five (5) persons with meals or sleeping accommodations or both.
- (d) **ICC Container.** Any container approved by the Interstate Commerce Commission for shipping any liquid, gaseous or solid material of a flammable, toxic or other hazardous nature.
- (e) **Institutional Building.** A building in which persons are harbored to receive medical, charitable or other care or treatment, or in which persons are held or detained by reason of public or civic duty or for correctional purposes.
- (f) **Multi-family Dwelling.** A building, or portion thereof, containing three (3) or more dwelling units, occupied as the home or residence of individuals, families or households living independently of each other, including tenement house, apartment, flat, townhouse, row house, condominium, dormitory, boarding or rooming house serving more than five (5) persons with meals or sleeping accommodations, or both.
- (g) **Person.** Means and includes person, persons, firm, corporation or co-partnership.
- (h) **Public Building.** A building in which persons congregate for civic, political, education, religious, social or recreational purposes.
- (i) **Residence Building.** Except when classed as an institutional building, means a building in which sleeping accommodations are provided.

### **Sec. 5-3-5 Authority to Enter Premises.**

The Fire Chief, or any subordinate designated by him, may, at all reasonable hours, enter any building or premises within his jurisdiction for the purpose of making any inspection or investigation which, under the provisions of this Chapter, he or they may deem necessary to be made. Private dwellings shall not be entered without the consent or permission of an adult occupant.

### **Sec. 5-3-6 Fire Inspection Duties.**

- (a) The Fire Chief, or his designee, shall be the Fire Inspector of the Village of Fredonia and shall have the power to appoint one or more deputy Fire Inspectors and shall perform all duties required of the Fire Inspectors by the laws of the State and rules of the Department of Industry, Labor and Human Relations, particularly Sec. 101.14, Wis. Stats.
- (b) While acting as Fire Inspector pursuant to Sec. 101.14(2), Wis. Stats., the Fire Chief, or any officer of the Fire Department designated by the Fire Chief, shall have the right and authority to enter any building or upon any premises in the Village of Fredonia 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 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 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.
- (c) The Chief of the Fire Department is required, by himself or by officers or members of the Fire Department designated by him 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 preventions of fires. Such inspections shall be made at least once in six (6) months in all of the territory served by the Fire Department, and not less than once in three (3) months in such territory as the Village Board has designated or thereafter designates as within the Village or as a congested district subject to conflagration, and oftener as the Chief of the Fire Department orders. Each six (6) month period shall begin on January 1 and July 1, and each three (3) month period on January 1, April 1, July 1 and October 1 of each year.

- (d) Written reports of inspections shall be made and kept on file in the office of the Chief of the Fire Department in the manner and form required by the Department of Industry, Labor and Human Relations. A copy of such reports shall be filed with the Fire Chief.

### **Sec. 5-3-7 Fire Records.**

The Chief of the Fire Department shall keep a record of all fires and of all the facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby. All such records shall be public.

### **Sec. 5-3-8 Modifications.**

The Chief shall have power to modify any of the provisions of this Fire Prevention Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief thereon shall be entered upon the records of the bureau, and a signed copy shall be furnished the applicant.

### **Sec. 5-3-9 Appeals.**

Whenever the Fire Chief shall disapprove an application or refuse to grant a permit applied for or when it is claimed that the provisions of this Chapter do not apply or that the true intent and meaning of the Chapter have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the Village board within ten (10) days from the date of the decision of the Fire Chief. In the event of such appeal, the Board shall set a time and place for hearing hereof and give to the appellant at least ten (10) days' notice thereof by mail or personally.

### **Sec. 5-3-10 Fire Hydrant Requirements on Private Property.**

- (a) **Intent.** To insure adequate water supply for fighting purposes to new structures, buildings, tank farms, lumber yards, commercial or industrial complexes located at extended distances from Village water hydrants on private property.
- (b) **Where Required.** At any tank farm, lumber yard, commercial or industrial complex, any structure or building now existing or hereafter erected or

- structurally altered to increase the floor area by fifty percent (50%) or more shall provide, at the owner's expense, an approved water hydrant when such building is set back two hundred fifty (250) feet or more from any street or highway or is located more than five hundred (500) feet from a Village water hydrant. Required hydrants shall be freestanding and shall be located not more than fifty (50) feet or less than twenty-five (25) feet from the building. One (1) hydrant shall be located not more than fifty (50) feet or less than twenty-five (25) feet from the main entrance to such building. Additional hydrants shall be provided around the perimeter of the building so that no water hydrant is more than five hundred (500) feet from any other approved hydrant by normal access routes. All water hydrants shall be located within ten (10) feet of an all-weather road and shall be accessible at all times to the Fire Department. The water main serving the hydrant shall be ductile iron and shall not be less than eight (8) inches in diameter. Hydrant leads shall be ductile iron or PVC and shall be six (6) inches in diameter.
- (c) **Fire Equipment on Private Property.** The Fire Department, through its authorized representative, must approve all fire hydrants, standpipes and sprinkler systems for commercial, industrial or institutional buildings or properties. A permit must be issued before such equipment may be installed. Hydrants to be used on such properties shall be of a type approved by the Fredonia Sewer and Water Commission and be consistent with the type universally used in the Village of Fredonia. The hydrant must open to the right with a Fredonia standard operating unit. Hydrants are to be placed with six (6) feet of earth cover and sufficient drainage bedding to allow the hydrant to drain dry. Hose connection for Class 1 standpipes and Fire Department connections for sprinkler and standpipe connections shall be two and one-half (2 ½) inch diameter and shall have national standard couplings. Connection points shall be between three (3) feet and four (4) feet above the finished property grade. All hydrants shall be painted standard red. All sprinkler and standpipe connections shall be painted red.
- (d) **Permits.**
- (1) **Building Permits.** No building permit for any building covered by this Section shall be issued unless the Building Inspector's copy of the plans for the proposed building has been stamped "Approved" by the Fire Prevention Bureau of the Fredonia Fire Department.
  - (2) **Construction Inspections.** While a covered building is under construction, the Building Inspector, Plumbing Inspector, Electrical Inspector and Fredonia Fire Department Inspector will share jointly in the responsibility of conducting inspections to see that the provisions of this Code have been carried out.

## **Sec. 5-3-11 Open Flame.**

- (a) **Lights and Devices.** No person shall take an open flame or light into any building, barn, vessel, boat or any other place where highly flammable, combustible or explosive material is kept, unless such light or flame shall be well-secured in a glass globe, wire-mesh cage or similar approved device.
- (b) **Place of Assembly.** No open flames, candles or other open flame fixture, whether equipped with a guard or not, shall be used in any place of assembly, except within duly constituted church or lodge buildings. Such open flame

candles or other flame fixtures, whether equipped with a guard or not, shall not be used in auditoriums or church or lodge buildings, except when such candles or fixtures are actually held by persons seated, standing or in procession in such auditorium. Such candles or fixtures need not be held by persons in the auditorium if they are securely supported on noncombustible bases, the flame is at least seven (7) feet above the floor, are so located as to avoid danger of ignition of combustible material, are under constant observation and supervision by a responsible person designated for each aisle, are kept lighted only when necessary during the ceremony or ritual and extinguished before the occupants leave the auditorium.

- (c) **Stages.** Open flame devices may be used on stages or church altars where a necessary part of the theatrical or religious performance requires, provided adequate precautions satisfactory to the Chief of the Fire Department, are taken to prevent ignitions of any combustible materials.
- (d) **Restaurants.** Open flame devices used for the warming of food may be used in restaurants and dining areas, provided such devices and their location are approved by the Fire Chief.
- (e) **Exceptions.** The use of other open flame light and devices not herein regulated may be permitted by the Fire Chief under such restrictions as, in his judgment, are necessary to avoid danger of ignition of combustible material or injury to persons.

## **Sec. 5-3-12 Open Burning.**

- (a) **Open Burning Prohibited.** No person, firm or corporation shall build any outdoor fire within the corporate limits of the Village of Fredonia excepting as set forth below in this Section. This prohibition on burning includes burning of construction waste and debris at construction sites.
- (b) **Exceptions.**
  - (1) Outdoor cooking over a fire contained in a device or structure designed for such use is permissible;
  - (2) Controlled burning of grass or similar vegetation for environmental management purposes; with the prior written approval of the Fire Chief, or his designee, may be permitted; this exception is not to be used for the burning of grass, leaves or other lawn debris;
  - (3) Ceremonial campfire or bonfires, with prior written approval of the Fire Chief, or his designee, may be 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 approval as in subsections (2) and (3) above.
  - (5) Open burning when a permit is issued.
- (c) **Application for Permit.**
  - (1) **Procedure for Issuance of Burning Permit.** Before the setting or starting of any open burning permitted under this Section, a permit authorizing the burn shall be first obtained by the owner, operator, or agent from the Fire Chief or from such other person as may be authorized or designated by the Fire Chief to issue such permits. Application for a burning permit shall be made in writing upon a form furnished by the Fire Chief. The Fire Chief may also establish from time to time special rules

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

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

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

(d) **Open Burning Regulations.** The following regulations shall be applicable when an open burning permit has been issued.

- (1) All open burning conducted pursuant to a permit shall be performed in a safe, pollution-free manner, when wind and weather conditions are such as to minimize adverse affects, and in conformance with local and state fire protection regulation. Open burning permits shall not be used to covertly burn plastic, construction debris or other prohibited materials.
- (2) The size of the pile of material to be burned shall not exceed four (4) feet in any direction measured horizontally, or three (3) feet measured vertically.
- (3) The pile of material being burned shall be at least fifty (50) feet away from any structure, wood or lumber pile, wooden fence, trees, or bushes. Provisions shall be made to prevent the fire from spreading to within fifty (50) feet of such items or the fire shall otherwise be contained in an approved incinerator or burner device which is located at least fifteen (15) feet from any structure, wood or lumber pile, wooden fence, trees, or bush(es).
- (4) Any ashes created by burning such material as is lawful under this Section are to be disposed of in a manner authorized by law.
- (5) Open burning shall be constantly attended and supervised by a competent person of at least sixteen (16) years of age until such fire is extinguished. This person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire while burning and/or extinguishing such fire.
- (6) No materials may be burned upon any street, curb, gutter, or sidewalk.

(7) Permits shall not be issued for burning barrels.

*State Law Reference:* Chapter ILHR 14, Wis. Adm. Code.

- (e) **Recovery of Costs.** Any person, firm or corporation responsible for a fire, smoke, and/or any other fire call related to a violation of this section will be charged, by the Village, for the actual cost of materials associated with the extinguishing of any fire and/or the labor and materials required to abate the problem which gave rise to the call.

### **Sec. 5-3-13 Combustible Materials.**

- (a) **Hot Ashes and Other Dangerous Materials.** No person shall deposit hot ashes or cinders, or smoldering coals, or greasy or oily substances liable to spontaneous ignition into any wooden receptacle or place the same within ten (10) feet of any combustible materials, except in metal or other noncombustible receptacles. Such receptacles, unless resting on a noncombustible floor or on the ground outside the building, shall be placed on noncombustible stands and, in every case, must be kept at least two (2) feet away from any combustible wall or partition. Ashes or cinders shall be cold before Village rubbish collection.
- (b) **Accumulations of Waste Materials.** Accumulations of waste paper, hay, grass, straw, weeds, litter or combustible or flammable waste or rubbish of any kind shall not be permitted to remain upon any roof or in any court, yard, vacant lot or open space. All weeds, grass, vines or other growth, when the same endangers property or is liable to be fired, shall be cut down and removed by the owner or occupant of the property it is on.
- (c) **Regulating Storage and Handling of Gasoline within the Village.**
- (1) No person, firm or corporation shall store or handle gasoline in quantities of more than ten (10) gallons on private premises unless he has first obtained a written permit from the Village Fire Chief certifying compliance with the requirements of this Chapter and any further reasonable conditions imposed by the Chief for the preservation of life and property.
  - (2) The Fire Chief may revoke a permit issued hereunder at any time if he determines that the permittee has violated any provision of this Chapter or failed to comply with any order of the Chief for the reduction of fire hazards or the protection of life or property, subject to the right of the permittee to appeal within one (1) day of the date of revocation to the Village Board for review of the Chief's action or order.
- (d) **Definitions.** The following definitions shall apply to terms under this Section:
- (1) "Private premises" means any one (1) or two (2) family dwelling or other structure which is not a public building or place of employment as defined in the Wisconsin Statutes or not an apartment building as defined in the Wisconsin Administrative Code, and the lot or parcel of land upon which such dwelling or structure is located and also any vacant lot located in a Class A, B or C residential district as set forth in the Village Zoning Code. (Any block in which fifty percent (50%) or more of the frontage on the same side of the street is devoted to non-business or non-industrial uses.)

- (2) "Safety can" means a metal container of not over five (5) gallons capacity of a type approved by agencies of the State of Wisconsin as safe for the storage of small quantities of flammable liquids and equipped with an automatic spring-closing lid and spout cover.
- (3) "Closed container" means a metal container so sealed by means of a lid or other device that neither liquid nor vapor will escape from it at ordinary temperatures.
- (4) The terms "store" and "storage" mean to keep on hand for future use but do not include gasoline contained in the motor fuel supply tank of less than two hundred seventy-five (275) gallons, capacity connected to an internal combustion engine provided such tank is leak-free, securely capped and protected by all necessary safety appliances.

### **Sec. 5-3-14 Smoking Prohibited Conditions.**

- (a) **Smoking Defined.** "Smoking" means and includes the carrying of lighted pipes, cigars, cigarettes or tobacco in any form.
- (b) **Chief to Designate Areas Where Smoking Shall be Prohibited.** Where conditions are such as to make smoking a hazard in any areas of warehouses, stores, industrial plants, institutions, places of assembly and in open spaces where combustible materials are stored or handled, the Fire Chief is empowered and authorized to order the owner or occupant in writing to paste "No Smoking" signs in each building, structure, room or place in which smoking shall be prohibited. The Chief of the Fire Department shall designate specific safe locations, if necessary, in any building, structure or place in which smoking may be permitted.
- (c) **"No Smoking" Signs.** "No Smoking" signs required shall read, "By Order of the Fire Department".
- (d) **Smoking and Removal of "No Smoking" Signs Prohibited.** No person shall remove any legally required "No Smoking" sign or smoke in any place where such signs are posted.

### **Sec. 5-3-15 Fire Hazards.**

- (a) **Order to Eliminate.** Whenever any of the officers or inspectors of the Fire Department shall find in any building or upon any premises dangerous or hazardous conditions as follows, he or they shall order such dangerous conditions or materials to be removed or remedied in such a manner as they may be specified in the order:
  - (1) Dangerous or unlawful amounts of combustible or explosive matter.
  - (2) Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive matter.
  - (3) Dangerous accumulations of rubbish, waste paper, boxes, shavings or other highly flammable materials.
  - (4) Accumulations of dust or waste materials in air conditioning systems or of grease in kitchen exhaust ducts.
  - (5) Obstructions to or on fire escapes, stairs, passageways, doors or windows liable to interfere with the operations of the Fire Department or egress of occupants in case of fire.

- (6) Any building or other structure which for want of repairs, lack of sufficient fire escapes or other exit facilities, automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause, creates a fire hazard or threat to life and safety.

**(b) Service of Orders.**

- (1) The service of such orders may be made upon the owners, occupant or other person responsible for the conditions, either by delivering a copy of the same personally or by delivering the same to and leaving it with any person in charge of the premises or, in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the said premises. Whenever it may be necessary to serve such an order upon the owner of premises, such order may be served whether by delivering it to and leaving with the person a copy of the order or, if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy to the owner's last-known post office address.
- (2) If building or other premises are owned by one (1) person and occupied by another under lease or otherwise, the orders issued in connection with the enforcing of this Chapter shall apply to the occupant thereof, except where the rules or orders require the making of additions to or changes in the premises themselves, such as would immediately become real estate and be the property of the owner of the premises; in such cases, the rules or orders shall affect the owner and not the occupant unless it is otherwise agreed between the owner and the occupant.

### **Sec. 5-3-16 Fire Extinguishing Equipment.**

The Fire Chief is hereby empowered to designate the number, type and location of fire extinguishers as may be deemed necessary in addition to those now required by law in all existing building and structures and in all buildings and structures hereafter erected.

### **Sec. 5-3-17 Fire Lanes.**

- (a) **Requirement For.** When required by the Fire Department, hard-surfaced driving lanes shall be provided around facilities which, by their size, location, design or contents warrant access which exceeds that normally provided by the proximity of Village streets.
- (b) **General Provisions.** Lanes shall provide a minimum, unobstructed continuous width and height of twelve (12) feet. Lanes shall be identified by a four (4) inch wide line and block letters two (2) feet high, painted in the lane, at fifty (50) foot intervals stating, "Fire Lane – No Parking," color to be bright yellow, or by the posting of signs stating "Fire Lane – No Parking." Signs shall be posted on or immediately next to the curb line, or on the building. Signs shall be twelve (12) inches by eighteen (18) inches and shall have letters and back-ground of contrasting colors, readily readable from at least a fifty (50) foot distance. Signs shall be spaced no further than fifty (50) feet apart. Signs shall be mounted a minimum of four (4) feet and a maximum of six and one-half (6 ½) feet from the pavement to the bottom edge of the sign. Fire lanes shall be either asphalt or

reinforced concrete, four (4) inches thick minimum, or, when specifically authorized by the Fire Department, compacted crushed rock may be used. Where fire lanes connect to Village street or parking lots, adequate clearances and turning radii shall be provided. All proposed plans for such lanes must have Fire Department approval.

- (c) **Fire Lanes as Part of Driveways and/or Parking Areas.** The Fire Department may require that areas specified for use as driveways or private thoroughfares shall not be used for parking. These areas, when specified, shall be marked or identified by one (1) of the two (2) means detailed in Subsection (b) above.
- (d) **Existing Buildings.** When, by his judgment, the Chief of the Fire Department determines that a hazard due to inaccessibility of fire apparatus exists around existing buildings, he may require fire lanes to be constructed and maintained as detailed in Subsections (b) and (c) above.
- (e) **Prohibitions.** Parking of motor vehicles or otherwise obstructing fire lanes shall be prohibited at all times.

### **Sec. 5-3-18 Enforcement.**

This Fire Prevention Code shall be enforced by the Chief of the Fire Department of the Village of Fredonia and such subordinates in said department as the Chief shall designate or by the Village Constable of Fredonia. The Village Building, Plumbing and Electrical Inspectors and Health Officer shall cooperate with the Fire Department in enforcing this Code.

### **Sec. 5-3-19 Replacement or Cost of Any Extinguishing Agent, Neutralizers, Chemicals or Materials.**

Any person, firm or corporation will be charged for the labor and replacement or cost of any extinguishing agent, chemical, neutralizer or material used in the extinguishment, confinement, neutralizing or cleanup of any flammable or combustible liquid, gas, solid or any hazardous material or chemical involved in any fire or accidental spill.

### **Sec. 5-3-20 Disclosure of Hazardous Materials and Infectious Agents; Reimbursement for Cleanup of Spills.**

#### **(a) Application.**

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

#### **(b) Definitions.**

- (1) "Infectious agent" is a bacterial, mycoplasmal, fungal, parasitic or viral agent known to cause illness in humans which is used, researched, produced or stored within or on premises.
- (2) "Hazardous materials" are those materials that can cause death or disabling injury from brief exposure; those materials that could cause a

lost-time injury from exposure; and those materials that could cause temporary disability or injury without permanent effects which are used, researched, produced or stored within or on premises except those household consumer products used at the point of consumption and not used for commercial or experimental purposes. This definition of hazardous materials shall include radioactive materials.

**(c) Information Required.**

- (1) Any person, firm or organization using, researching, producing and/or storing any hazardous materials shall provide in writing to the Fire Department the following information:
  - a. Address, location of where hazardous materials are used, researched, stored or produced;
  - b. The trade name of the hazardous material;
  - c. The chemical name and any commonly used synonym for the hazardous material and the chemical name and any commonly used synonym for its major components;
  - d. The exact locations on the premises where materials are used, researched, stored and/or produced;
  - e. Amounts of hazardous materials on premises per exact location;
  - f. The boiling point, vapor pressure, vapor density, solubility in water, specific gravity, percentage volatile by volume, evaporation rate for liquids and appearance and odor of the hazardous material;
  - g. The flashpoint and flammable limits of the hazardous substance;
  - h. Any permissible exposure 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 or an infectious agent shall provide in writing to the Fire Department the following:
  - a. The name and any commonly used synonym of the infectious agent;
  - b. Address/location where infectious agents are used, researched, stored and/or produced;
  - c. The exact locations where infectious agents are used, researched, stored and/or produced;
  - d. Amount of infectious agent on premises per exact locations;
  - e. Any methods of route of transmission of the infectious agents;

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

### **Sec. 5-3-21 Recovery of Costs.**

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

## **Chapter 4**

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### **Regulation of Private Alarm Systems**

<b>5-4-1</b>	<b>Title</b>
<b>5-4-2</b>	<b>Declaration of Purpose</b>
<b>5-4-3</b>	<b>Definitions</b>
<b>5-4-4</b>	<b>Administrative Rules</b>
<b>5-4-5</b>	<b>Automatic Dialing Devices</b>
<b>5-4-6</b>	<b>Direct Connections to the Fire Department</b>
<b>5-4-7</b>	<b>Testing</b>
<b>5-4-8</b>	<b>Notification</b>
<b>5-4-9</b>	<b>Fee for Answering Alarms</b>
<b>5-4-10</b>	<b>Village Liability</b>
<b>5-4-11</b>	<b>Permits for Private Alarm Systems</b>
<b>5-4-12</b>	<b>Revocation of Permits</b>

## **Sec. 5-4-1 Title.**

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

## **Sec. 5-4-2 Declaration of Purpose.**

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

## **Sec. 5-4-3 Definitions.**

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

- (a) **Alarm Business.** Any business in which the owners or employees engage in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, or servicing alarm systems.
- (b) **Alarm System.** An assembly of equipment and devices or single device such as a solid state unit which plugs directly into 110-volt AC line or otherwise receives electrical energy arranged to signal the presence of a hazard requiring urgent attention and to which the Fire Department is expected to respond. In this Chapter, the term "alarm system" shall include the terms "automatic holdup alarm systems," "burglar alarm systems," "holdup alarm systems" and "manual holdup alarm system" as those terms are hereinafter defined, and fire alarm systems which monitor temperature, humidity or any other condition directly related to the detection of fire. Excluded from this definition and from the coverage of this Chapter are alarm systems used to alert or signal persons within the premises in which the alarm system is located of an attempted, unauthorized intrusion or holdup attempt or fire.
- (c) **Annunciator.** The instrumentation of an alarm console at the receiving terminal of a signal line through which both visual and audible signals show when an alarm device at a particular location has been activated or which, in the event of malfunction, may also indicate line trouble.
- (d) **Answering Service.** A telephone answering service providing among its services the service of receiving on a continuous basis through trained employees emergency signals from alarm systems, and thereafter immediately relaying the message by live voice to the dispatch center of the Fire Department.
- (e) **Automatic Dialing Device.** An alarm system which automatically sends over regular telephone lines by direct connection or otherwise a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.
- (f) **Automatic Holdup Alarm System.** An alarm system in which the signal transmission is initiated by the action of the robber.
- (g) **Manual Holdup Alarm System.** An alarm system in which the signal transmission is initiated by the direct action of the person attached or by an observer thereof.

- (h) **Burglar Alarm System.** An alarm system which signals an entry or attempted entry into the area protected by the system.
- (i) **Direct Connect.** An alarm system which has the capability of transmitting system signals to the Fire Department.
- (j) **False Alarm.** The activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner or lessee of an alarm system or of his employees or agents or other undetermined cause. False alarm does not include alarms caused by tornadoes or other violent climate conditions.
- (k) **Interconnect.** To connect an alarm system to a voice grade telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.
- (l) **Central Station.** An office to which remote alarm and supervisory signaling devices are connected, where operators supervise the circuits.
- (m) **Primary Trunk Line.** A telephone line leading directly into the dispatch center of the Fire Department that is for the purpose of handling emergency calls on a person-to-person basis and which is identified as such by a specific number included among the emergency numbers listed in the telephone directory or numbers in sequence therewith.
- (n) **Subscriber.** A person who buys or leases or otherwise obtains an alarm system and thereafter contracts with or hires an alarm business to monitor and/or service the alarm system.

#### **Sec. 5-4-4 Administrative Rules.**

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

#### **Sec. 5-4-5 Automatic Dialing Devices.**

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

#### **Sec. 5-4-6 Direct Connections to the Fire Department.**

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

## Sec. 5-4-7 Testing.

- (a) No alarm business or alarm system designed to transmit emergency messages to the Fire Department shall be tested or demonstrated without prior notification and approval of the Fire Department dispatcher. Alarm businesses or alarm system owners or lessors will be advised on proper test procedure.
- (b) No alarm system relayed through intermediate services to the Fire Department will be tested to determine the Fire Department's response without first notifying the appropriate authority. However, the Fire Department may inspect or test on-site alarm systems authorized under this Chapter.
- (c) Alarm systems shall be in compliance with all pertinent response policies of the Fire Department.

## Sec. 5-4-8 Notification.

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

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

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

a. First two (2) false alarms for a location	No Charge
b. Third (3 <sup>rd</sup> ) false alarm per location	\$25.00
c. Fourth (4 <sup>th</sup> ) false alarm per location	\$35.00
d. Fifth (5 <sup>th</sup> ) false alarm per location	\$45.00
e. Sixth (6 <sup>th</sup> ) false alarm per location	\$65.00
  - (2) **Fee Charge, False Alarm.** Any person, firm or corporation having a fire alarm, smoke detector or any other type of alarm, and the alarm calls for a response from the Fire Department, shall be charged a fee of Twenty Dollars (\$20.00) for the first alarm within one (1) calendar year and One Hundred Dollars (\$100.00) for each additional fire alarm responded to hereafter, in

such calendar year. If the possessor of such alarm can show to the satisfaction of the Chief of the Fire Department that the fire alarm was not the result of neglect, improper installation or maintenance, such fee may be waived.

- (3) **Nuisance Fire Alarm.** Any person, industry, commercial establishment, railroad, apartment house complex or other who shall cause nuisance fires (multiple rubbish fires, grass fires, etc.), shall be liable for the sum of Three Hundred Dollars (\$300.00) per hour or fraction thereof.
- (d) **Other Violations.** Any person, corporation or other entity violating this Chapter in any manner, other than for collection of unpaid administrative charges treated in the preceding Subsection (a) of this Section, shall be subject to forfeiture as provided in Section 1-1-6 of this Code. When any premises located in the Village is owned, leased or occupied by two (2) or more persons as joint tenants, tenants in common, joint lessees, or in any other manner, each person shall see that the provisions of this Chapter are complied with, and each person may be subjected to a penalty on violation of this Section.
- (e) **Default of Payment for Forfeiture and/or Costs.** On default of payment of forfeiture and/or costs under the immediately preceding Subsections (c) and/or (d), such person or responsible officer of the violating corporation or other entity shall be confined in the county jail until the same be paid but not to exceed a length of time specified by the court which length of time shall not exceed six (6) months. Upon nonpayment of the fee, the amount due may be placed on the tax roll as a special charge pursuant to Sec. 66.60(1), Wis. Stats.

## **Sec. 5-4-10 Village Liability.**

The Village of Fredonia shall be under no duty or obligation to a subscriber or to any other person concerning any provision of this Chapter, including, but not limited to, any defects in an alarm system or any delays in transmission or response to any alarm; however, this in no way shall be construed that it is not the proper function of law enforcement to respond to alarms.

## **Sec. 5-4-11 Permits for Private Alarm Systems.**

- (a) **Permit Required.** A permit is required for each private alarm system on premises within the Village. There shall be a Ten Dollar (\$10.00) permit fee.
- (b) **Interior Alarms.** A permit under this Chapter is not required for an alarm system which gives a signal, visual or audible or both, solely within the interior of the building in which it is located.
- (c) **Issuing Authority.** The Fire Chief shall issue the permits and collect the fees.
- (d) **Application.** Application for permit required under this Chapter shall be filed with the Fire Chief. The Fire Chief shall prescribe the form of the application and request such information as is necessary to evaluate and act upon the permit application. The Fire Chief shall deny a permit if the alarm system for which it is sought does not comply with this Chapter.
- (e) **Appeal.** Any person required by this Chapter to have a permit who has been denied such a permit by the Fire Chief shall have a right to appeal that decision to the Village Board. The procedure for this appeal shall be as set forth in Section 5-4-12.

## **Sec. 5-4-12 Revocation of Permits.**

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