TITLE 5

Public Safety

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CHAPTER 1

Law Enforcement

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SEC. 5-1-1 ORGANIZATION OF POLICE DEPARTMENT.

(a) **Composition**. The Police Department shall consist of a Chief of Police and such other officers, assistants, and patrolmen as from time to time may be appointed by the Village Board pursuant to the provisions of the Wisconsin Statutes and Village ordinances.

(b) **Salary, Collection of Fees**. The Chief of Police and the police officers shall receive an hourly wage as fixed by the Village Board. All fees, bail, deposits and other special remuneration or funds collected or received by the Police Department or any officer thereof shall be deposited with the Village Clerk-Treasurer no later than the second business day following the receipt thereof.

(c) **Tenure of Chief, Police Officers**. The Chief of Police and police officers shall serve at the pleasure of the Village Board, subject to the provisions of Section 5-1-7.

SEC. 5-1-2 RECORDS AND REPORTS.

(a) Monthly Reports. The Chief of Police shall submit a monthly general report to the Police Operations Committee 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

SEC. 5-1-3 GENERAL POWERS OF POLICE OFFICERS.

Every member of the Police Department shall:

(a) Familiarize himself with the ordinances of the Village and the 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 emergency 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 authorized representative.

SEC. 5-1-4 RESPONSIBILITIES OF CHIEF OF POLICE.

(a) Duties. In addition to the duties imposed upon him elsewhere in this Code of Ordinances, the Chief of Police shall:

(1) Have command of the Police Department on administrative matters, subject to the direction of the Village Board and appropriate designated committees thereof.

(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 Departments resources. He 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) Have control of the assignment, hours of duty, and transfer of all members of the Department.

(6) Plan, organize, staff, direct, and control all of the human and material resources 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 Wisconsin Statutes and the ordinances of the Village as are within its jurisdiction. He shall supervise the preparation and presentation of annual reports and budgets for the Police Department. He shall be required to certify to the correctness of all bills incurred by the Department.

(7) Strive to maintain suitable, productive relationships with other Village departments and with other governmental agencies and private organizations concerned with law enforcement, crime prevention, administration of justice and public safety. He shall cooperate and exchange information with other Village departments in matters relating to their various functions.

(8) 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.

(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. He shall see that all property is returned to its lawful owner or otherwise disposed of according to the applicable ordinances and 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 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. Such personnel records shall be filed with the Village Clerk. He shall also comply with provisions of the Law Enforcement Standards Board in regard to background investigations. He shall keep himself adequately informed of the activities of the Department and be assured that the duties of his subordinates are properly discharged. He 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 this Code of Ordinances.

SEC. 5-1-7 POLICE REVIEW BOARD. *(Ord #2017-0405A)*

(a) Purpose.

A village police review board is hereby created pursuant to Wis. Stats. § 61.65, to act in place of the board of police and fire commissioners under Wis. Stats. § 62.13.

(b) Powers.

The police review board shall have the following powers:

(1) The power to suspend, reduce, suspend and reduce, or remove any police chief or other police officer who is not probationary.

(2) Such other powers or duties as are conferred on the police review board by the Village Board.

(c) Appointment.

The police review board shall consist of three citizens, who shall be residents of the Village, but shall not be a Village Trustee, appointed Village Official, or Village employee. Two police review board members shall constitute a quorum. The Village President shall appoint the initial board, subject to Village Board approval, to staggered three-year terms, and thereafter, the

Village President shall annually, if a member's term expires that year, in May, appoint one member for a term of three years. The village shall pay all members costs of serving on the board.

(d) Disciplinary action against police officers.

(1) A nonprobationary police officer may be suspended, demoted, or suspended and demoted as hereinafter provided, as a penalty. He may also be suspended by the police review board pending the disposition of charges filed against him.

(2) Charges may be filed against a police officer by the police chief, by a member of the police review board, by the police review board as a body, or by any aggrieved person. Such charges shall be in writing and shall be filed with the president of the police review board. Pending disposition of such charges, the board or police chief may suspend such police officer.

(3) A police officer may be suspended, demoted, or suspended and demoted for just cause, as described in subsection (7) of this section, by the police chief or by the police review board as a penalty. The police chief shall file a report of such action with the police review board immediately upon taking such action.

(4) Within fifteen (15) calendar days after being notified, in writing, shall submit his/her reasons for appealing the action. No hearing on such suspension, demotion, or suspension and demotion shall be held unless requested by the police officer. If a police officer requests a hearing before the police review board, the police chief shall be required to file charges with the police review board upon which such action by the police chief was based.

(5) Following the filing of charges in any case, a copy thereof shall be served upon the person charged. The police review board shall set a date for hearing not less than ten days nor more than 30 days following service of charges. The hearing on the charges shall be public; and both the accused and the complainant may be represented by an attorney and may compel the attendance of witnesses by subpoenas, which shall be issued by the president of the police review board on request, and be served as are subpoenas under Wis. Stats. chapter 885.

(6) If the police review board determines that charges are not sustained, the accused, if suspended, demoted or removed, shall be immediately reinstated and lost pay restored. If the police review board determines that charges are sustained, the accused, by order of the police review board, will be suspended or reduced in rank, or suspended and reduced in rank, or removed, as the good of the service may require.

(7) No subordinate may be suspended, reduced in rank, suspended and reduced in rank, or removed by the board under subsection (6), based on charges filed by the board, members of the board, an aggrieved person or the chief under subsection (2), unless the board determines whether there is just cause, as described in this subsection (7), to sustain the charges. In making its determination, the board shall apply the following standards, to the extent applicable:

i. Whether the subordinate could reasonably be expected to have had knowledge of the probable consequences of the alleged conduct.

ii. Whether the rule or order that the subordinate allegedly violated is reasonable.

iii. Whether the chief, before filing the charge against the subordinate, made a reasonable effort to discover whether the subordinate did in fact violate a rule or order.

iv. Whether the effort described under subsection (iii) was fair and objective.

v. Whether the chief discovered substantial evidence that the subordinate violated the rule or order as described in the charges filed against the subordinate.

vi. Whether the chief is applying the rule or order fairly and without discrimination against the subordinate.

vii. Whether the proposed discipline reasonably relates to the seriousness of the alleged violation and to the subordinate's record of service with the chief's department.

(8) Findings and determinations hereunder and orders of suspension, reduction, suspension and reduction, or removal, shall be in writing and, if they follow a hearing, shall be filed within three days thereof with the secretary of the police review board.

(9) Further rules for the administration of this section may be made by the board.

(10) No person shall be deprived of compensation while suspended pending disposition of charges by the board.

(11) Any person suspended, reduced, suspended and reduced, or removed by the police review board may appeal from the order of the police review board to the circuit court by serving written notice of the appeal on the secretary of the police review board within ten days after the order is filed. Within five days after receiving written notice of the appeal, the board shall certify to the clerk of court the record of the proceedings, including all documents, testimony and minutes. The action shall thereafter proceed in manner as set forth in Wis. Stats. § 62.13(5)(i). The trial shall be by the court and upon the return of the board, except that the court may require further return or the taking and return of further evidence by the board. The question to be determined by the court shall be: Upon the evidence, is there just cause, as described under subsection (7), to sustain the charges against the accused. No costs shall be allowed either party, and the clerk's fees shall be paid by the village. If the order of the police review board is reversed, the accused shall be forthwith reinstated and entitled to his pay as though in continuous service. If the order of the police review board is sustained, it shall be final and conclusive.

(e) Disciplinary action against police chief.

The provision of Section (d) (1) through (11) shall apply to the demotion, suspension or removal of the police chief. In addition thereto, the police review board may suspend the police chief pending disposition of charges filed by the police review board or by the Village President.

SEC. 5-1-8 POLICE CHIEFS RESPONSIBILITY FOR TRAINING.

The Chief of Police is responsible for the training of all members of the Department. He 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. He 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. He shall encourage Department members to further their education in Law Enforcement through study, special courses, college attendance, extension programs, and independent readings.

SEC. 5-1-9 CIVILIANS TO ASSIST.

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

CHAPTER 2

Fire Department

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SEC. 5-2-1 FIRE DEPARTMENT ORGANIZATION; GOALS OF THE DEPARTMENT.

(a) **Fire Department Recognized**. The Volunteer Fire Department of the Village of Monticello and the Towns of Mount Pleasant and Washington (MMPW-FD) is officially recognized as the Fire Department serving the Village of Monticello, and the duties of firefighting and fire prevention in the Village are delegated to such Department. The Monticello Volunteer Fire Department shall be responsible for the program of fire defense for the citizens and property within the Village of Monticello.

(b) **Fire Protection Agreement**. The Village of Monticello, surrounding municipalities, and the Volunteer Fire Department have entered into a contract under Sec. 66.0301, 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 Department and the relation of the Village thereto.

(c) **Appropriations.** The Village Board shall appropriate funds for Fire Department operations and for such apparatus and equipment for the use of the Fire Department as the Board may deem expedient and necessary to maintain efficiency and properly protect life and property from fire.

(d) **Goals of the Fire Defense Program**.

(1) The primary objective of the fire defense program is to serve all citizens, without prejudice or favoritism, by safeguarding, collectively and individually, their lives against the effects of fires and explosions.

(2) The second objective of the fire defense program is to safeguard the general economy and welfare of the community by preventing major conflagrations and the destruction by fire of industries and businesses.

(3) The third objective of the fire defense program is to protect the property of all citizens against the effects of fire and explosions. All property deserves equal protection, regardless of location or monetary value.

(e) **Organization.** The Volunteer Fire Department of the Village of Monticello and the Towns of Mount Pleasant and Washington (MMPW-FD) shall consist of the Chief, a First Assistant Chief, a Secretary and a Treasurer and such other officers as may be deemed necessary, together with as many drivers and firemen who live and normally work within the fire district as may be appointed by the Chief and approved by the Fire Board, provided that at no time shall the Department consist of less than twenty-two (22) active members. The Fire Chief shall be selected pursuant to Section 2-3-6 of this Code of Ordinances.

(f) **Departmental Bylaws**. The MMPW-FD shall adopt bylaws and amendments thereto for the control, management, government and the regulation of business and proceedings of the Department, which bylaws shall be adopted by a two-thirds (2/3) vote of the members of the Department and shall be subject to approval of the Fire Board.

(g) **Election of Officers; Vacancies.** The officers of the Department shall be elected annually by the members thereof and confirmed by the Fire Board and shall hold office for a term of one (1) year or until their successors are elected and qualified unless removed for cause by action of the members of the Fire Board. In case of a vacancy in any office, a successor shall be elected by the members and confirmed by the Fire Board and shall hold office until the next annual election.

(h) **Appointment of Firefighters**.

(1) Application. Any person desiring to be a member of the Fire Department shall file an application with the Secretary in such form as may be required. Each application shall be accompanied by a certificate of applicant's physical fitness from such physician as the Chief may designate.

(2) Appointment. If the application is approved by the Chief, it shall be submitted to the Fire Department for confirmation.

(3) Qualifications. No person shall be eligible for recruitment as a member in the Fire Department unless he/she is a resident of the Fire District between the ages of eighteen (18) and forty-five (45) and of good moral character.

(4) Removal. Members of the Department may be removed or expelled for neglect or refusal to perform departmental duties by a majority vote of the members of the Fire Board after a hearing on the matter and receiving the recommendations of the Chief.

(5) Compensation. Firefighters shall receive compensation in an amount determined by the Fire Board.

(i) **Use of Apparatus**. No apparatus shall be used for any purpose except for firefighting, or in training therefor, except pursuant to an agreement approved by the Fire Board after the Chief has given his/her recommendations on such use. With the approval of the Chief, such apparatus may be used for emergency purposes other than firefighting within the district.

SEC. 5-2-2 FIRE BOARD.

(a) The Fire Board shall consist of seven (7) members with equal voting rights designated as follows:

(1) The Village President of Monticello, who will act as Chairperson of the Fire Board, and one (1) Village Trustee as appointed by the President and approved by the Village Board;

(2) The Chairperson of the Town of Mount Pleasant and one (1) Town Supervisor as appointed by the Chairperson and approved by the Town Board;

(3) The Chairperson of the Town of Washington and one (1) Town Supervisor as appointed by the Chairperson and approved by the Town Board;

(4) The Fire Chief as elected annually by the Fire Department and approved by the Fire Board.

(b) The members of the Fire Board shall be appointed annually to serve one (1) year terms. The Fire Board shall annually elect a Secretary-Treasurer for the Fire Board. In the absence of the Village President, the Fire Board shall appoint a chairperson of the Board among those present to conduct a meeting. They shall hold meetings as necessary to discharge their responsibilities, which include the policy making supervision of the affairs of the Volunteer Fire Department of the Village of Monticello, Town of Mt. Pleasant, and Town of Washington. They shall advise their respective Village and Town Boards concerning matters affecting the Fire Department, and they shall hear grievances initiated by members or officers of the Fire Department. They shall carry out the duties and have the powers authorized by this Chapter.

SEC. 5-2-3 IMPEDING FIRE EQUIPMENT PROHIBITED.

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

SEC. 5-2-4 POLICE POWER OF THE DEPARTMENT; 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 Department may cause the arrest of any person failing to give the right-of- way to the Fire Department in responding to a fire.

(2) The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting firemen and policemen and those admitted by order of any officer of the Department, 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 shall have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work of the Department during the progress of a fire.

(b) **Fire Inspection Duties**.

(1) The Fire Chief shall be the Fire Inspector of the Village of Monticello and shall have the power to appoint one or more deputy Fire Inspectors and shall perform all duties required of the Fire Inspectors by the laws of the State and rules of the Department of Industry, Labor and Human Relations, particularly Section 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 Fire Department designated by the Fire Chief, shall have the right and authority to enter any building or upon any premises in the Village of Monticello at all reasonable hours for the purpose of making inspections or investigations which, under the provisions of this Code of Ordinances, he may deem necessary. Should the Fire Inspector find that any provisions of this Code relating to fire hazards and prevention of fires are being violated, or that a fire hazard exists, which should be eliminated, it shall be his duty to give such directions for the abatement of such conditions as he shall deem necessary and, if such directions be not complied with, to report such noncompliance to the Village Board for further action.

(3) The Chief of the Fire Department is required, by himself or by officers or members of the Fire Department designated by him as fire inspectors, to inspect all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of any law or ordinance relating to the fire hazard or to the prevention of fires. Such inspections shall be made at least once in six (6) months in all of the territory served by the Fire Department, and not less than once in six (6) months in such territory as the Village Board has designated or thereafter designates as within the Village or as a congested district subject to conflagration, and oftener as the Chief of the Fire Department orders. Each six (6) month period shall begin on January 1 and July 1, and each three (3) month period on January 1, April 1, July 1 and October 1 of each year.

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

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

SEC. 5-2-5 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 Monticello Volunteer Fire Department, and no vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street, private driveway or other place, to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.

(b) **Parking Vehicles Near Hydrants**. It shall be unlawful for any person to park any vehicle or leave any object within ten (10) feet of any fire hydrant at any time.

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

SEC. 5-2-6 FIREMEN MAY ENTER ADJACENT PROPERTY.

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

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

SEC. 5-2-7 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. 5-2-8 VEHICLES TO YIELD RIGHT-OF-WAY.

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

SEC. 5-2-9 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 about to be, attached.

SEC. 5-2-10 OPEN BURNING.

(a) **Open Burning Prohibited**. No person, firm or corporation shall build any outdoor fire within the corporate limits of the Village of Monticello excepting as set forth in Subsection (b) of this Section. This prohibition on burning includes burning of construction waste and debris at construction sites.

(b) **Exceptions.**

(l) Outdoor cooking over a fire contained in a device or structure designed for such use is permissible;

(2) Controlled burning of grass or similar vegetation for environmental management purposes, with the prior written approval of the Fire Chief, may be permitted; this exception is not to be used for the burning of grass, leaves or other lawn debris;

(3) Ceremonial campfire or bonfires, with prior written approval of the Fire Chief, may be permitted;

(4) Controlled burning of dry leaves and other non-offensive dry yard debris during the periods of April 1 through May 31, and October 1 through November 30 of each year, between the hours of 3:00 p.m. and 7:00 p.m., except Sundays when such burning is prohibited, provided, however, that such burning is:

a. Monitored by a responsible person until the fire has extinguished itself completely;

b. Conducted on days when excessive wind or atmospheric conditions will not result in danger to public health or safety;

c. Located off the public street pavement or street gutter;

d. Located at least thirty (30) feet from any neighboring residence;

e. Not used for covert incineration of offensive substances or materials;

(5) Other occasions of desirable outdoor burning not specified by this Subsection, but not as an alternative to refuse removal or disposal of which other methods are available, may be granted single occasion approval as in Subsections (2) and (3) above.

(6) Outdoor burning in a barrel or incinerator which is covered by a screen or grate and located a minimum of twenty-five (25) feet from a dwelling is permissible, provided that such burning barrel/incinerator is not used for covert incineration of offensive substances or materials. Such burning is permissible between the hours of 6:00 a.m. and 6:00 p.m., except Sundays when such burning is prohibited.

(7) Whenever approval and special permits are granted by the Fire Chief under Subsection (b)(2), (3) and (5) of 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 Village Board may 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**. Persons utilizing and maintaining outdoor fires shall be responsible for any liability resulting from damage caused by his fire.

SEC. 5-2-11 OUTDOOR SOLID FUEL-FIRED FURNACES.

An Outdoor Solid Fuel-Fired Furnace may be installed and used in the Village only in accordance with the following provisions:

DEFINITIONS.

a. "Outdoor Solid Fuel-Fired Furnace" means a device designed for solid fuel combustion so that usable heat is derived for the interior of a building, and includes solid fuel-fired stoves, and furnaces and combination fuel furnaces or boilers which burn solid fuel in combination or alternatively to any other fuel.

b. "Stacks or chimneys" mean any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel-fired furnace including that part of such structures extending above its roof.

c. "Person" means an individual, partnership, corporation, company or other association.

d. "Public Nuisance" means that any act or failure to perform a legal duty required by this ordinance is declared a public nuisance.

1. Any dense smoke, noxious fumes, gas or soot, or cinders, wood, wood by-products or other solid fuels in unreasonable quantities may be declared a public nuisance by the Village or its agents. For storage of wood and wood by-products See Section 13-1-141.

REQUIREMENTS.

a. No person shall construct, install, establish, operate or maintain an Outdoor Solid Fuel-Fired Furnace without first having obtained a permit from the Village.

b. No person shall construct, install, establish, operate or maintain an Outdoor Solid Fuel-Fired Furnace in a way other than in compliance with the applicable sections of the Section and subject to inspection by the Building Inspector and/or Fire Chief.

c. No person shall operate an Outdoor Solid Fuel-Fired Furnace unless such operation conforms with the manufacturer's instructions regarding such operation and the requirements of this section.

d. Each new Outdoor Solid Fuel-Fired Furnace shall be constructed, established, installed, operated and maintained in conformance with the manufacturer's instructions and the requirements of this section. In the event of a conflict between the requirements of this section and the manufacturer's instructions, the stricter requirement shall apply.

e. The owner of a new Outdoor Solid Fuel-Fired Furnace shall produce the manufacturers' owner's manual to the Building Inspector and/or Fire Chief or his or her designee to review prior to installation.

f. Each new Outdoor Solid Fuel-Fired Furnace shall be laboratory tested and listed to appropriate safety standards such as Underwriters Laboratory (UL), American National Standards Institute (ANSI) or other applicable safety standards.

g. An Outdoor Solid Fuel-Fired Furnace shall not be located closer than fifty (50) feet from the nearest building which is not on the same property as the Outdoor Solid Fuel-Fired Furnace.

h. Each Outdoor Solid Fuel-Fired Furnace shall have a stack or chimney that extends at least fifteen (15) feet above the ground surface and must be so constructed to withstand high winds or other related elements. If there are any residences within one-hundred (100) feet of the Outdoor Solid Fuel-Fired Furnace, the chimney shall also extend at least as high above the ground surface as the height of the roofs of all such residences. The Building Inspector may approve a lesser height on a case by case basis to comply with the manufacturers recommendations and if the smoke from the lowered chimney does not create a nuisance.

i. If an Outdoor Solid Fuel-Fired Furnace creates a public nuisance, then the owner of such Outdoor Solid Fuel-Fired Furnace shall abate such public nuisance by:

1. Relocating the Outdoor Solid Fuel-Fired Furnace:
2. Extending the chimney.
3. Both relocating the Outdoor Solid Fuel-Fired Furnace and extending the chimney until reasonable steps can be taken to ensure that the Outdoor Solid Fuel-Fired Furnace will not be a nuisance.
4. Ceasing all operations of the Outdoor Solid-Fuel-Fired Furnace until reasonable steps can be taken to ensure that the furnace will not be a nuisance.

j. Outdoor Solid Fuel-Fired Furnaces shall be constructed, established, installed, operated and maintained as follows:

1. Fuel burned in an Outdoor Solid Fuel-Fired Furnace shall be only clean wood, wood pellets, corn products, biomass pellets or other fuels specifically permitted by the manufacturer's instructions such as fuel oil, natural gas or propane backup.
2. Use of the following fuels in an Outdoor Solid Fuel-Fired Furnace is strictly prohibited:
   a. All rubbish or garbage including, but not limited to, food wastes, food packaging and food wraps.
   b. Plastic materials including, but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
   c. Rubber, including tires or other synthetic rubber-like products.
   d. Newspaper, cardboard, or any paper with ink or dye products.
   e. Asphalt and asphalt containing products, treated or painted wood including, but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
   f. Any other items not specifically allowed by this section.
3. New Outdoor Solid Fuel-Fired Furnaces, other than EPA OWHH Phase 1 Program (<u>Environmental Protection Agency</u> emission standards for <u>Outdoor Solid Fuel-Fired Hydronic Heaters</u>) qualified models shall be located on the property as follows:
   a. At least twenty-five (25) feet from the property line.
   b. In compliance with the manufacturer's recommendation and or requirements for clearance to combustible materials.

c. At least fifty (50) feet from any residence that is not served by the Outdoor Solid Fuel-Fired Furnace.

k. Any existing non-complying installation shall be removed, replaced or brought into compliance within a period of six (6) months from the effective date of the ordinance.

RIGHT OF ENTRY AND INSPECTION

The Building Inspector and/or Fire Chief may inspect any property for the purpose of enforcing or ascertaining compliance with any provisions of this Section.

ENFORCEMENT AND PENALTIES.

a. Enforcement. The Building Inspector, Fire Chief or other designated Village officials authorized to enforce the provisions of this Section.

b. Penalties.

1. A person who violates any provision of this Section shall be subject to the general penalty found in Section 1-1-7.
2. In addition to the forfeiture provided in Section 1-1-7, a person who violates this Section shall pay to the Village reasonable costs incurred for prosecution of such violation.

Ordinance No. 2010-1103 adopted November 3, 2010

SEC. 5-2-12 CHARGEBACK FOR SERVICES.

The property owner, renter or consumer for which fire protection or first response services are utilized shall be responsible for all costs charged to the Village of Monticello by the Monticello Fire Department/District. After billing has been received from the Monticello Fire Department/District, the Village Clerk shall send billing to the appropriate owner, renter or consumer.

Ordinance No. 2010-1103A adopted November 3, 2010

CHAPTER 3

Fire Prevention Code; Hazardous Materials

5-3-1 Adoption of State Codes
5-3-2 Disclosure of Hazardous Materials and Infectious Agents; Reimbursement for Cleanup of Spills
5-3-3 Recovery of Costs of Extinguishing and Cleaning Up Fires Involving Hazardous Materials
5-3-4 Removal of Abandoned Underground Flammable liquid Storage Tanks

SEC. 5-3-1 ADOPTION OF STATE CODES.

The following Orders, Rules and Regulations of the Department of Commerce, all of which are set forth in the Wisconsin Administrative Code as from time to amended, are incorporated herein by reference and adopted as part of this Fire Prevention Chapter:

(a) Wis. Adm. Code Ch. Comm 7 Explosive Materials
(b) Wis. Adm. Code Ch. Comm 10 Flammable and Combustible Liquids
(c) Wis. Adm. Code Ch. Comm 14 Fire Prevention
(d) Wis. Adm. Code Ch. Comm 16 Electrical
(e) Wis Adm. Code Ch. Comm 18 Elevators, Escalators and Lift Devices
(f) Wis. Adm. Code Ch. Comm 32 Public Employee Safety and Health
(g) Wis. Adm. Code Ch. Comm 40 Gas Systems
(h) Wis. Adm. Code Ch. Comm 43 Anhydrous Ammonia Code
(i) Wis Adm. Code Ch. Comm 48 Petroleum Products
(j) Wis. Adm. Code Ch. Comm 59 Hazardous Occupancies
(k) Wis. Adm. Code Ch. Comm 60 Erosion Control / Storm Water Management
(l) Wis. Adm. Code Ch. Comm 61 Administration and Enforcement
(m) Wis. Adm. Code Ch. Comm 62 Buildings & Structures
(n) Wis. Adm. Code Ch. Comm 63 Energy Conservation
(o) Wis. Adm. Code Ch. Comm 64 Heating, Ventilating and Air Conditioning

SEC. 5-3-2 DISCLOSURE OF HAZARDOUS MATERIALS AND INFECTIOUS AGENTS; REIMBURSEMENT FOR CLEAN UP OF SPILLS

(a) **Application.**

(1) All persons, firms or organizations using, researching or (producing hazardous materials and/or infectious agents shall notify the Fire Department as prescribed by this section.

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

(b) **Definitions.**

(1) "Infectious agent" is a bacterial, mycoplasmal, fungal, parasitic or viral agent known to cause illness in humans which is used, researched, produced or stored within or on premises.

(2) "Hazardous materials" are those materials that can cause death or disabling injury from brief exposure; those materials that could cause a lost time injury from exposure; and those materials that could cause temporary disability or injury without permanent effects which

are used, researched, produced or stored within or on premises except those household consumer products used at the point of consumption and not used for commercial or experimental purposes. This definition of hazardous materials shall include radioactive materials.

(c) **Information Required**.

(1) Any person, firm or organization using, researching, producing and/or storing any hazardous materials shall provide in writing to the Fire Department the following information:

a. Address, location of where hazardous materials are used, researched, stored or produced;

b. The trade name of the hazardous material;

c. The chemical name and any commonly used synonym for the hazardous material and the chemical name and any commonly used synonym for its major components;

d. The exact locations on the premises where materials are used, researched, stored and/or produced;

e. Amounts of hazardous materials on premises per exact location;

f. The boiling point, vapor pressure, vapor density, solubility in water, specific gravity, percentage volatile by volume, evaporation rate for liquids and appearance and odor of the hazardous material;

g. The flashpoint and flammable limits of the hazardous substance;

h. Any permissible exposure level, threshold limit value or other established limit value for exposure to a hazardous material;

i. The stability of the hazardous substance;

j. Recommended fire extinguishing media, special firefighting procedures and fire and explosion hazard information for the hazardous material;

k. Any effect of over-exposure to the hazardous material, emergency and first aid procedures and telephone numbers to call in an emergency;

l. Any condition or material which is incompatible with the hazardous material and must be avoided.

m. Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming into contact with the hazardous materials;

n. Procedures for handling or coming into contact with the hazardous materials.

(2) Any person, firm or organization using researching, producing and/or storing infectious agent and/or carrier of, an infectious agent shall provide in writing to the Fire Department the following:

a. The name and any commonly used synonym of the infectious agent;

b. Address/location where infectious agents are used, researched, stored and or produced;

c. The exact locations where infectious agents are used, researched, stored and/ or produced;

d. Amount of infectious agent on premises per exact locations;

e. Any methods of route of transmission of the infectious agents;

f. Any symptoms of effect of infection, emergency and first aid procedure and a telephone number to be called in an emergency;

g. Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming in contact with the infectious agent;

h. Procedures 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.

Cross reference: Section 8-2-1.

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 shall comply with the requirements of Ch. Comm. 10, Wis. Adm. Code, as the same is now in force and may hereafter from time to time be amended.

(b) Every person, firm or corporation using, storing, handling or transporting on highways flammable or combustible liquids, chemicals, gasses or other hazardous materials shall be liable to the Village for the actual cost of labor and materials associated with the use of any specialized extinguishing agent, chemical, neutralizer or similar material or equipment employed to extinguish, confine or clean up any such hazardous material which is involved in any accidental spill or in threat of any fire or accidental spill.

SEC. 5-3-4 REMOVAL OF ABANDONED UNDERGROUND FLAMMABLE LIQUID STORAGE TANKS.

Underground flammable liquid storage tanks which are abandoned, as defined in Ch. Comm. 10, Wis. Adm. Code, shall not be abandoned in place. Such tanks shall be removed within ninety (90) days from the date they become abandoned and the excavation filled with clean, well-compacted fill to the surface of the adjacent grade.

CHAPTER 4

Regulation of Alarm System

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 to the Police Department
5-4-7 Testing
5-4-8 Notification
5-4-9 Fee for Answering Alarms
5-4-10 Village Liability
5-4-11 Permits for Private Alarm Systems
5-4-12 Revocation of Permits

SEC. 5-4-1 TITLE.

This Chapter shall be known as the Village of Monticello 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 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. 5-4-3 DEFINITIONS.

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

(a) The term "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.

(b) The term "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. 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, holdup attempt or fire.

(c) The term "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.

(d) The term "answering service" refers to 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 or Fire Department.

(e) The term "automatic dialing device" refers to 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) The term "automatic holdup alarm system" means an alarm system in which the signal transmission is initiated by the action of the robber.

(g) The term "manual holdup alarm system" refers to an alarm system in which the signal transmission is initiated by the direct action of the person attacked or by an observer thereof.

(h) The term "burglar alarm system" refers to an alarm system which signals an entry or attempted entry into an area protected by the system.

(i) The term "direct connect" means an alarm system which has the capability of transmitting system signals directly to the Police or Fire Department.

(j) The term "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. False alarm does not include alarms caused by tornadoes or other violent climatic conditions.

(k) The term "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.

(l) The term "central station" means an office to which remote alarm and supervisory signaling devices are connected, where operators supervise the circuits.

(m) The term "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.

(n) The term "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. 5-4-4 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 or Fire Department primary trunk line. No person shall permit such devices, which were installed prior to the effective date of this Chapter, to remain interconnected from any property owned or controlled by that person.

Such devices may be connected to a central station or an answering service. Relaying messages so received to the Police or Fire Department shall only be done person to person on the telephone line.

SEC. 5-4-6 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, a copy of which is on file with the Village Clerk-Treasurer and Fire Chief.

SEC. 5-4-7 TESTING.

(a) No alarm business or alarm system designed to transmit emergency messages to the Police Department shall be tested or demonstrated without prior notification and approval of the Police Department dispatcher. Alarm businesses or alarm system owners or lessors will be advised on proper test procedure.

(b) No alarm system relayed through intermediate services to the Police Department will 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 shall be in compliance with all pertinent response policies of the Police Department.

SEC. 5-4-8 NOTIFICATION.

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

SEC. 5-4-9 FEE FOR ANSWERING ALARMS.

(a) **Generally.** Each false alarm requires a response from public safety personnel, involves unnecessary expense to the Village, increases the risk of injury to persons or damage to property and dilutes the overall public safety protection to the Village. Such false alarms constitute a public nuisance and must be abated.

(b) **Intentional.** No person shall intentionally cause the activation of a burglar/fire alarm device knowing that no criminal activity, fire or other emergency exists.

(c) **False Alarms; Administrative Charges.** Any person, business, corporation or other entity having a permissible alarm system with alarm device(s) at one or more locations in accordance with this Chapter shall pay to the Village a charge for false alarms responded to by the Police or Fire Department according to the following schedule for each calendar year for each location connected. Separate accounts are to be kept for false alarms as to criminal activity and false alarms for fire or other emergencies:

(1) Responded to by Police Department:

a. First two (2) false alarms per location	No Charge
b. Third (3rd) false alarm per location	$25.00
c. Fourth (4th) false alarm per location	$35.00
d. Fifth (5th) false alarm per location	$45.00

e. Sixth (6th) and subsequent false alarm per location $65.00

(2) All false alarms responded to by Fire Department firefighting personnel and apparatus, in addition to a police response:

a. First two (2) false alarms for a location No Charge

b. Third (3rd) and subsequent false alarm per location. $100.00

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 or Fire Department 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 in and of itself shall constitute a violation of this Section. Such charge shall be collectible as a forfeiture upon prosecution and conviction thereof, together with an additional forfeiture 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.

(d) **Waiver of Fee.** If a possessor of the alarm shows to the satisfaction of the Chief of Police or the Fire Chief, as applicable, that such false alarm was not the result of negligence or improper maintenance, or other good and sufficient cause beyond the reasonable control of the possessor of the alarm, such fee may be waived and the response shall not count as a false alarm in computing the fee established under Subsection (c).

(e) **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 Sec. 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.

(f) **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 (e), 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. 66.0703 Wis. Stats.

SEC. 5-4-10 VILLAGE LIABILITY.

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

SEC. 5-4-11 PERMITS FOR PRIVATE ALARM SYSTEMS.

(a) **Permit Required.** A permit is required for each private alarm system on premises within the Village. There shall be a Ten Dollar ($10.00) permit fee.

(b) **Interior Alarms.** A permit under this Chapter is not required for an alarm system which gives a signal, visual or audible or both, solely within the interior of the building in which it is located.

(c) **Issuing Authority.** The Chief of Police shall issue the permits and collect the fees.

(d) **Application.** Application for permit required under this Chapter shall be filed with the Chief of Police. The Chief of Police shall prescribe the form of the application and request such information as is necessary to evaluate and act upon the permit application. The Chief of Police shall deny a permit if the alarm system for which it is sought does not comply with this Chapter.

(e) **Appeal.** Any person required by this Chapter to have a permit who has been denied such a permit by the Chief of Police shall have a right to appeal that decision to the Police and Fire Commission. The procedure for this appeal shall be as set forth in Section 5-4-12.

SEC. 5-4-12 REVOCATION OF PERMITS.

(a) **Hearing.** Before a permit issued pursuant to this Chapter may be revoked, a hearing shall be held before the Chief of Police. Notice setting forth the time, place and nature of the hearing shall be sent by mail or delivered to the permittee at the address shown on the permit application not less than seven (7) days prior to the hearing.

(b) **Grounds for Revocation.** The Chief of Police may revoke a permit on the following grounds:

(1) The application for a permit contains a false statement of a material fact.

(2) A licensee has repeatedly failed to comply with the provisions of this Chapter.

(3) An alarm system repeatedly actuates false alarms.

(c) **Appeals.** Any permittee may appeal the decision of the Chief of Police by filing a written notice of appeal with the Village Clerk within ten (10) days after the decision. Such appeal shall be heard by the Village Board within thirty (30) days after filing the appeal. The Village Board may affirm, amend or reverse the decision or take other action deemed appropriate. An appeal timely taken suspends the revocation until the Village Board gives its decision. The Village Clerk shall give written notice of the time and place of the hearing to the appellant by certified mail or personal delivery not less than seven (7) days before the hearing. In conducting the hearing, the Village Board shall not be limited by the technical rules of evidence.

CHAPTER 5

Emergency Government

5-5-1 Emergency Government - Definition
5-5-2 Emergency Government 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 Government Organization

SEC. 5-5-1 EMERGENCY GOVERNMENT DEFINITION.

Emergency Government 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 GOVERNMENT DIRECTOR.

(a) **Appointment**. The emergency government director shall be a qualified person appointed 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 Government 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 from time to time by the Village Board, he shall have the authority and it shall be his duty to:

(1) Coordinate all activities for Emergency Government within the Village.

(2) Maintain liaison and cooperation with Emergency Government agencies and organizations of other political subdivisions and of the State and Federal Government.

(3) Participate in County and State Emergency Government activities upon request.

(4) Prepare a comprehensive general plan for the Emergency Government 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 Government.

(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 Government plan.

SEC. 5-5-3 UTILIZATION OF EXISTING SERVICES AND FACILITIES.

In preparing and executing the Emergency Government 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 Government organization shall take action in accordance with the Emergency Government 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 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 Government emergency for which adequate regulations have been adopted by the Village Board, the Village President and, in his absence, the Director of Emergency Government, 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, an to insure the cooperation in Emergency Government 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 GOVERNMENT ORGANIZATION.

No person shall willfully obstruct, hinder or delay any member of the Emergency Government 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 1-1-6 of this Code.