

TITLE 5

Public Safety

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Law Enforcement

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

The Village of Winneconne Police Department shall consist of a Chief of Police and such other full or part-time 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. The Chief of Police shall be appointed pursuant to Sections 2-3-2 and 2-3-7; subordinate members of the Department shall be selected by the Chief of Police, subject to confirmation by the Village Board.

Sec. 5-1-2 Records and Reports.

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

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

Every member of the Police Department shall:

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

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

- (a) **Duties.** In addition to the duties imposed upon him/her elsewhere in this Code of Ordinances, the Chief of Police shall:
- (1) Have general command of the Police Department on administrative matters, subject to the direction of the Village Board, and as prescribed and authorized in the Chief of Police's employment contract and position description.
 - (2) Cause to be maintained accurate records of complaints, crimes, traffic accidents, ordinance violations, arrests, summons, incidents, and calls for police service and shall provide a system of periodic summary and analysis to ensure the most efficient and effective deployment and use of the Department's resources. The Chief of Police shall submit or cause to be submitted to the various agencies such reports and summaries as are required by State Statutes or ordinances and shall participate in voluntary programs designed to improve law enforcement and public safety.
 - (3) Submit such reports and comply with such administrative procedures as may be prescribed by the Village Board relative to fiscal and administrative matters.
 - (4) Submit such reports and/or information and comply with such policies as may be prescribed by Village Board.
 - (5) In the absence of specific direction from the Village Board, be responsible for the assignment, hours of duty, and transfer of all members of the Department. The Village Board reserves the right to establish terms of employment, including, but not limited to, conditions of employment and working hours.
- (b) **Custody of Department Equipment.** The Chief of Police shall be the custodian of all Village property, equipment and supplies under the control of, or used by, the Police Department and shall be responsible for the care, maintenance, safeguarding and accurate records of such property, equipment, and supplies.
- (c) **Custody of Department Property.** The Chief of Police shall be the custodian of all property and shall be responsible for the safekeeping, lawful disposition and accurate record of the same. The Chief of Police shall see that all property is returned to its lawful owner or otherwise disposed of according to the applicable statutes.

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

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

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

The Chief of Police shall cause to be maintained adequate personnel records of employment,

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

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

The Chief of Police is responsible for the training of all members of the Department. The Chief of Police shall cause adequate and progressive programs of training to be organized and conducted to prepare Department members in the knowledge, procedures, and techniques of their duties and responsibilities. The Chief of Police will insure that, within budgetary limitations, members of the Department attend training courses, seminars, and conferences necessary to maintain and improve their job skills and professional knowledge.

Sec. 5-1-8 Civilians to Assist.

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

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

(a) Pursuant to Sec. 62.13(6m), Wis. Stats., the Village may not suspend, reduce, suspend and reduce or remove any police chief or other law enforcement officer who is not probationary and for whom there is no valid and enforceable contract or collective bargaining agreement which provides for a fair review prior to that suspension, reduction, suspension and reduction or removal unless the Village follows the procedure under Sec. 62.13(5), Wis. Stats. To act under this Subsection in place of the Board of Police and Fire Commissioners under Sec. 62.13(1) through (6), Wis. Stats., the Village may do either of the following:

(1) Establish a committee of not less than three (3) members, none of whom may be an elected or appointed official of the Village or be employed by the Village. The

Law Enforcement

- Village shall pay each member for the member's cost of serving on the committee.
- (2) Send a written request for a hearing examiner to the division of hearings and appeals under Sec. 15.103(1), Wis. Stats. The Village shall reimburse the state for the state's costs under this paragraph.

Title 5 4 Chapter 2

Fire Protection

- 5-2-1 Fire District Organization; Goals of the District
- 5-2-2 Impeding Fire Equipment Prohibited
- 5-2-3 Police Power of the District; Investigation of Fires
- 5-2-4 Damaging Fire Hose Prohibited; Parking by Hydrants;
Blocking Fire Lanes
- 5-2-5 Firefighters May Enter Adjacent Property
- 5-2-6 Duty of Bystanders to Assist
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- 5-2-9 Open Burning
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and Fireworks during the Existing of Extreme Fire Danger
- 5-2-12 Outdoor Solid Fuel Heating Devices

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

(a) Fire Protection Agreement. The Village of Winneconne has entered into an agreement to obtain fire protection and all other related services with the Winneconne Poygan Fire District ("Fire District"). The Village of Winneconne shall have one of its Board members serve on the Winneconne Poygan Fire District Board. The Winneconne Poygan Fire District shall submit a budget for approval by the governing bodies of the Town of Winneconne, Village of Winneconne, and the Town of Poygan. All capital investments must also be approved by the above stated governing bodies. Any amendments to the agreement shall be adopted in the same manner. The Village of Winneconne has entered into this contract under Sec. 66.0030, Wis. Stats., for the operation of a Fire District under the management of the Fire Board. Such contract is on file with the Village Clerk-Treasurer and shall govern the operation of the District and the relation of the Village thereto.

(b) Fire District Organization.

(1) Agreement. The Town of Poygan, Town of Winneconne and Village of Winneconne made and entered into an agreement on November 19, 1997, establishing the Winneconne-Poygan Fire District ("District") for the purpose of furnishing fire protection and other emergency services to the territories within the District. The territories included in the District are defined as all property lying within the Town of Poygan, the Town of Winneconne (excluding the portion in Rivermoor Addition), and the Village of Winneconne. The organization and funding of the District commenced on January 1, 1999.

(2) Fire District Commission; Composition. The District shall be governed by a Fire Commission whose composition shall be as follows:

- a** *Voting Commissioners.* There shall be three (3) voting Commissioners. One (1) voting Commissioner shall be a duly elected trustee of the Village of Winneconne appointed by the Village President, one (1) voting Commissioner shall be a duly elected Supervisor of the Town of Winneconne appointed by said Town, and one (1) voting Commissioner shall be a duly elected Supervisor of the Town of Poygan appointed by said Town.
- b** *Non-voting commissioners.* There shall be four (4) non-voting commissioners. One (1) non-voting commissioner shall be the fire chief of the Combined Department; two (2) non-voting commissioners shall be officers of the Combined Department selected by its members, and one (1) non-voting commissioner shall be a member at large of the Combined Department selected by its members. The fire chief shall select one of the assistant chiefs to act as his alternate if he or she is unable to attend a regular, special or emergency meeting of the Commission. The Combined Department shall select one (1) alternate for each commissioner selected by the Combined Department.
- c** *Contract on File.* The Town of Poygan, Town of Winneconne and the Village of Winneconne entered into this District contract under Section 66.0030, Wis. Stats., for the operation of a Fire District under the management of a Fire Commission. Such contract shall be maintained on file with the Town of Poygan Clerk, Town of Winneconne Clerk and Village of Winneconne Clerk-Treasurer and the Fire Chief.

(3) Amendments. The Fire District, the Fire Commission and/or the Fire Chief shall have the authority to recommend changes to this Chapter and the District Agreement as deemed necessary to provide the best levels of service to the communities protected by the District, provided that these amendments or changes are equal to or exceed the requirements in the original agreement.

(c) Goals of the Fire Defense Program.

- (1) The primary objective of the fire defense program is to serve all citizens, without prejudice or favoritism, by safeguarding, collectively and individually, their lives against the effects of fires and explosions.
- (2) The second objective of the fire defense program is to safeguard the general economy and welfare of the community by preventing major conflagrations and the destruction by fire of industries and businesses.
- (3) The third objective of the fire defense program is to protect the property of all citizens against the effects of fire and explosions. All property deserves equal protection, regardless of location or monetary value.

(d) Organization. The Fire District is authorized and directed to adopt bylaws for the control, management, government and regulation of its business and proceedings.

(e) Fire Prevention Bureau.

(1) Creation. The Fire Chief shall create a Fire Prevention Bureau within the Winneconne Poygan Fire District. [See Title 5, Chapter 3, "Fire Prevention Code".]

(2) Organization.

- a The Fire Chief shall appoint the Assistant Fire Chief, Captains, and other officers, to supervise the activities and functions of the Fire Prevention Bureau.
- b The Fire Chief shall appoint additional members of the District, as deemed necessary, to perform the functions of fire inspector. [See Section 5-2-3(b)].

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 Fire District along the streets or alleys of such Village at the time of a fire or when the Fire District is using such streets or alleys in response to a fire alarm or for training.

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

(a) Police Authority at Fires.

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

District during the progress of a fire.

(b) Fire Inspection Duties.

(1) The Fire Chief, or the Chiefs designee, shall be the Fire Inspector of the Village of Winneconne 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, particularly Sec. 101.14, Wis. Stats.

(2) While acting as Fire Inspector pursuant to Sec. 101.14(2), Wis. Stats., the Fire Chief, or any officer of the Winneconne Poygan Fire District designated by the Fire Chief, shall have the right and authority to enter any building or upon any premises in the Village of Winneconne at all reasonable hours for the purpose of making inspections or investigations which, under the provisions of this Code of Ordinances, he/she may deem necessary. Should the Fire Inspector find that any provisions of this Code relating to fire hazards and prevention of fires are being violated, or that a fire hazard exists which should be eliminated, it shall be his/her duty to give such directions for the abatement of such conditions as he/she shall deem necessary and, if such directions be not complied with, to report such noncompliance to the Village Board for further action.

(3) The Fire Chief is required, by himself/herself or by officers or members of the Fire District designated by him/her as fire inspectors, to inspect all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of any law or ordinance relating to the fire hazard or to the prevention of fires. Such inspections shall be made at least once in six (6) months in all of the territory served by the Fire District, 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.

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

(c) Fire Inspectors Handbook. The Fire Inspectors' Handbook, COMM is hereby adopted and made part of this Code of Ordinances by references.

State Law Reference: Sec. 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 Fire District, and no vehicle shall be driven over any unprotected hose of the Fire District 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 District official in command.

(b) Parking Vehicles Near Hydrants. It shall be unlawful for any person to park any vehicle or

leave any object within ten (10) feet of any fire hydrant at any time.

- (c) **No Parking Near Fire.** It shall be unlawful for any person, in case of fire, to drive or park any vehicle within one block from the place of fire without the consent and authority of the Fire Chief or any law enforcement officer.

Sec. 5-2-5 Firefighters May Enter Adjacent Property.

- (a) **Entering Adjacent Property.** It shall be lawful for any firefighter while acting under the direction of the Fire Chief or any other officer in command to enter upon the premises adjacent to or in the vicinity of a building or other property then on fire for the purpose of extinguishing such fire and in case any person shall hinder, resist or obstruct any firefighter in the discharge of his/her duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firemen in the discharge of their duty.

- (b) **Destruction of Property to Prevent the Spread of Fire.** During the progress of any fire, the Fire Chief or his/her assistant shall have the power to order the removal or destruction of any property necessary to prevent the further spread of fire; provided that it is inevitable that, unless such property is removed, other property is in danger of being destroyed by fire.

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

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

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

Whenever there shall be a fire or fire alarm, 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 shall have passed.

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

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

Sec. 5-2-9 Outdoor Burning

Definitions:

- a) **Designated Area** - means an open pit with a maximum size of nine (9) square feet.
- b) **Garbage** - means discarded materials resulting from the handling, processing, preparation, storage, cooking and consumption of food, and discarded animal feces.
- c) **Open burning** – means burning from which the products of combustion are emitted directly into the air without passing through a stack or chimney.
- d) **Refuse** – means all matters produced from industrial or community life, subject to decomposition.
- e) **Solid Waste** – means garbage, refuse, recyclable materials, grasses, and all other discarded or salvageable solid materials including solid waste materials resulting from industrial, commercial and agricultural operations, and from domestic use and public service activities.
- f) **Burnable Yard Waste** – means leaves, yard and garden debris, excluding grass clippings, and brush including clean woody vegetative material less than three (3) inches in diameter.
- g) **Recreational Burning Pit** – means a pit or a campfire used for the purpose of recreation and self-enjoyment. This pit/campfire is an artificial or natural hole or depression in the ground and shall not exceed three (3) feet in diameter and be located not less than twenty (20) feet from any building, structure, shed, garage, fence, or any other combustible material.
- h) **Portable Fire Pit** – means any structure or device intended to contain and control outdoor wood fires. This shall include a structure, which although not portable, is designed to contain and control wood fires. This structure or device is situated off the ground.
- i) **Burning Barrel** – means a large cylindrical container used to burn garbage, refuse, and solid waste.

(a) Prohibition

- (1) Except as provided in sec. (2) below, no person shall engage in the open burning of any garbage, solid waste, grasses, or other refuse of any kind on any public or private property located within the Village of Winneconne.
- (2) Burning barrels are prohibited within the Village of Winneconne.

(b) Exceptions

- (1) The prohibitions set forth in sec. (1) shall not apply to the following:
 - a) **Burnable Yard Waste.** Burnable Yard Waste may be burned on private property only, and must be supervised by an adult (person 18 yrs. of age or older) who must remain within fifty (50) feet of such burning activity. Adequate fire suppression equipment shall be immediately available to control or extinguish the fire. No Burnable Yard Waste shall be burned on Sundays or National Holidays. Any Burnable Yard Waste shall be completely dry and not allowed to smolder.
 - b) **Outdoor cooking over a fire contained in a device or structure designed such use.** Material used for such fires shall not contain garbage, solid waste or refuse. All cooking devices must be in good working condition to prevent the possible spread of fire. No outdoor cooking shall take place above the 1st floor occupancy of any

building within the Village of Winneconne.

c Recreational burning pits and portable fire pits are allowed.

(c) Fire Hazard Conditions

- (1) No person shall hold the Village of Winneconne or the Winneconne Poygan Fire District responsible for damages caused by burning in any recreational burning pit, portable fire pit, or burning of yard waste.
- (2) The Winneconne Poygan Fire Chief shall have the authority to ban all open burning, except open burning used for food preparation, when weather conditions are such that open burning would threaten life and/or property. Notice of this ban shall be posted at the Village Hall and published in the Oshkosh Northwestern or Winneconne News.

(d) Penalties

- (1) The first time a person(s) is/are informed by the Police Department that they are in violation of any provision of this ordinance, they will be directed to extinguish the fire. The officer issuing the directive shall issue a warning notice to the said violator. Failure to comply with the directive shall result in a penalty imposed as herein provided.
- (2) Each violation and each day a violation continues or occurs shall constitute a separate offense. The imposition of a penalty under this Section shall not prohibit the Village of Winneconne from maintaining a separate action against the violator to secure monetary damage for damage caused by the burning.

(e) Severability

- (1) The provisions of this Section are severable. Should any paragraph, sentence, clause, phrase, or portion of this Section be declared invalid for any reason, the remainder of the Section shall not be affected.

Sec. 5-2-10 Patio Fireplaces.

Patio fireplaces are permitted in the Village of Winneconne as long as they are commercially purchased units that enclose the entire fire area within the patio fireplace. Homemade units must meet the approval of the Fire Chief. The chimney area and viewable area of the patio fireplace must be screened with a spark reduction device at all times the patio fireplace is in operation. The patio fireplace shall only burn a readily combustible fuel source that consists of wood, charcoal, or manufactured fireplace logs. The burning of trash, leaves, woods with a chemical treatment (railroad tie, fence post, power pole, etc.), or other materials that tend to create a noxious or annoying smoke discharge are not allowed. This Section does not allow for below ground campfires or other device fires not clearly authorized in this Section or Section 5-2-9(c)(2). Upon the complaint of two (2) or more persons to the Police Department or Fire District that the patio fireplace is causing annoyance, the person responsible for the patio fireplace shall immediately discontinue the use of the device.

Sec. 5-2-11 Banning and/or Regulating the Use of Fire, Burning Materials and Fireworks During the Existence of Extreme Fire Danger.

- (a) Declarations of Emergency.** When there occurs a lack of precipitation, there may exist an extreme danger of fire within the Village of Winneconne. This extreme danger of fire affects the health, safety, and general welfare of the residents of the Village of Winneconne and constitutes a state of emergency. It is hereby found that the regulation of fires, burning materials, and fireworks is necessary and expedient for the health, safety, welfare and good order of the Village of Winneconne during said emergency.
- (b) Regulation of Fires, Burning Materials and Fireworks.** When a burning state of emergency is declared, it may be ordered that a person may not:
- (1)** Set, build, or maintain any open fire, except:
 - a** Charcoal grills using charcoal briquettes, gas grills, or camp stoves on private property; or
 - b** Charcoal grills using charcoal briquettes, gas grills, or camp stoves in Village parks placed at least twenty (20) feet away from any combustible vegetation.
 - (2)** Throw, discard or drop matches, cigarettes, cigars, ashes, charcoal briquettes or other burning materials while outdoors except into a noncombustible container that does not contain combustible materials.
 - (3)** Light or ignite a flare, except upon a roadway in an emergency.
 - (4)** Light, ignite, or use anything manufactured, processed, or packaged solely for the purpose of exploding, emitting sparks or combustion for amusement purposes, including fireworks, firecrackers, bottle rockets, caps, toy snakes, sparklers, smoke bombs, or cylindrical or cone fountains that emit sparks and smoke, except in displays authorized by the Village where adequate fire prevention measures have been taken.
- (c) Period of Emergency.**
- (1)** The periods of emergency for which this Section shall be in effect shall be during such periods that Winnebago County, Wisconsin, is under Wisconsin Department of Natural Resources emergency fire regulations banning outdoor smoking and campfires, or when necessary as determined by the Village President, upon the recommendation of the Fire Chief.
 - (2)** Burning emergencies shall become effective upon the time and date of the Village President declaring a state of emergency and shall remain in effect until the period of emergency ceases to exist or until the ratification, alteration, modification, or repeal of the burning state of emergency by the Village Board.

Sec. 5-2-12 Outdoor Solid Fuel Heating Devices.

Outdoor Solid Fuel Heating Devices are not allowed within the Village limits.

Title 5 4 Chapter 3

Fire Prevention Code; Hazardous Materials

- 5-3-1** Adoption of Fire Prevention Codes
- 5-3-2** Disclosure of Hazardous Material and Infectious Agents;
Reimbursement for Cleanup of Spills
- 5-3-3** Fees for Extraordinary Services; Hazardous Material
Incident Response Reimbursement
- 5-3-4** Smoke Detectors
- 5-3-5** Posting of Occupancy Load

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 Ch. 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.
- (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.
- (8) International Fire Code, 2009 edition.

(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 Winneconne; except that the use of fireworks may be allowed by appropriate Permit issued by the Fire Chief, Police Chief, or Village President (see Section 7-6-1).

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

(b) Definitions.

- (1) "Infectious agent" is a bacterial, mycoplasma, 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 District the following information:
 - a Address, location of where hazardous materials are used, researched, stored or produced;
 - b The trade name of the hazardous material;
 - c The chemical name and any commonly used synonym for the hazardous material and the chemical name and any commonly used synonym for its major components;
 - d The exact locations on the premises where materials are used, researched, stored and/or produced;
 - e Amounts of hazardous materials on premises per exact location;
 - f The boiling point, vapor pressure, vapor density, solubility in water, specific gravity, percentage volatile by volume, evaporation rate for liquids and

- appearance and odor of the hazardous material;
 - g** The flashpoint and flammable limits of the hazardous substance;
 - h** Any permissible exposure level, threshold limit value or other established limit value for exposure to a hazardous material;
 - i** The stability of the hazardous substance;
 - j** Recommended fire extinguishing media, special firefighting procedures and fire and explosion hazard information for the hazardous material;
 - k** Any effect of over-exposure to the hazardous material, emergency and first aid procedures and telephone numbers to call in an emergency;
 - l** Any condition or material which is incompatible with the hazardous material and must be avoided.
 - m** Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming into contact with the hazardous materials;
 - n** Procedures for handling or coming into contact with the hazardous materials.
- (2) Any person, firm or organization using, researching, producing and/or storing infectious agent and/or carrier of an infectious agent shall provide in writing to the Winneconne Poygan Fire District the following:
- a** The name and any commonly used synonym of the infectious agent;
 - b** Address/location where infectious agents are used, researched, stored and/or produced;
 - c** The exact locations where infectious agents are used, researched, stored and/or produced;
 - d** Amount of infectious agent on premises per exact locations;
 - e** Any methods or 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 Winneconne, 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 negative 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 Winneconne 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 and 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 Winneconne Poygan Fire District 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 Winneconne by reason of such violation.
- (h) **Responsibility for Costs.**
 - (1) In the event the Village Board determines the costs incurred for Village response services are extraordinary in amount or the services for which the costs are incurred are extraordinary in type, the Village Board shall review and determine whether to seek reimbursement for the extraordinary costs from the owner of the property. The 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 Posting of Occupancy Load.

- (a) Every building and/or structure subject to the provisions of COMM 50 through 64, Wis. Adm. Code, shall have determined for the maximum occupancy load for each area and/or floor thereof. This limit shall be inscribed upon a sign constructed of "GRAVIPLY" or an equivalent material and having dimensions of at least twelve (12) inches in length and four (4) inches in height. The lettering shall be one and one-half (1-1/2) inches in height and the number shall be three (3) inches in height. The sign shall contain the following language "LIMIT (NUMBER) PERSONS" and shall be posted at all times and be displayed in a conspicuous place near the main entrance to the area/floor/structure, so that all persons visiting such place may readily see the same.
- (b) It shall be unlawful for any person to knowingly deface or destroy such sign or to remove it without the consent of the Fire District Inspector.

Title 5 4 Chapter 4

Regulation of Private Alarm Systems

5-4-1	Title
5-4-2	Declaration of Purpose
5-4-3	Definitions
5-4-4	Administrative Rules
5-4-5	Automatic Dialing Devices
5-4-6	Direct Connections; Emergency Contact Persons
5-4-7	Testing
5-4-8	Notification
5-4-9	Fee for Answering False Alarms
5-4-10	Village Liability
5-4-11	Unlawful False Alarms

Sec. 5-4-1 Title.

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

Sec. 5-4-2 Declaration of Purpose.

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

Sec. 5-4-3 Definitions

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

- (a) **Alarm Business.** Any business in which the owners or employees engage in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, or servicing alarm systems.
- (b) **Alarm System.** An assembly of equipment and devices or single device such as a solid state unit which plugs directly into 110-volt AC line or otherwise receives electrical energy arranged to signal the presence of a hazard requiring urgent attention and to which the Police or Fire Department is expected to respond. In this Chapter, the term "alarm system" shall include the terms "automatic holdup alarm systems," "burglar alarm systems," "holdup alarm systems" and "manual holdup alarm systems" as those terms are hereinafter defined, and fire alarm systems which monitor temperature, humidity or any other condition directly related to the detection of fire. Excluded from this definition and from the coverage of this Chapter are alarm systems used to alert or signal persons within the premises in which the alarm system is located of an attempted, unauthorized intrusion or holdup attempt or fire.
- (c) **Annunciator.** The instrumentation of an alarm console at the receiving terminal of a signal line through which both visual and audible signals show when an alarm device at a particular location has been activated or which, in the event of malfunction, may also indicate line trouble.
- (d) **Answering Service.** A telephone answering service providing among its services the service of receiving on a continuous basis through trained employees emergency signals from alarm systems, and thereafter immediately relaying the message by live voice to the dispatch center of the Police Department or Winneconne Poygan Fire District.
- (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 Police or Fire Department.
- (j) **False Alarm.** The activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner or lessee of an alarm system or of his employees or agents or other undetermined cause. False alarm does not include alarms caused by tornadoes or other violent climatic conditions.
- (k) **Interconnect.** To connect an alarm system to a voice grade telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.
- (l) **Central Station.** An office to which remote alarm and supervisory signaling devices are connected, where operators supervise the circuits.
- (m) **Primary Trunk Line.** A telephone line leading directly into the dispatch center of the Police Department or Fire District 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 a alarm business to monitor and/or service the alarm system.

Sec. 5-4-4 Administrative Rules.

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

Sec. 5-4-6 Direct Connections; Emergency Contact Persons.

- (a) **Direct Connections.** Direct connections to the Police Department or Fire District are prohibited, but may be authorized pursuant to the direct connection policies of each Department, a copy of which is on file with the Chief of Police and Fire Chief.
- (o) **Emergency Contact Persons.** The alarm user shall provide the Police Department and Fire District with the names and telephone numbers of at least two (2) persons who can be reached at any time, day or night, who are authorized to respond to an emergency signal transmitted by the automatic alarm system or device, and who are trained in the operation of functioning of the alarm system, and who can open the premises wherein the alarm system is installed. It shall be a violation of this Section if any of these persons cannot be contacted, or if they refuse to cooperate with and respond at the request of Fire District and Police Department officials; said person(s) may be subject to forfeiture under the penalty section of this Chapter.

Sec. 5-4-7 Testing.

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

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 False Alarms.

(a) Generally.

- (1) 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.
- (2) The user of any private alarm system which, upon activation, elicits a response from the Police Department or Winneconne Poygan Fire District, shall be subject to a fee for each false alarm in the calendar year after the second. A "false alarm" shall be defined as an alarm which was discharged falsely, accidentally, through mechanical failure, malfunction, improper installation, lack of maintenance, or by negligence of the owner or lessee of the alarm system or the owner's employees or agents.

(b) Exceptions.

- (1) Alarms that occur during electrical storms, tornadoes, blizzards, or other natural disasters or acts of God.
- (2) Disruption of the telephone circuits beyond the control of the alarm company and/or the alarm user.
- (3) Electrical power or disruption or failure not caused by the user.
- (4) Alarms caused by failure of equipment at the Winnebago County Communications Center (911).

(c) False Alarms; Administrative Charges.

- (1) Any person, business, corporation or other entity having permissible alarm system with alarm device(s) at one or more locations in accordance with this Chapter shall pay to the Departments a charge for false alarms responded to by the Police Department or Fire District according to the fee as established by the Village Board 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. The cost of false alarms outside of Village limits shall be billed by the Village as a service to the Departments to the responsible party(s).
- (2) Those subject to fees for false alarms shall be notified in writing of such fees. Failure to pay the fee within thirty (30) days of invoice shall be grounds to subject the user to the penalties contained within Section 1-3-1 in addition to the false alarm fees prescribed by this Chapter. In addition to any other methods provided by law, false alarm fees shall be allocated to the property served as a special charge under the Wisconsin Statutes.
- (3) This Subsection is intended to impose a strict liability on the person, business, corporation or other entity responsible for alarm connection to either the police alarm panel or to alarm receiving firm to which the Police Department or Fire District have responded and shall be applied regardless of the cause of the false alarm excepting those alarms excluded from the definition of "False Alarm." Failure to pay such administrative charge(s) in and of itself shall constitute a violation of this Section, and such charge(s) shall be collectible as a forfeiture upon prosecution and conviction thereof, together with an additional forfeiture(s) which may be imposed under the next Subsection (d) hereof for violation of this Section for allowing or maintaining condition(s) or act(s) violative of the intent of this Section of eliminating and minimizing the occurrence of false alarms, together with costs of prosecution.

(4) The fee shall be imposed whether the Police Department or Fire District received the alarm by direct connection or through an intermediary, such as an answering service or modified central station. If the Fire Chief or Police Chief are notified in writing prior to the day of installation of a new alarm system, the fee imposed by this Section shall be waived for a ninety (90) day period beginning with the date of the installation.

(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. 66.0627, Wis. Stats.

Sec. 5-4-10 Village Liability.

The Village of Winneconne or the Winneconne Poygan Fire District 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 Unlawful False Alarms.

It shall be unlawful for any persons to give or cause to be given a false alarm, or to pull the lever of any signal box, except in the case of fire, or tamper, meddle or interfere in any way with said boxes, or any of the wires, or supports there connected with any part of the fire/police alarm system, or to make any connection or communication therewith so as to interrupt or interfere with the proper working of said system or injure or destroy machinery or fixtures connected to said system.

Title 5 4 Chapter 5

Emergency Management

- 5-5-1 Emergency Management — Definition
- 5-5-2 Emergency Management Director
- 5-5-3 Utilization of Existing Services and Facilities
- 5-5-4 Declaration of Emergency
- 5-5-5 Emergency Regulations
- 5-5-6 Obstruction of Emergency Management Organization
- 5-5-7 Joint Action Ordinance Adopted

Sec. 5-5-1 Emergency Management— Definition.

Emergency Management shall mean the preparation for and the carrying out of all emergency functions other than functions for which the military forces are primarily responsible, to minimize and repair injury and damage resulting from disaster, caused by an enemy attack, sabotage or other hostile action or by fire, flood or other natural causes.

Sec. 5-5-2 Emergency Management Director.

- (a) **Appointment.** The Emergency Management Director (sometimes referred to as the "Head of Emergency Management Services") shall be a qualified person annually appointed at the organizational meeting by the Village President, subject to confirmation by the Village Board.
- (b) **Duties and Powers.** The Director shall be the executive head of the Village Emergency Management organization and shall have direct responsibility for the organization, administration and operation of the organization, subject to the direction and control of the Village President and the Village Board. In addition to such powers and responsibilities as may be imposed on him/her from time to time by the Village Board, he/she shall have the authority and it shall be his/her duty to:
- (1) Coordinate all activities for Emergency Management within the Village.
 - (2) Maintain liaison and cooperation with Emergency Management agencies and organizations of other political subdivisions and of the State and Federal Management.
 - (3) Participate in County and State Emergency Management activities upon request.
 - (4) Prepare a comprehensive general plan for the Emergency Management of the Village and present such plan to the Village Board for approval.
 - (5) Subject to the approval of the Village Board, enter into a mutual agreement with other political subdivisions and file copies of any such agreements with the State Director of Emergency Management.
 - (6) Upon the declaration of an emergency, issue all necessary proclamations as to the existence of such state of emergency and such disaster warnings or alerts as shall be required in the Emergency Management plan.
 - (7) Ensure the National Incident Management System (NIMS) is implemented to provide a systematic, proactive approach to guide all departments and agencies of the Village, nongovernmental organizations, and the private sector to work seamlessly to prevent, protect against, respond to, recover from, and mitigate the effects of incidents, regardless of cause, size, location, or complexity, in order to reduce the loss of life and property and harm to the environment.

Sec. 5-5-3 Utilization of Existing Services and Facilities.

In preparing and executing the Emergency Management Plan, the Director shall utilize the services, equipment, supplies and facilities of the existing departments and agencies of the Village to the maximum extent practicable. When the Village Board has approved of the plan, it shall be the duty of all municipal agencies and departments of the Village to perform the duties and functions assigned by the approved plan.

Sec. 5-5-4 Declaration of Emergencies.

The Emergency Management organization shall take action in accordance with the Emergency Management plan only after the declaration of an emergency and issuance of the official disaster warning. Declaration of emergency shall be made by the Governor, the Village President or, in his/her absence, by the Director. Such state of emergency shall continue until terminated by the issuing authority, provided that any declaration not issued by the Governor may be terminated by the Village Board.

Sec. 5-5-5 Emergency Regulations.

Whenever necessary to meet an Emergency Management emergency for which adequate regulations have been adopted by the Village Board, the Village President and, in his/her absence, the Director of Emergency Management, may proclaim, promulgate and enforce orders, rules and regulations relating to the conduct of persons and the use of property which are necessary to protect the public peace, health and safety, and preserve lives and property, and to insure the cooperation in Emergency Management activities. Such proclamation shall be posted in three (3) public places and may be rescinded by resolution of the Village Board.

Sec. 5-5-6 Obstruction of Emergency Management Organization.

No person shall willfully obstruct, hinder or delay any member of the Emergency Management organization in the enforcement of any order, rule, regulation or plan issued pursuant to this Section or violate any order, rule, regulation or plan issued pursuant to the authority contained in this Section. Any person who shall violate any provision of this Section shall, upon conviction thereof, be subject to a penalty as provided in Section 1-3-1 of this Code.

Sec. 5-5-7 Emergency Management Operations Ordinance Adopted.

The Emergency Management Operations Ordinance for Winnebago County adopted by the Winnebago County Board and updated from time to time, is adopted and hereby made a part hereof, by reference, and is hereby ratified and accepted by the Village Board of Winneconne.

Emergency Management

- (a) This ratification and acceptance of the Emergency Management Operations Ordinance shall constitute a Mutual Agreement between the Village and County of Winnebago as provided by Section 6.08(3) of the Emergency Management Operations Ordinance.