

Title 5 ▶ Chapter 3

Fire Prevention Code; Hazardous and Infectious Materials

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Sec. 5-3-1 Adoption of Fire Prevention Codes.

- (a) **State Administrative Codes Adopted.** The following rules and regulations as promulgated within the Wisconsin Administrative Code, together with any future additions, deletions, or supplements thereto, are herewith incorporated as part of this Chapter and shall be enforced with the same force and effect as though set forth in full herein. Provided, however, that where such rules and regulations are less stringent than other provisions found in this Chapter, the provisions of this Chapter shall apply:
- (1) Ch. SPS 307, Wis. Adm. Code — Explosives and Fireworks.
 - (2) Ch. SPS 310, Wis. Adm. Code — Flammable, Combustible and Hazardous Liquids.
 - (3) Ch. SPS 314, Wis. Adm. Code — Fire Prevention.
 - (4) Ch. SPS 316, Wis. Adm. Code — Electrical Code.
 - (5) Chs. SPS 320–325, Wis. Adm. Code — Uniform Dwelling Code.
 - (6) Ch. SPS 320, Wis. Adm. Code — Smoke Detectors.
 - (7) Ch. SPS 330, Wis. Adm. Code — Fire Department Safety and Health.
 - (8) Ch. SPS 343, Wis. Adm. Code — Anhydrous Ammonia Code.
 - (9) Chs. SPS 361-366, Wis. Adm. Code — Commercial Building Code.
 - (10) Chs. SPS 375-379, Wis. Adm. Code — Buildings Constructed Prior to 1914.
 - (11) Chs. SPS 381-387, Wis. Adm. Code — Plumbing Code.
- (b) **Adoption of NFPA Codes.** The following rules and regulations issued by the National Fire Protection Association (NFPA), together with any future additions, deletions or supplements thereto, are herewith adopted and incorporated by reference as part of this Chapter and shall

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be enforced with the same force and effect as though set forth in full herein. Provided, however, that where such rules and regulations are less stringent than other provisions found in this Code of Ordinances, the provisions of this Chapter shall apply:

- (1) Fire Prevention Code, NFPA 1, except for 3-2 3.1 and 7-1.2.
 - (2) Safety to Life from Fire in Buildings and Structures, NFPA 101.
 - (3) Water-based Fire Protection Systems, NFPA 54.
 - (4) Spray Applications Using Flammable or Combustible Materials, NFPA 33.
 - (5) National Fuel Gas Code, NFPA 54.
 - (6) Storage and Handling of Liquid Petroleum Gases Code, NFPA 58.
 - (7) Aircraft Fuel Servicing, NFPA 407.
- (c) **Statutory Fireworks Regulations.** Section 167.10, Wis. Stats., pertaining to Regulation of Fireworks, together with any future additions, deletions, or supplements thereto, are herewith incorporated as part of this Chapter and shall be enforced with the same force and effect as though set forth in full herein. Provided, however, that where such rules and regulations are less stringent than other provisions found in this Chapter, the provisions of this Chapter shall apply. Notwithstanding any provisions of this Chapter to the contrary, no person may sell, possess or use fireworks, as that term is defined by Sec. 167.10(1), Wis. Stats., as may be amended from time to time, within the Village of Bangor; except that the use of fireworks may be allowed by appropriate permit issued by the Bangor Fire Chief or Village President (see Section 7-5-1).
- (d) **Use of Intergovernmental Assistance.** In responding to the site of an accident, spill or emergency, the Village of Bangor and its responding agencies may also utilize the resources of outside emergency management and emergency response agencies, such as, but not limited to, the Sheriff's Department, La Crosse County HAZMAT Team, and other fire, EMS, and law enforcement agencies.

Sec. 5-3-2 Disclosure of Hazardous Materials and Infectious Agents; Reimbursement for Cleanup of Spills.

- (a) **Application.**
- (1) All persons, firms or organizations using, researching or producing hazardous materials and/or infectious agents shall notify the Bangor 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, material or substance" 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, substances, chemical or waste 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 and the materials defined in Section 5-3-3(c).
- (c) **Information Required.**
- (1) Any person, firm or organization using, researching, producing and/or storing any hazardous materials shall provide in writing to the Bangor 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 date the hazardous materials were brought to the facility or premises or removed;
 - g. The facility's procedures for the release or removal of the hazardous materials from the premises;
 - h. 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;
 - i. The flashpoint and flammable limits of the hazardous substance;
 - j. Any permissible exposure level, threshold limit value or other established limit value for exposure to a hazardous material;
 - k. The stability of the hazardous substance;
 - l. Recommended fire extinguishing media, special firefighting procedures and fire and explosion hazard information for the hazardous material;
 - m. Any effect of over-exposure to the hazardous material, emergency and first aid procedures and telephone numbers to call in an emergency;
 - n. Any condition or material which is incompatible with the hazardous material and must be avoided;
 - o. 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;

- p. Procedures for handling or coming into contact with the hazardous materials;
 - q. The facility's 24-hour emergency contact person (name, telephone and cellphone number, fax number and email address).
- (2) Any person, firm or organization using, researching, producing and/or storing an infectious agent and/or carrier of an infectious agent shall provide in writing to the Bangor 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. The date the infectious agent was brought to the facility or premises or removed.
 - f. The facility's procedures for the release or removal of the infectious agent from the premises;
 - g. Any methods or route of transmission of the infectious agents;
 - h. Any symptoms of effect of infection, emergency and first aid procedure and a telephone number to be called in an emergency;
 - i. 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;
 - j. Procedure for handling, clean-up and disposal of infectious agents leaked or spilled;
 - k. The facility's 24-hour emergency contact person (name, telephone and cellphone number, fax number and email address).
- (d) **Reimbursement for Responses.** 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 of Bangor or its responding agencies or agents to contain the hazardous substance or infectious agent or take any other necessary action which is deemed appropriate under the circumstances. The Village of Bangor and its responding agencies generally do not remove hazardous materials or infectious agents; such removal is to be done by the responsible party.

Sec. 5-3-3 Fees for Emergency Services Hazardous or Infectious Materials Incident Response Reimbursement.

(a) **Purpose; Authority.**

- (1) The Village of Bangor provides fire and other emergency response services for the protection of the public health, safety and welfare, the costs of which are funded from the general tax revenue of the Village. Such services may involve, but are not limited

to, property which is not owned by a property taxpayer of the Village such as utility transmission and telephone lines, gas lines, cable television equipment, or hazardous materials, or may involve property owned by a taxpayer of the Village of Bangor, but which requires emergency or HAZMAT response services, such as an open burning or fire site or a hazardous or infectious materials handling or storage site. An emergency or HAZMAT response may also involve incidents or accidents involving vehicle, rail or air transportation. Such response services benefit the owner, responsible party or person in charge of such property and the public health, safety and welfare; and

- (2) The Village of Bangor, pursuant to Sec. 61.34, Wis. Stats., and its police powers may collect the costs of such response services from the owner or person in charge of the property if it is deemed proper and in the best interest of the public health, safety and welfare.

(b) **Prohibited Discharges.** No person, firm or corporation shall discharge or cause to be discharged, leaked, leached or spilled upon any public or private street, alley, public or private property, or unto the ground, surface waters, subsurface waters, or aquifers, or within the Village of Bangor, except those areas specifically licensed for waste disposal or landfill activities and to receive such materials, any explosive, flammable or combustible solid liquid or gas, any hazardous or infectious material or substance, any radioactive material at or above Nuclear Regulatory Restriction levels, etiologic agents, or any solid, liquid or gas creating a hazard, potential hazard, or public nuisance or any solid, liquid or gas having a deleterious effect on the environment.

(c) **Definitions.**

- (1) **Hazardous Substances or Hazardous Waste.** As defined in Sec. 289.01(11) and (12), Wis. Stats., and Section 5-3-2(b).
- (2) **Property.** The personal property or real estate directly involved in the response services, including but not limited to, utility transmission or telephone line, gas line, cable television equipment, vehicles and other modes of transportation, open burning site or hazardous or infectious substance or waste handling or storage site.
- (3) **Village Response Services.** Village of Bangor fire, utilities, emergency medical services, law enforcement, public works, or other similar response services.
- (4) **Emergency Services Response.** Includes, but is not limited to: Fire services, emergency medical services (EMS), public works, law enforcement, public utilities, etc. A person, firm, or corporation who possesses or controls a hazardous or infectious substance which is discharged or who causes the discharge of a hazardous or infectious substance shall be responsible for reimbursement to the responding agencies for actual and necessary expenses incurred in carrying out their duties under this Chapter. Actual and necessary expenses may include but not be limited to: replacement of equipment damaged by the hazardous or infectious material, cleaning, decontamination and maintenance of the equipment specific to the incident, specific

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laboratory expenses incurred in the recognition and identification of hazardous or infectious substances in the evaluation of response, decontamination, costs incurred in the procurement and use of specialized equipment specific to the incident, clean up and medical surveillance, and incurred costs in future medical surveillance of response personnel as required by the responding agencies' medical advisor.

- (d) **Site Access.** Access to any site, public or private, where a prohibited or accidental discharge, hazardous material or infectious substance is indicated or suspected will be provided to emergency government/law enforcement officers and staff and to Bangor Fire Department and other authorized personnel for the purpose of evaluating the threat to the public and monitoring containment, cleanup and restoration activities.
- (e) **Public Protection.** Should any prohibited discharge or accident involving a hazardous or infectious material or agent occur that threatens the life, safety or health of the public at, near, or around the site of a prohibited discharge or accident, and that the situation is so critical that immediate steps must be taken to protect life and limb, the Bangor Village President his/her assistant, or the senior law enforcement or fire officials on the scene of the emergency may order an evacuation of the area or take other appropriate steps for a period of time until the Village Board can take appropriate action.
- (f) **Enforcement.** The Bangor Fire Department Fire Chief and his/her deputies, as well as law enforcement officers, shall have authority to issue citations or complaints under this Section.
- (g) **Civil Liability.** Any person, firm or corporation causing an emergency response situation or an incident in violation of this Section shall be liable to the Village of Bangor for any expenses incurred by the Village and its responding agencies or loss or damage sustained by the Village of Bangor and its responding agencies by reason of such incident, accident or violation.
- (h) **Responsibility for Costs.**
 - (1) The Village of Bangor shall review and seek reimbursement for the costs from the owner of the property which created the for an emergency, accident, hazardous and/or infectious materials response by the Village of Bangor and its responding agencies. The Village of Bangor shall consider the amount of the costs involved, the nature of the response services, the impact of the response on other Village services, and such other factors it deems appropriate in making its determination.
 - (2) The Village Board may direct the Village Administrator to issue an invoice for the costs of labor and materials, or a portion thereof, to the owner or person in charge of the property. The invoice shall include an itemization of the costs and a requirement for payment within thirty (30) days. In the event of non-payment within the prescribed time, the unpaid amount shall be placed on the tax roll against the property in question. Such costs may also be recouped from the party's insurance or the unpaid amount may be assigned to a collection agency.

Sec. 5-3-4 Smoke Detectors.

- (a) All dwelling rental units, vacant or occupied, shall be provided with working, approved, listed and labeled smoke detectors. Smoke detectors shall be installed in accordance with SPS 320, Wis. Adm. Code, that governs the dwelling building and in accordance with the manufacturer instructions.
- (b) The owner of the building shall be solely responsible for the installation and maintenance of smoke detectors, to include battery replacement as required.
- (c) The tenant shall be responsible for informing the owner in writing of any smoke detector malfunction, including the need for a new battery.
- (d) The owner shall immediately upon receipt of written notice from the tenant repair/replace the smoke detector or replace the battery as needed.
- (e) Neither the owner nor the tenant shall remove or disconnect the battery from a smoke detector at any time except for battery replacement.
- (f) The owner shall install new batteries in all smoke detectors at the beginning of a new lease or new tenancy and shall install new batteries annually.
- (g) The owner shall furnish to the tenant at the beginning of a new lease or new tenancy, written notice of the responsibilities of the tenant and the obligations of the owner regarding smoke detectors, their batteries and their maintenance.

State Law Reference: SPS 320, Wis. Adm. Code

