

territory served by the Fire Department, and not less than once in three (3) months in such territory as the Village Board has designated or thereafter designates as within the Village or as a congested district subject to conflagration, and oftener as the Chief of the Fire Department orders. Each six (6) month period shall begin on January 1 and July 1, and each three (3) month period on January 1, April 1, July 1 and October 1 of each year.

- (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. 5-2-4 DAMAGING FIRE HOSE PROHIBITED; PARKING BY HYDRANTS; BLOCKING FIRE LANES.

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

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

- (a) **Entering Adjacent Property.** It shall be lawful for any fireman while acting under the direction of the Fire Chief or any other officer in command to enter upon the premises adjacent to or in the vicinity of a building or other property then on fire for the purpose of extinguishing such fire and in case any person shall hinder, resist or obstruct any fireman in the discharge of his duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firemen in the discharge of their duty.
- (b) **Destruction of Property to Prevent the Spread of Fire.** During the progress of any fire, the Fire Chief or his assistant shall have the power to order the removal or destruction of any property necessary to prevent the further spread of fire; provided that it is inevitable that, unless such property is removed, other property is in danger of being destroyed by fire.

#### SEC. 5-2-6 DUTY OF BYSTANDERS TO ASSIST.

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

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

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

**SEC. 5-2-8 INTERFERENCE WITH USE OF HYDRANTS PROHIBITED.**

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

**SEC. 5-2-9 OPEN BURNING.**

- (a) **Open Burning Prohibited.** No person, firm or corporation shall build any outdoor fire within the corporate limits of the Village of Nichols 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.**
- (1) Outdoor cooking over a fire contained in a device or structure designed for such use is permissible;
  - (2) Controlled burning of grass or similar vegetation for environmental management purposes, with the prior written approval of the Fire Chief, 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) Other occasions of desirable outdoor burning not specified by this Subsection, but not as an alternative to refuse removal or disposal of which other methods are available, may be granted single occasion approval as in Subsections (2) and (3) above.
  - (5) Any person or persons desiring to burn wood, grass, rubbish, or other combustible material will apply to the Fire Chief of the Village of Nichols Fire Department for a permit for such burning, who, in his discretion, may grant such a permit without charge conditioned upon the supervision of such burning by the said Fire Chief and his appointee. Any person obtaining a permit to burn shall follow the instructions and directions prescribed by said Fire Chief and shall permit said Fire Chief or his appointee to come upon the property in order 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 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 shall be responsible for any liability resulting from damage caused by his fire.

**SEC. 5-2-10 WATER-RELATED FIRE PROTECTION COSTS.**

The Village of Nichols determines that the Village and the Nichols Water Utility will continue to bill and pay for water-related fire protection services in the same manner as these services have been billed and paid for in the past until the Village Board adopts a subsequent resolution changing the method of billing and paying for these services. Any billing for these services on customer's water bills as allowed by law shall be approved by resolution of the Village Board and by the Public Service Commission before the billing can be commenced.

State Law Reference: Section 196.03(3)(b), Wis. Stats.

## 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 Clean-up of Spills
- 5-3-3 Recovery of Costs of Extinguishing and Cleaning Up Fires  
Involving Hazardous Materials

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

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

- (a) Wis. Adm. Code Ch. ILHR 1; Safety.
- (b) Wis. Adm. Code Ch. ILHR 5; Explosives and Blasting Agents.
- (c) Wis. Adm. Code Ch. ILHR 7; Cleaning and Dyeing.
- (d) Wis. Adm. Code Ch. ILHR 8; Flammable and Combustible Liquids.
- (e) Wis. Adm. Code Ch. ILHR 9; Liquified and Petroleum Gases.
- (f) Wis. Adm. Code Ch. ILHR 14; Fire Protection.
- (g) Wis. Adm. Code Ch. ILHR 20; Dusts, Fumes, Vapors and Gases.
- (h) Wis. Adm. Code Ch. ILHR 21; Spray Coating.
- (i) Wis. Adm. Code Ch. ILHR 35; Safety in Construction. 6)
- Wis. Adm. Code Ch. ILHR 43; Anhydrous Ammonia Code. (k)
- Wis. Adm. Code Ch. ILHR 50; Administration and Enforcement. (1)
- Wis. Adm. Code Ch. ILHR 51; Definitions and Standards.
- (m) Wis. Adm. Code Ch. ILHR 52; General Requirements.
- (n) Wis. Adm. Code Ch. ILHR 53; Structural Requirements.
- (o) Wis. Adm. Code Ch. ILHR 54; Factories, Office and Mercantile Buildings.
- (p) Wis. Adm. Code Ch. ILHR 55; Theatres and Assembly Halls.
- (q) Wis. Adm. Code Ch. ILHR 56; Schools and Other Places of Instruction.
- (r) Wis. Adm. Code Ch. ILHR 57; Apartment Buildings, Hotels and Places of Detention.
- (s) Wis. Adm. Code Ch. ILHR 58; Health Care, Detention and Correctional Facilities.
- (t) Wis. Adm. Code Ch. ILHR 59; Hazardous Occupancies.
- (u) Wis. Adm. Code Ch. ILHR 60; Child Day Care Facilities.
- (v) Wis. Adm. Code Ch. ILHR 61; CBRF.
- (w) Wis. Adm. Code Ch. ILHR 62; Specialty Occupancies.
- (x) Wis. Adm. Code Ch. ILHR 64; Heating, Ventilating and Air Conditioning.
- (y) Wisconsin Electrical Code.

**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;
    1. 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.