

## Title 5 ► Chapter 3

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# Fire Prevention Code; Hazardous Materials

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

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

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

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

- (a) **Application.**
  - (1) All persons, firms or organizations using, researching or producing hazardous materials and/or infectious agents shall notify the Elk Mound Area Fire Department as prescribed by this Section.
  - (2) The provisions of this Section shall apply to all persons, firms or organizations using, researching, producing or storing hazardous materials and/or infectious agents on and after the effective date of this Section.
- (b) **Definitions.**
  - (1) "Infectious agent" is a bacterial, mycoplasmal, fungal, parasitic or viral agent known to cause illness in humans which is used, researched, produced or stored within or on premises.

- (2) "Hazardous materials" are those materials that can cause death or disabling injury from brief exposure; those materials that could cause a lost-time injury from exposure; and those materials that could cause temporary disability or injury without permanent effects which are used, researched, produced or stored within or on premises except those household consumer products used at the point of consumption and not used for commercial or experimental purposes. This definition of hazardous materials shall include radioactive materials.
- (c) **Information Required.**
- (1) Any person, firm or organization using, researching, producing and/or storing any hazardous materials shall provide in writing to the Fire Department the following information:
- a. Address, location of where hazardous materials are used, researched, stored or produced;
  - b. The trade name of the hazardous material;
  - c. The chemical name and any commonly used synonym for the hazardous material and the chemical name and any commonly used synonym for its major components;
  - d. The exact locations on the premises where materials are used, researched, stored and/or produced;
  - e. Amounts of hazardous materials on premises per exact location;
  - f. The boiling point, vapor pressure, vapor density, solubility in water, specific gravity, percentage volatile by volume, evaporation rate for liquids and appearance and odor of the hazardous material;
  - g. The flashpoint and flammable limits of the hazardous substance;
  - h. Any permissible exposure level, threshold limit value or other established limit value for exposure to a hazardous material;
  - i. The stability of the hazardous substance;
  - j. Recommended fire extinguishing media, special firefighting procedures and fire and explosion hazard information for the hazardous material;
  - k. Any effect of over-exposure to the hazardous material, emergency and first aid procedures and telephone numbers to call in an emergency;
  - l. Any condition or material which is incompatible with the hazardous material and must be avoided.
  - m. Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming into contact with the hazardous materials;
  - n. Procedures for handling or coming into contact with the hazardous materials.
- (2) Any person, firm or organization using, researching, producing and/or storing infectious agent and/or carrier of an infectious agent shall provide in writing to the Fire Department the following:
- a. The name and any commonly used synonym of the infectious agent;
  - b. Address/location where infectious agents are used, researched, stored and/or produced;

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

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

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

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**(h) Responsibility for Costs.**

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

**Sec. 5-3-4 Smoke Detectors.**

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

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

- (a) Every owner of a structure or vehicle shall be liable to the Village for the cost of labor and materials employed to extinguish, confine or clean up any fire or threat of fire to the

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- structure or vehicle, as provided by the Elk Mound Area Fire Department and/or departments covered by mutual aid agreements.
- (b) Liability of the owner of structures shall be limited to the actual cost of the fire, or threat of fire, as determined by the Elk Mound Area Fire Department, not exceeding Five Hundred Dollars (\$500.00).
  - (c) Liability of the owner of a vehicle shall be the actual cost of the fire, or threat of fire, as determined by the Elk Mound Area Fire Department.
  - (d) Payment shall be made within ninety (90) days of billing date and if not paid within ninety (90) days, shall accrue interest at the rate of one percent (1%) per month from the billing date. The billing shall indicate the actual cost as determined by the Elk Mound Area Fire Department.

