

TITLE 3

Public Safety

Chapter 1 Fire Department; Fire Prevention

Chapter 2 Hazardous Materials

Chapter 3 Disposal of Surplus Property

CHAPTER 1

Fire Department; Fire Prevention

3-1-1 Impeding Fire Equipment Prohibited

3-1-2 Police Power of the Department

3-1-3 Fire Inspections

3-1-4 Damaging Fire Hose Prohibited; Parking by Hydrants; Blocking Fire Lanes

3-1-5 Firemen May Enter Adjacent Property

3-1-6 Duty of Bystanders to Assist

3-1-7 Vehicles to Yield Right-of-Way

3-1-8 Interference with Use of Hydrants Prohibited

SEC. 3-1-1 IMPEDING FIRE EQUIPMENT PROHIBITED.

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

SEC. 3-1-2 POLICE POWER OF THE DEPARTMENT

(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 of other services where the same impedes the work of the Department during the progress of a fire.

(b) **Firemen to Have Powers of Traffic Officers.** Members of the Fire Department, when at the scene of a fire or other emergency, or when Fire Department vehicles are upon the street pursuant to an emergency call, shall have the authority and duty of traffic officers to direct traffic, as conditions require, notwithstanding any other provision of this Chapter.

SEC. 3-1-3 FIRE INSPECTIONS.

- (a) The Fire Chief and Assistant Chiefs of the fire department serving the Town of Marion shall be the Fire Inspectors of the Town of Marion and shall have the power to appoint one (1) 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 Sec. 101.14, Wis. Stats.
- (b) Wilde acting as Fire Inspectors 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 Town of Marion 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 Town Board for further action.
- (c) 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 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 three (3) months in such

territory as the Town Board has designated or thereafter designates as within the fire limits 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.

- (d) 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 Town Clerk. State Law Reference: Section 101.14(2), Wis. Stats.

SEC. 3-1-4 DAMAGING FIRE HOSE PROHIBITED; PARKING BY HYDRANTS; BLOCKING FIRE LANES.

- (a) **Driving Over Fire Hose.** No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the Fire 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 abject 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. 3-1-5 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. 3-1-6 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. 3-1-7 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. 3-1-8 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. No person shall willfully offer any hindrance or resistance to a fireman in the discharge of his duty.

CHAPTER 2

Hazardous Materials

- 3-2-1 Disclosure of Hazardous Materials and Infectious Agents; Reimbursement for Clean-Up of Spills
- 3-2-2 Recovery of Costs of Extinguishing and Cleaning Up Fires Involving Hazardous Materials
- 3-2-3 Removal of Abandoned Underground Flammable Storage Tanks

SEC. 3-2-1 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 location where infectious agents are used, researched, stored and/or produced;
 - d. Amount of infectious agent on premises per exact locations;
 - e. Any methods of route of transmission of the infectious agents;
 - f. Any symptoms of effect of infection, emergency and first aid procedure and a telephone number to be called in an emergency;
 - g. Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming in contact with the infectious agent;
 - h. Procedure for handling, clean-up and disposal of infectious agents leaked or spilled.

- (d) **Reimbursement for Cleanup of Spills.** Any person who possesses or controls a hazardous material or infectious agent which was discharged or caused the discharge of a hazardous material or infectious agent shall reimburse the Town for actual and necessary expenses incurred by the Town or its agent to contain, remove or dispose of the hazardous substance or infectious agent or take any another appropriate action which is deemed appropriate under the circumstance.

SEC. 3-2-2 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 Chapter IND 8, 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 (whether by rail or on the highways) flammable or combustible liquids, chemicals, gasses or other hazardous materials shall be liable to the Town 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. 3-2-3 REMOVAL OF ABANDONED UNDERGROUND FLAMMABLE LIQUID STORAGE TANKS.

Underground flammable liquid storage tanks which are abandoned, as defined in Section IND 8.225, 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 3

Disposal of Surplus Property

3-3-1 Disposal of Surplus Town Property

SEC. 3-3-1 DISPOSAL OF SURPLUS TOWN PROPERTY.

(a) **Definitions.**

- (1) "Surplus Town Property" is that property which is owned by the Town of Marion and which has no further usefulness to the Town. An item of property shall be considered to have no further usefulness when:
 - a. The item or its function has been totally replaced by other Town property and no probable future function exists for it; or
 - b. The Town no longer performs the service for which the item was purchased and no other service can reasonably be provided by the item; or
 - c. The item is no longer able to reliably or economically perform the work required of it.
- (2) Surplus property as defined in this Chapter shall not include land or buildings but shall include fixtures and such salvage as may be taken from a building without structural damage when such fixtures and salvage are not part of a demolition contract. Surplus Town property shall not include property which is obtained by the Town as a result of abandonment or loss by the property's original owner. Surplus Town property shall not include items of property which are traded in for newer items. Surplus Town property shall not include library materials used by the public library for lending purposes.

(b) **Determination of Surplus Town Property.**

- (1) Whenever an item of Town property is determined to be surplus Town property on the basis that the Town no longer performs the service for which the item was purchased, the Town Board shall determine whether or not the item is surplus Town property.
- (2) Whenever the fair market value of the item is more than Five Thousand Dollars (\$5,000.00), the Town Board shall determine whether or not the item is surplus Town property.

(c) **Disposition of Surplus Town Property.**

- (1) Whenever the Town Board determines that an item of property is surplus Town property, it shall dispose of such property as it determines.
- (2) Whenever the fair market value of an item is more than Five Hundred Dollars (\$500.00) and the Town Board has determined, pursuant to the previous Subsection,

that the item is surplus Town property, the department head responsible for the items, shall dispose of the property by:

- a. Donation to a nonprofit organization within the Town or to a governmental agency; or
 - b. Public Auction; or
 - c. Sale by sealed bid.
- (3) In the event of a public auction or sale by sealed bid, the item will be sold in “as-is” condition to the person submitting the highest bid provided, however, that a lower bid submitted by a nonprofit organization or governmental agency may be accepted by the Town Board. The department head responsible for the item shall determine the time in which the successful bidder must remove the item. In the event the item is not removed with that time, the item shall revert to the city and the amount of the bid shall be forfeited to the Town. In the event no bids are received, the item shall be disposed of as directed by the Town Board.
- (4) No public auction or awarding of bids shall occur under this Chapter unless a description of the item to be sold and an advance notice of the time and place for such auction or bid submission is first published as a Class 2 notice in the official Town newspaper.
- (5) Whenever the fair market value of an item is Five Hundred Dollars (\$500.00) or less and the Town Board has determined, pursuant to the previous Section, that it is surplus Town property, the item shall be either disposed of as set forth in Subsection (c)(2) above or destroyed.
- (d) **Determination of Fair Market Values.** Whenever this Chapter requires a determination of the fair market value of an item of property, that determination shall be made by the department head responsible for the property, whose decision shall be final.
- (e) **Authority to Dispose of Property.**
- (1) Only the Town Board may dispose of Town property which is not surplus Town property.
 - (2) Whenever this Section provides for an auction or other disposition of any property, the Town Board shall be authorized to hire an auctioneer or take such other action as is necessary to properly dispose of the property provided, however, that the fees of such auctioneer and all such costs, other than those for Town labor and the use of Town property, do not exceed the payment received by the Town from the auction or sale of the property.

CHAPTER 4

Law Enforcement

Section 3-4-1 Police Department Established

Section 3-4-2 Composition and General Rules of Police Department

Section 3-4-3 Salaries

Section 3-4-4 Chief of Police, Duties and Powers

Section 3-4-5 Police Officers

Section 3-4-6 Special Peace Officers

Section 3-4-7 Assistance by Civilians

Section 3-4-8 Assisting Escape of Prisoner

SEC. 3-4-1 POLICE DEPARTMENT ESTABLISHED

There is established within the Town of Marion a Police Department, which shall consist of One (1) Chief of Police and such officers as may from time to time be determined by the Town Board. The Town board shall have final supervisor control over the Department, which shall be under immediate control of the Town Chairman.

SEC. 3-4-2 COMPOSITION AND GENERAL RULES OF POLICE DEPARTMENT

(a) The Police Department shall consist of the following designated personnel:

(1) A Chief of Police who shall have authority over all other employees of the Police Department

(2) Any of the following which may be authorized by the Town Board:

a. A Sergeant who shall act in place of the Chief while the Chief is off duty and who shall also possess all of the authority conferred upon police officers in Section 3-4-4.

b. Police officer(s) who shall have authority to act on behalf of the Police Department as specified in Section 3-4-4.

c. Part-time police officer(s) who shall possess all of the authority conferred upon police officers.

(b) All police department personnel shall be over eighteen (18) years of age.

State Law Reference: Section 60.56 and 62.13, Wis. Stats.

SEC. 3-4-3 SALARIES

The Salaries of the Chief of Police and subordinates shall be fixed by the Town Board.

SEC. 3-4-4 CHIEF OF POLICE, DUTIES AND POWERS

- (a) The Chief of Police shall possess the powers, enjoy the privileges and be subject to the liabilities conferred and imposed by law upon marshals and Village constables.
- (b) He shall obey all lawful written orders of the Town Chairperson and Town Board.
- (c) He shall cause the public peace to be preserved and see that all laws and ordinances of the Town and State are enforced, and whenever any violation thereof shall come to his knowledge, he shall cause the requisite complaint to be made and see that the evidence is procured for the successful prosecution of the offender or offenders.
- (d) He shall exercise supervisory control over all the personnel of his department, and may adopt, subject to the approval of the Council, rules and regulations for the government, discipline, equipment and uniforms of police officers.
- (e) He shall be solely responsible for the care and condition of the equipment used by his department.
- (f) He shall keep an accurate and complete record of all complaints, arrests, traffic violations, convictions and dispositions of the department, and shall submit a monthly written summary of the same to the Town Board.

SEC. 3-4-5 POLICE OFFICERS

- (a) **General Powers and Duties.** Each officer of the department shall possess the powers conferred on marshals and constables by law and shall preserve the public peace and enforce the laws and ordinances of the State and Town subject to the orders, rules and regulations of the Town Chairperson and Town Board.
- (b) **Power to Arrest.** The Chief of Police and any police officer shall arrest all persons in the Town found in the act of violating any law or ordinance of the Town or State or aiding or abetting in such violation, and they shall arrest without warrant all persons who they have reason to believe have violated any law or ordinance and who will be apprehended unless immediately arrested, and shall take all arrested persons in charge and confine them and shall within a reasonable time bring such persons before the court having jurisdiction hereof to be dealt with according to law.

(c) Upon resignation, discharge or retirement, all personnel defined in Section 3-4-1(a) shall forthwith surrender to the Chief of Police all of the property in his possession belonging to the department. Said property includes, but is not limited to, weapons, badge, nightstick, radios, and uniforms. Should the Chief of Police resign, be discharged or retire, he/she shall surrender said property to the Sergeant or the Town Clerk.

SEC. 3-4-6 SPECIAL PEACE OFFICERS

The Town Chairperson and Supervisors shall have and exercise the powers of peace officers and may summarily suppress any riotous or disorderly conduct in the streets or public places of the Town.

SEC. 3-4-7 ASSISTANCE BY CIVILIANS

All persons in the Town at the request of any police or peace officer shall aid and assist such officer in the execution of his duties.

State Law Reference: Section 946.40, Wis. Stats.

SEC. 3-4-8 ASSISTING ESCAPE OF PRISONER

No person shall assist any person in the custody of any police or peace officer to escape or attempt to escape from such custody.