

# Village of Boyceville Municipal Code

## TITLE 5 - PUBLIC SAFETY

### CHAPTER 1: LAW ENFORCEMENT

#### Sec. 5-1-1 Organization of police department.

The Village police department consists of a chief of police, police officers, and civilian assistants as deemed appropriate by the Chief of Police and confirmation by the Village Board.

#### Sec. 5-1-2 General powers and goals of police officers.

- (a) *Enforce laws.* Be familiar with, and enforce, Village ordinances and state statutes.
- (b) *Crime Prevention.* Help prevent crimes and protect the health, safety, public peace and order of those in the Village.
- (c) *Report unsafe conditions.* Report street and sidewalk obstructions, unlit streetlamps, unlawful street signs or signals, and hazardous streets and sidewalks to the appropriate departments.
- (d) *Maintain order.* Keep order at the scene of a fire, emergency response, and events.
- (e) *Permits and licenses.* Ensure proper permits and licenses are possessed or displayed by those engaged in activities or business within the Village for which a permit or license is required.
- (f) *Other.* Perform other duties as ordered by the Chief of Police or designee.

#### Sec. 5-1-3 Responsibilities of the Chief of Police.

- (a) *Policies.* Establish rules of conduct, policies, and procedures including prescribing duties for the department's members for the effective and efficient command and operation of the department.
- (b) *Records.* Maintain accurate records of complaints, crimes, traffic accidents, ordinance violations, arrests, summons, incidents, and calls for police service. Records must include: the name(s) of the person arrested; the officer making the arrest; the date; cause of the arrest; the court from which the warrant (if any) was issued; the disposition of the case; the amount of fine and costs paid and to whom paid; bond posted; and all complaints.
- (c) *Budget.* Supervise the preparation and presentation of annual reports and budgets for the department. Certify all bills incurred by the department.
- (d) *Personnel Management.* Control of the assignment, hours of duty, and transfer of the department's members. Maintain adequate personnel records of employment, assignment, promotions, attendance, performance, and training for all department members of the department; comply with all provisions of the Law Enforcement Standards Board regarding background investigation; and supervise the department's members. Ensure all department members are trained to carry out their duties, and within budgetary limitations, ensure members attend training courses, seminars, and conferences necessary to maintain and improve their job skills and professional knowledge.
- (e) *Resource Management.* Plan, organize, staff, direct, and control all of the human and material resources including equipment of the department for the most effective and efficient discharge of its duty to protect persons and property, preserve the peace, protect the rights of citizens and enforce the state statutes and the ordinances of the Village as are within its jurisdiction.
- (f) *Information Exchange.* Cooperate, coordinate, and exchange information with other Village departments in matters relating to their various functions.

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(g) *Crime Prevention Planning.* Plan and execute programs designed to prevent and repress crime, apprehend and prosecute offenders, recover property, and regulate non-criminal conduct, giving highest priority in the allocation of resources to crime and other offenses most hazardous to life and property.

(h) *Custody of property.* Possess and control property and evidence coming into the department with the safekeeping, lawful disposition, and accurate records thereof.

(i) *Administrative.* Command the police department's administrative matters, subject to the Village Board's direction. Submit reports requested by the Village Board regarding fiscal and administrative matters.

### **Sec. 5-1-4 Civilians to assist.**

When requested, all persons in the Village must promptly assist the any law enforcement officer in the execution of their duties. If anyone refuses, they may be subject to the general penalty as provided in section 1-1-6.

### **Sec. 5-1-5 Hearing authorities for suspension or removal of law enforcement officers.**

(a) Pursuant to Wis. Stats. § 62.13(6m), the Village may not suspend, reduce, suspend, and reduce or remove any police chief or other law enforcement officer who is not probationary unless the Village follows the procedure under Wis. Stats. § 62.13(5). To act under this subsection in place of the board of police and fire commissioners under Wis. Stats. § 62.13(1) through (6), the Village may do either of the following:

- (1) Establish a committee of not less than three members, none of whom may be an elected or appointed official of the Village or be employed by the Village. The Village will 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 Wis. Stats. § 15.103(1). The Village will reimburse the state for the state's costs under this subsection.

### **Sec. 5-1-6 Special Police Officers**

The Village special police shall be an organization of citizens selected by the Chief of Police to augment the regular police officers, appointed by the Village President pursuant to Wisc. Stat. § 61.24 and section 2-2-3 and confirmed by the Village Board in the event of disturbance, riot or other apparent necessity as deemed by the Chief of Police. Special Police Officers shall be under the general control of the Chief of Police and subject to the policies of the Police Department. The Chief of Police may appoint subordinate regular members of the Department to supervise the special officers on his/her behalf. Special Police Officers shall be appointed on temporary basis only and possess all the powers and rights of a police officer of the Village.

### **Sec. 5-1-7 Civil Process Fees**

Pursuant to Wis. Stats. 814.705(1)(c) and 814.71, the Village Board has elected to set higher fees for service by Village police officers. The fees shall be listed on the Village Fee Schedule.

## **CHAPTER 2: FIRE & EMERGENCY MEDICAL PROTECTION**

### **Sec. 5-2-1 Fire department organization; goals of the department.**

(a) *Fire department recognized.* The Boyceville Community Fire District is the official fire department for the Village. The Fire Chief and his officers are authorized all appropriate sections of this code that apply to their duties and the safety of the Village.

(b) *Organization.* The Village fire department is organized pursuant to its bylaws and Fire District regulations.

(c) *Service Fees.* Any fees for calls for service by the Boyceville Fire Department are set by the Boyceville Community Fire District Board. Any charges by the Fire District to a property located in the Village are the responsibility of the property owner(s) of the fire incident location or responsible party or parties for incidents on public property as in the case of a vehicle collision or their insurance carrier(s) if applicable.

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### Sec. 5-2-2 Impeding fire equipment prohibited.

No person may impede the progress of a fire engine, fire truck, or other fire apparatus at the time of a fire or when the fire department is responding to a fire alarm or for practice. Anyone who impedes fire equipment may be subject to the general penalty as provided in section 1-1-6.

### Sec. 5-2-3 Police power of the department; investigation of fires.

#### (a) *Police authority at fires.*

- (1) The fire chief, assistants, and officers in command at any fire are vested with complete police authority at fires. Any officer of the department may arrest any person failing to give the right-of-way to the fire department in responding to a fire.
- (2) The fire chief may preclude people from coming within certain limits in the vicinity of any fire.
- (3) The fire chief has the power to remove any property when 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 may remove all wires and turn off electricity or other services where the same impedes the work of the department during the progress of a fire.

#### (b) *Fire inspection duties.*

- (1) The fire chief, or designee, is the fire inspector of the Village and has the power to appoint one or more deputy fire inspectors and must 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 Wis. Stats. § 101.14.
- (2) While acting as fire inspector pursuant to Wis. Stats. § 101.14(2), the fire chief, or designee, by the fire chief, has the right and authority to enter any building or upon any premises in the Village at all reasonable hours for the purpose of making inspections or investigations which, under the provisions of this Code, are necessary. If the fire inspector finds that any provision of this Code relating to fire hazards and fire preventions is violated, the fire inspector must provide directions to correct the violations and, if directions not complied with, to report noncompliance to the Village Board for further action.
- (3) The fire chief, or designee, is required to inspect all public buildings and premises for the purpose of fire hazards and fire prevention and to ensure all fire laws and ordinances are complied with.
- (4) The fire chief must keep written reports of inspections on file as required by the department of industry, labor, and human relations.

### Sec. 5-2-4 Damaging fire hose prohibited; parking by hydrants; blocking fire lanes.

(a) *Driving over fire hose.* No person may damage any hose, hydrant, or other fire apparatus belonging to the any fire department, and no person may drive a vehicle over any unprotected hose of the fire department when laid down on any street, private driveway, or other place, without the consent of the fire department official in command.

(b) *Parking vehicles near hydrants.* No person may park any vehicle or leave any object within ten feet of any fire hydrant at any time. Violations of this subsection may be subject to the penalties of 10-1-50(d)(2).

(c) *No parking near fire.* In case of fire, no person may drive or park any vehicle within one block of the fire location without a fire officer or police official's permission. Violations of this subsection may be subject to the penalties of 10-1-50(d)(2).

### Sec. 5-2-5 Firefighters may enter adjacent property.

(a) *Entering adjacent property.* A firefighter, at the fire chief's direction, may enter adjacent premises, buildings, or other property on fire for the purpose of extinguishing the fire. If any person hinders, resists, or obstructs a firefighter in the discharge of fire duties, will be guilty of resisting firefighters in the discharge of their duty.

(b) *Destruction of property to prevent the spread of fire.* The fire chief, or designee, has the power to order the removal or destruction of any property necessary to prevent the further spread of fire, which would eventually destroy other property.

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### Sec. 5-2-6 Duty of bystanders to assist.

The fire chief, or designee, may order others to render assistance in extinguishing the fire or in removing or guarding property. Officers have the power to arrest any person refusing to obey the orders.

### Sec. 5-2-7 Vehicles to yield right-of-way.

Vehicle operators must move and remain to the side of the street when fire department personnel are operating fire trucks or other apparatus while engaged in training or a fire emergency. Violations of this subsection may be subject to the penalties of section 1-1-6.

### Sec. 5-2-8 Interference with use of hydrants prohibited.

Vehicles may not be parked or driven between a fire truck or other fire apparatus and any hydrant to which a fire hose may be, or will possibly be, attached. Violations of this subsection may be subject to the penalties of 10-1-50(d)(2).

### Sec. 5-2-9 Open burning.

(a) *Open burning prohibited.* No person, firm, or corporation may build any outdoor fire within the limits of the Village except as set forth in subsection (b) of this section. This prohibition on burning includes burning of construction waste and debris, rubbish, any items consisting of plastic, metal, vinyl, rubber, or oil-based products, and any wood product that is stained, painted, or treated.

#### (b) *Exceptions.*

- (1) Outdoor cooking over a fire contained in a device or structure designed for such use.
- (2) Controlled burning of grass or similar vegetation for environmental management purposes, with the prior written approval of the fire chief; this exception is not to be used for the burning of grass, leaves or other lawn debris.
- (3) Small campfire or bonfires if they are contained in a fire pit or ring.
- (4) Burning of non-offensive materials in a wire refuse burner, basket, or metal enclosure with a cover attached to prevent the escape of sparks and burning materials, located a minimum of 25 feet from a building; only one burner is permitted per lot and requires an annual permit from the fire chief.
- (5) Other desired outdoor burning not specified by this subsection, but not as an alternative to refuse removal or disposal of which other methods are available, may be granted single-occasion approval as in subsections (b)(2) and (3) of this section.
- (6) Any person obtaining a permit to burn must follow the directions prescribed by the fire chief and allow the fire chief, or designee, to enter the property to exercise the supervisory function. Whenever approval and special permit are granted by the fire chief under this section, the permit may specify and be conditioned on observance of safety restrictions and insurance requirements set forth therein.

(c) *Chief may prohibit.* The fire chief or designee is permitted to prohibit any or all bonfires and outdoor fires when atmospheric conditions or local circumstances make such fires hazardous.

(d) *Burning on streets.* No materials may be burned upon any street, curb, gutter, or sidewalk.

(e) *Liability.* Any person utilizing and maintaining an outdoor fire is responsible for any liability resulting from damage caused by the fire.

(f) *Burning permits.* All burning permits will be issued by contacting Dunn County Emergency Communications.

(g) *Offensive materials.* Offensive materials include the burning of wet combustible rubbish, garbage, oily substances, asphalt, plastic, rubber products, and painted or treated lumber.

### Sec. 5-2-10 Emergency Medical Service organization; goals of the department.

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(a) *Ambulance service recognized.* The Boyceville Community Ambulance District is the official emergency medical service provider for the Village. The EMS Chief and his officers are authorized all appropriate sections of this code that apply to their duties and the safety of the Village.

(b) *Organization.* The EMS department is organized pursuant to its bylaws and Ambulance District regulations.

(c) *Service Fees.* Any fees for calls for service by the Boyceville EMS are set by the Boyceville Community Ambulance District Board. Any charges by the EMS District to a property located in the Village are the responsibility of the property owner(s) of the incident location or responsible party or parties for incidents on public property as in the case of a vehicle collision or their insurance carrier(s) if applicable.

### CHAPTER 3: FIRE PROTECTION CODE; HAZARDOUS MATERIALS

#### Sec. 5-3-1 Adoption of state codes.

The orders, rules, and regulations of the department of industry, labor, and human relations, all of which are set forth in the Wisconsin Administrative Code are incorporated herein by reference and adopted as part of this chapter.

#### Sec. 5-3-2 Disclosure of hazardous materials and infectious agents; reimbursement for cleanup of spills.

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

- (1) All persons using, researching, or producing hazardous materials and/or infectious agents must notify the fire department as prescribed by this section.
- (2) The provisions of this section 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 ordinance.

(b) *Definitions.* The following words, terms and phrases, when used in this section, have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (1) *Hazardous materials* means 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 includes radioactive materials.
- (2) *Infectious agent* means 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.

##### (c) *Information required.*

- (1) Any person, firm, or organization using, researching, producing, and/or storing any hazardous materials must provide in writing the following information to the fire department:
  - 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;

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- 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 encountering the hazardous materials.
- (2) Any person using, researching, producing, and/or storing infectious agent and/or who is a carrier of an infectious agent must inform, in writing, 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 or 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, cleanup 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 will 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 Recovery of costs.

(a) Every person, firm, or corporation using, storing, handling, or transporting flammable or combustible liquids, chemicals, gasses, or other hazardous materials must comply with the requirements of Wis. Admin. Code NR 662 (Hazardous Waste Generator Standards).

(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 will 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: PRIVATE ALARM SYSTEMS

### Sec. 5-4-1 Purpose.

The purpose of this chapter is to provide minimum standards and regulations applicable to burglar, fire and holdup alarm systems, alarm businesses 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. 5-4-2 Definitions.

(a) The following words, terms, and phrases, when used in this chapter, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Alarm business* means any business in which the owners or employees engage in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, or servicing alarm systems.
- (2) *Alarm system* means 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.



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- a. The term "alarm system" will 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.
  - b. 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.
- (3) *Annunciator* means 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.
  - (4) *Answering service* means a telephone answering service providing among its services the service of receiving on a continuous basis through trained employee's emergency signals from alarm systems, and thereafter immediately relaying the message by live voice to the dispatch center of the police or fire department.
  - (5) *Automatic dialing device* means 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 an emergency that the alarm system is designed to detect.
  - (6) *Automatic holdup alarm system* means an alarm system in which the signal transmission is initiated by the action of the robber.
  - (7) *Burglar alarm system* means an alarm system which signals an entry or attempted entry into the area protected by the system.
  - (8) *Central station* means an office to which remote alarm and supervisory signaling devices are connected, where operators supervise the circuits.
  - (9) *Direct connect* means an alarm system which has the capability of transmitting system signals to the police or fire department.
  - (10) *False alarm* means 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. The term "false alarm" does not include alarms caused by tornadoes or other violent climatic conditions.
  - (11) *Interconnect* means 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.
  - (12) *Manual holdup alarm system* means an alarm system in which the signal transmission is initiated by the direct action of the person attached or by an observer thereof.
  - (13) *Primary trunk line* means a telephone line leading directly into the dispatch center of the police or 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.
  - (14) *Subscriber* means 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. 5-4-3 Administrative rules

The police chief will create rules, subject to the Village Board's approval, necessary for the implementation of this chapter.

### Sec. 5-4-4 Automatic dialing devices.

No person may interconnect any automatic dialing device to a police or fire department primary trunk line. No person may permit any devices to remain interconnected from any property owned or controlled by that person. The devices may be connected to a central station or an answering service. Relaying messages to the police or fire department must only be done person-to-person on the telephone line.

### Sec. 5-4-5 Direct connections to the police department.

Direct connections to the police or fire department are prohibited but may be authorized pursuant to the direct connection policies of each department.

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### Sec. 5-4-6 Testing.

(a) No alarm business or alarm system designed to transmit emergency messages to the police department may be tested or demonstrated without prior notification and approval of the police department dispatcher. Alarm businesses or alarm system subscribers are advised on proper test procedure.

(b) No alarm system relayed through intermediate services to the police department may be tested to determine the police department's response without first notifying the appropriate authority. However, the police department may inspect, or test on-site alarm systems authorized under this chapter.

(c) Alarm systems must comply with all pertinent response policies of the police department.

### Sec. 5-4-7 Notification.

Alarm business must inform its subscribers if service is disrupted for any reason known to the business unless the subscriber has waived that requirement.

### Sec. 5-4-8 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. False alarms constitute public nuisances and must be abated.

(b) *Intentional.* No person may intentionally cause the activation of a burglar/fire alarm device knowing that criminal activity, fire, or other emergency does not exist. Violations of this subsection may be subject to the penalties of Wis. Stats. 941.13 or section 1-1-6.

(c) *False Alarms; Administrative Charges.* Any person having permissible alarm system with alarm device(s) at one or more locations in accordance with this Chapter must pay a charge for false alarms responded to by the Police or Fire Department according to the fee schedule established by the Village.

### Sec. 5-4-9 Village liability.

The Village is not obligated to subscribers 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.

## CHAPTER 5: EMERGENCY MANAGEMENT

### Sec. 5-5-1 Purpose.

The purpose of this chapter is prepare the Village to cope with emergencies resulting from enemy action and natural or man-made disaster, it is declared to be necessary to establish an organization of emergency management for the Village by conferring upon the President of the Village and others specified duties and powers, consistent with Wis. Stats. Chapter 323, which is hereby adopted.

### Sec. 5-5-2 Emergency Management Director

There is created the office of Director of Emergency Management. The Director and any deputies shall be appointed by the Village Board until a successor is appointed and qualified. The Director may be appointed solely to this position or in addition to duties of another appointed Village office. The Director, subject to the control and direction of the Village Board, shall:

- (a) Develop and promulgate emergency plans for the Village consistent with state and county plans.
- (b) Follow all federal and state training requirements pertaining to this position.
- (c) Direct the emergency management program for the Village as required by the Village Board.



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- (d) Direct the Village emergency training programs and exercises.
- (e) Help Village emergency departments during such emergencies requiring a major response or additional resources to support their efforts.
- (f) During a state of emergency declared by the Governor, the Emergency Management Director, on behalf of the Village, may contract with any person to provide equipment and services on a cost basis to be used to respond to a disaster or the imminent threat of a disaster.
- (g) Be the National Incident Management System (NIMS) point of contact for the Village and track all NIMS and ICS training to assure compliance with federal and state guidelines.
- (h) Aid, assist, and guide all Village officials and departments in the completion of forms relating to emergencies including, but not limited to, ICS forms, emergency orders and declarations of disaster.
- (i) Advise the Dunn County Emergency Management Coordinator on all local programs and submit any required reports.

### Sec. 5-5-3 Powers and Duties of the Village

(a) *Declaration of emergency.* The Village Board may declare an emergency existing within the Village whenever conditions arise by reason of a riot or civil commotion, a disaster, or imminent threat of a disaster that impairs transportation, food or fuel supplies, medical care, fire, health or police protection, or other critical systems of the Village. In the absence of the Village President, the Trustee holding the longest continuous seniority as trustee at the time of the emergency and who is available may declare an emergency based on the above criteria. The period of the emergency shall be limited by this chapter to the time during which the emergency conditions exist or are likely to exist.

- (1) In the absence of the Village President or any Trustees and based on the above criteria and an issue of expedience exists, any two of the following Village officials may declare an emergency: the Village Administrator, the Village Clerk-Treasurer, the Director of Public Works, the Police Chief, and the Emergency Management Director.
- (2) *Ratification.* Except for a declaration by the Village Board, any other declarations shall be subject to ratification, alteration, modification, or repeal by the Village Board as soon as they can meet. Any subsequent action taken shall not affect the validity of the declaration.

(b) *Powers during an emergency.* The emergency power conferred upon the Village Board by this chapter and Wis. Stats. §§ 323.11 and 323.14 includes the general authority to order whatever is necessary and expedient for the health, safety, protection and welfare of persons and property within the Village in the emergency and includes the power to bar, restrict, or remove all unnecessary traffic, both vehicular and pedestrian, from the roadway and limit or restrict the operation of watercraft upon any waterway within the Village. The period of the proclamation is limited to the time during which emergency conditions exist or are likely to exist.

- (1) *Proclamation.* If, because of the emergency conditions, the Village Board is unable to meet properly, the Village President or the Trustee holding the longest continuous seniority as trustee at the time of the emergency and who is available shall exercise by proclamation all the powers hereby conferred on the Board.
- (2) In the absence of the Village President or any Trustees and based on the above criteria and an issue of expedience exists, any two of the following Village officials may declare an emergency: the Village Administrator, the Village Clerk-Treasurer, the Director of Public Works, the Police Chief, and the Emergency Management Director.
- (3) *Ratification.* With the exception of a proclamation by the Village Board any other emergency proclamations shall be subject to ratification, alteration, modification, or repeal by the Village Board as soon as they can meet, but subsequent action taken shall not affect the validity of the proclamation.

### Sec. 5-5-5 Emergency Use of Vehicle

In responding to an official request for help during any declared state of emergency, any person may operate a boat or any motor vehicle, including a snowmobile or all-terrain vehicle that is not registered in this state.

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Emergency management personnel, in accordance with Wis. Stats. § 340.01(3)(e), are authorized to use any vehicle of the Village and/or their private vehicles as an emergency vehicle in the event of a bona fide emergency.

### **Sec. 5-5-6 Responsibility for Worker's Compensation**

A member of the Village's Emergency Management Program is considered an employee of the Village when providing his or her labor during a disaster, an imminent threat of a disaster or a related training exercise or equipment maintenance. A volunteer who registers in writing with the Village emergency management to provide his or her own labor without compensation, other than reimbursement for travel, lodging, or meals during a disaster, an imminent threat of a disaster or a related training exercise is considered an employee of the Village for worker's compensation under Wis. Stats. Ch. 102 for purposes of any claim relating to labor provided.

### **Sec. 5-5-7 Temporary Location of Village Government**

Whenever during a state of emergency it becomes imprudent, inexpedient, or impossible to conduct the affairs of the Village at the Village Hall, the Village Board may meet at any place within or without the territorial limits of the Village by call of the Village President or his/her successor, and shall proceed to establish and designate by ordinance, resolution, or other manner, alternate or substitute places as temporary locations of the government where all, or any part of, the public business may be transacted and conducted during the emergency situation.

While the public business is being conducted at a temporary location, the Village Board and other officers of the Village government shall possess and exercise all the executive, legislative, administrative and judicial powers and functions conferred on the body and officers under state law. Those powers and functions, except judicial, may be exercised in the light of the exigencies of the emergency without regard to or compliance with time-consuming procedures and formalities prescribed by law. All acts of the Village Board and Village officers shall be as valid and binding as if performed within the territorial limits of the Village.

### **Sec. 5-5-8 National Incident Management System/Incident Command System**

The Village adopts the National Incident Management System (NIMS), and its component Incident Command System (ICS), as the standard for all incident management in the Village and shall endeavor to remain compliant with all standards and requests of the state and federal officials.

### **Sec. 5-5-9 Violations; Civil Liability**

*Violations.* Any person who violates any provision of this chapter or who refuses or intentionally fails to comply with the directives of emergency management authorities promulgated under this chapter during an emergency or during any training program or exercise.

*Civil liability.* Any person in violation of this chapter shall be liable to the Village for any expenses incurred by the Village or for any loss or damage sustained by the Village by reason of any violation of this chapter.