

TITLE 5

Public Safety

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Title 5 ► Chapter 1

Law Enforcement

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Sec. 5-1-1 Organization of Police Department.

The Village of Fall River Police Department shall consist of a Chief of Police and such other full or part-time officers, assistants and patrol officers as from time to time may be authorized by the Village Board pursuant to the provisions of the Wisconsin Statutes.

Sec. 5-1-2 Records and Reports.

- (a) **Monthly Reports.** The Chief of Police shall give a monthly oral or written general report to the Village Board 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 of Fall River, 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 in full.

Sec. 5-1-3 General Powers of Police Officers.

Every member of the Village of Fall River Police Department shall:

- (a) Familiarize himself/herself with the ordinances of the Village and the Wisconsin Statutes and attend to the enforcement of such ordinances and statutes by all lawful means.

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- (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 fire 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/her authorized representative.

Sec. 5-1-4 Responsibilities of Chief of Police.

- (a) **Duties.** In addition to the duties imposed upon him/her elsewhere in this Code of Ordinances, the Chief of Police shall:
 - (1) Have command of the Police Department on administrative matters, subject to the general direction of the Village Board.
 - (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 Department's resources. The Chief of Police shall submit or cause to be submitted to the various agencies such reports and summaries as are required by the Wisconsin 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 Police 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. The Chief of Police shall supervise the preparation and presentation of annual reports and budgets for the Police Department. The Chief of Police shall be required to certify to the correctness of all bills incurred by the Department.

- (7) Prepare a comprehensive Fall River Police Department Policies and Procedures Manual.
 - (8) 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. The Chief of Police shall cooperate and exchange information with other Village departments in matters relating to their various functions.
 - (9) 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. The Chief of Police shall see that all property is returned to its lawful owner or otherwise disposed of according to the applicable statutes.

Cross-Reference: Section 2-3-6

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/she 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. The Chief of Police shall also comply with all provisions of the Wisconsin Law Enforcement Standards Board in regard to background investigations. The Chief of Police shall keep himself/herself adequately informed of the activities of the Department and be assured that the duties of his/her subordinates are properly discharged. The Chief of Police shall formulate

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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 the jurisdiction of the Village Board.

Sec. 5-1-7 Police Chief's Responsibility for Training.

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

Sec. 5-1-8 Civilians to Assist.

All persons in the Village, when called upon by any law enforcement officer, shall promptly aid and assist him/her in the execution of his/her duties and whoever shall neglect or refuse to give such aid or assistance shall be subject to the general penalty as provided in Section 1-1-6 of this Code of Ordinances.

Sec. 5-1-9 Hearing Authorities for Suspension or Removal of Law Enforcement Officers.

- (a) **Required Procedures.** Pursuant to Sec. 62.13(6m), Wis. Stats., the Village of Fall River may not suspend, reduce, suspend and reduce or remove any police chief or other law enforcement officer who is not probationary unless the Village follows the procedure under Sec. 62.13(5), Wis. Stats. To act under this Subsection in place of the Board of Police and Fire Commissioners under Sec. 62.13(1) through (6), Wis. Stats., the Village may do either of the following:
- (1) Establish a committee of not less than three (3) members, none of whom may be an elected or appointed official of the Village or be employed by the Village of Fall River. The Village shall pay each member for the member's cost of serving on the committee.
 - (2) Send a written request for a hearing examiner to the division of hearings and appeals under Sec. 15.103(1), Wis. Stats. The Village shall reimburse the state for the state's costs under this paragraph.

- (b) **Applicability.** The provisions of this Section, required by Sec. 61.65(1)(am), Wis. Stats., first applies to law enforcement officers, when such officers are subject to a collective bargaining agreement which is in conflict with the statutory requirements, but which is still in effect on April 9, 1986, only after the expiration date of such agreement.

Title 5 ► Chapter 2

Fire Protection

- 5-2-1** Fire Department Organization; Goals of the Fire Department
- 5-2-2** Impeding Fire Equipment Prohibited
- 5-2-3** Police Power of the Department; Investigation of Fires
- 5-2-4** Damaging Fire Hose Prohibited; Parking by Hydrants;
Blocking Fire Lanes
- 5-2-5** Firefighters May Enter Adjacent Property
- 5-2-6** Duty of Bystanders to Assist
- 5-2-7** Vehicles to Yield Right-of-Way
- 5-2-8** Interference with Use of Hydrants Prohibited
- 5-2-9** Open Burning
- 5-2-10** Patio Fireplaces
- 5-2-11** Banning and/or Regulating the Use of Fire, Burning Materials
and Fireworks During the Existing of Extreme Fire Danger

Sec. 5-2-1 Fire Department Organization; Goals of the Fire Department.

- (a) **Fire Department Recognized.** The Fall River Community Fire Department ("Fire Department") is officially recognized as the Fire Department serving the Village of Fall River, and the duties of firefighting and fire prevention in the Village are delegated to such Department. The Fall River Fire Department shall be responsible for the program of fire defense for the citizens and property within the Village of Fall River.
- (b) **Appropriations.** The Village Board shall appropriate funds for Fire Department operations through the Fire District and for such apparatus and equipment for the use of the Fire Department as the Village Board may deem necessary to maintain efficiency and properly protect life and property from fire.
- (c) **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.

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- (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.
- (d) **Fire Department Constitution and By-Laws.** The Fall River Fire Department ("Fire Department") is authorized and directed to adopt a constitution and by-laws for the control, management, government, selection of officers, and regulation of its business and proceedings, except as otherwise prescribed herein.

Sec. 5-2-2 Impeding Fire Equipment Prohibited.

No person shall impede the progress of a fire engine, fire truck or other fire apparatus of a Fire Department along the streets or alleys of the Village of Fall River 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. 5-2-3 Police Power of the Department; Investigation of Fires.

- (a) **Police Authority at Fires.**
 - (1) The Fire 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 Fire 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 firefighters and police officers and those admitted by order of any officer of the Fire Department, shall be permitted to come.
 - (3) The Fire 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/she 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 Fire Department during the progress of a fire.
- (b) **Fire Inspection Duties.**
 - (1) The Fire Chief, or the Chief's designee, shall be the Fire Inspector of the Village of Fall River 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 Wisconsin Department of Safety and Professional Services, particularly Sec. 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 Fall River 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 Fall River at all reasonable hours for the purpose of making inspections or investigations which, under the provisions of this Code of Ordinances, he/she 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 the Fire Chief's duty to give such directions for the abatement of such conditions as he/she shall deem necessary and, if such directions be not complied with, to report such noncompliance to the Village Board for further action.
 - (3) The Fire Chief is required, by himself/herself or by officers or members of the Fire Department designated by him/her 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 per year in all of the territory served by the Fire Department.
 - (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 Wisconsin Department of Safety and Professional Services.
- (c) **Fire Inspectors Handbook.** The *Fire Inspectors' Handbook*, SPS is hereby adopted and made part of this Code of Ordinances by references.

State Law Reference: Sec. 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 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 law enforcement officer.

Sec. 5-2-5 Firefighters May Enter Adjacent Property.

- (a) **Entering Adjacent Property.** It shall be lawful for any firefighter 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 firefighter in the discharge of his/her duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firefighters 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/her 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 is 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.** Except as provided in Subsection (c) below, no person shall engage in the open burning of any garbage, solid waste, grasses, or other refuse of any kind on any public property or private property located within the Village of Fall River. This prohibition on burning includes burning of construction waste and debris at construction sites and the use of burning barrels.
- (b) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Garbage.** Discarded materials resulting from the handling, processing, preparation, storage, cooking and consumption of food, and discarded animal feces.
 - (2) **Open Burning.** Burning from which the products of combustion are emitted directly into the air without passing through a stack or chimney.
 - (3) **Refuse.** All matters produced from industrial or community life, subject to decomposition.
 - (4) **Solid Waste.** Garbage, refuse, recyclable materials, grasses, and all other discarded or salvageable solid materials including solid waste materials resulting from industrial, commercial, and agricultural operations, and from domestic use and public service activities.
 - (5) **Burnable Yard Waste.** Leaves, yard and garden debris, excluding grass clippings, and brush including clean woody vegetative material less than three (3) inches in diameter.
- (c) **Exceptions.** The following are exceptions to the prohibition against open burning:
- (1) Outdoor cooking over a fire contained in a device or structure designed for such use is permissible. This includes the open burning of fuel for cooking food, such as a barbecue or other similar outdoor activity if confined to a proper cooking device such as a grill or in an open pit.
 - (2) Recreational burning pits not exceeding four (4) feet in diameter and not located less than twenty-five (25) feet from any structure (the burning of clean wood only is permitted and the use of burning pits to burn refuse is prohibited); recreational burning pits shall be extinguished by midnight.
 - (3) Controlled burning of grass or similar vegetation for environmental management purposes, with the prior written approval of the Fire Chief, or his/her designee, may be permitted; this exception is not to be used for the burning of grass, leaves or other lawn debris.
 - (4) Ceremonial campfire or bonfires, with prior approval of the Fire Chief, or his/her designee, may be permitted.
 - (5) Small open fires for welding, acetylene torches, safety flares, heating tar or similar applications.
 - (6) Other occasions of desirable outdoor burning not specified by this Subsection due to emergency situations, but not as an alternative to refuse removal or disposal of which

other methods are available, may be granted single occasion approval by the Fire Chief.

(d) **Penalties.**

- (1) The first time a person(s) is/are informed by the Fire Department that he/she is in violation of any provision of this Section, he/she will be directed to extinguish the fire. The enforcement authority issuing the directive shall record same in the daily log. Failure to comply with the directive shall result in a penalty imposed as herein provided.
- (2) Any person, firm or corporation violating the provisions of this Section shall be subject to a forfeiture as prescribed in Section 1-1-6. Each violation and each day a violation continues or occurs shall constitute a separate offense. The imposition of a penalty under this Section shall not prohibit the Village from maintaining a separate action against the violator to secure monetary damage for any damage caused by the burning.

State Law Reference: Ch. SPS 314, Wis. Adm. Code.

Sec. 5-2-10 Patio Fireplaces.

Patio fireplaces are permitted in the Village of Fall River as long as they are commercially purchased units that enclose the entire fire area within the patio fireplace. Homemade units must meet the approval of the Fire Chief. The chimney area and viewable area of the patio fireplace must be screened with a spark reduction device at all times the patio fireplace is in operation. The patio fireplace shall only burn a readily combustible fuel source that consists of wood, charcoal, or manufactured fireplace logs. The burning of trash, leaves, woods with a chemical treatment (railroad tie, fence post, power pole, etc.), or other materials that tend to create a noxious or annoying smoke discharge are not allowed. This Section does not allow for below ground campfires or other device fires not clearly authorized in this Section or Section 5-2-9(c)(2). Upon the complaint of two (2) or more persons to the Fire Department that the patio fireplace is causing annoyance, the person responsible for the patio fireplace shall immediately discontinue the use of the device.

Sec. 5-2-11 Banning and/or Regulating the Use of Fire, Burning Materials and Fireworks During the Existence of Extreme Fire Danger.

- (a) **Declarations of Emergency.** When there occurs a lack of precipitation, there may exist an extreme danger of fire within the Village of Fall River. This extreme danger of fire

affects the health, safety, and general welfare of the residents of the Village of Fall River and constitutes a state of emergency. It is hereby found that the regulation of fires, burning materials, and fireworks is necessary and expedient for the health, safety, welfare and good order of the Village of Fall River during said emergency.

- (b) **Regulation of Fires, Burning Materials and Fireworks.** When a burning state of emergency is declared, it may be ordered that a person may not:
- (1) Set, build, or maintain any open fire, except:
 - a. Charcoal grills using charcoal briquettes, gas grills, or camp stoves on private property; or
 - b. Charcoal grills using charcoal briquettes, gas grills, or camp stoves in Village parks placed at least twenty (20) feet away from any combustible vegetation.
 - (2) Throw, discard or drop matches, cigarettes, cigars, ashes, charcoal briquettes or other burning materials while outdoors except into a noncombustible container that does not contain combustible materials.
 - (3) Light or ignite a flare, except upon a roadway in an emergency.
 - (4) Light, ignite, or use anything manufactured, processed, or packaged solely for the purpose of exploding, emitting sparks or combustion for amusement purposes, including fireworks, firecrackers, bottle rockets, caps, toy snakes, sparklers, smoke bombs, or cylindrical or cone fountains that emit sparks and smoke, except in displays authorized by the Village where adequate fire prevention measures have been taken.
- (c) **Period of Emergency.**
- (1) The periods of emergency for which this Section shall be in effect shall be during such periods that Columbia County, Wisconsin, is under Wisconsin Department of Natural Resources emergency fire regulations banning outdoor smoking and campfires, or when necessary as determined by the Fire Chief.
 - (2) Burning emergencies shall become effective upon the time and date of the Village President declaring a state of emergency and shall remain in effect until the period of emergency ceases to exist or until the ratification, alteration, modification, or repeal of the burning state of emergency by the Fire Chief.

Title 5 ► Chapter 3

Fire Prevention Code; Emergency Responses

- 5-3-1** Adoption of Fire Prevention Codes
- 5-3-2** Disclosure of Hazardous Material and Infectious Agents;
Reimbursement for Cleanup of Spills
- 5-3-3** Fees for Extraordinary Services; Hazardous Material
Incident Response Reimbursement
- 5-3-4** Smoke Detectors
- 5-3-5** False Alarms

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

- (a) **State Administrative Codes Adopted.** The following chapter, 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) SPS 307, Wis. Adm. Code — Explosives and Fireworks.
 - (2) SPS 310, Wis. Adm. Code — Flammable, Combustible and Hazardous Liquids.
 - (3) SPS 314, Wis. Adm. Code — Fire Prevention.
 - (4) SPS 316, Wis. Adm. Code — Electrical Code.
 - (5) SPS 320–325, Wis. Adm. Code — Uniform Dwelling Code.
 - (6) SPS 320, Wis. Adm. Code — Smoke Detectors.
 - (7) SPS 330, Wis. Adm. Code — Fire Department Safety and Health.
 - (8) SPS 343, Wis. Adm. Code — Anhydrous Ammonia Code.
 - (9) SPS 361-366, Wis. Adm. Code — Commercial Building Code.
 - (10) SPS 375-379, Wis. Adm. Code — Buildings Constructed Prior to 1914.
 - (11) 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 be enforced with the same force and effect as though set forth in full herein. Provided,

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however, that where such rules and regulations are less stringent than other provisions found in this Code, 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 of 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 Fall River; except that the use of fireworks may be allowed by appropriate Permit issued by the Village President, pursuant to Section 7-6-4.

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 Fall River Community 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;

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- 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 Village for actual and necessary expenses incurred by the Village of Fall River or its agent to contain, remove or dispose of the hazardous substance or infectious agent or take any other appropriate action which is deemed appropriate under the circumstance.

Sec. 5-3-3 Fees for Extraordinary Services; Hazardous Material Incident Response Reimbursement.

- (a) **Purpose; Authority.**
- (1) The Village of Fall River 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 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 Fall River, but which requires extraordinary response services, such as an open burning site or a hazardous substances or hazardous waste handling or storage site. Such response services benefit the owner or person in charge of such property and the public health, safety and welfare; and
 - (2) The Village, 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 Fall River, 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 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.
 - (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, open burning site or hazardous substance or hazardous waste handling or storage site.
 - (3) **Village Response Services.** Village of Fall River fire, utilities, public works, or other similar response services.
 - (4) **Emergency Services Response.** Includes, but is not limited to: Fire Service, Emergency Medical Service, Law Enforcement. A person, firm, or corporation who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous 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 material, cleaning, decontamination and maintenance of the equipment specific to the incident, specific laboratory expenses incurred in the recognition and identification of hazardous 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 discharge is indicated or suspected will be provided to emergency government/law enforcement officers and staff and to Fire Department 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 occur that threatens the life, safety or health of the public at, near, or around the site of a prohibited discharge, and that the situation is so critical that immediate steps must be taken to protect life and limb, the 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 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 in violation of this Section shall be liable to the Village for any expenses incurred by the Village or loss or damage sustained by the Village of Fall River by reason of such violation.
- (h) **Responsibility for Costs.**
- (1) In the event the Village Board determines the costs incurred for Village response services are extraordinary in amount or the services for which the costs are incurred

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are extraordinary in type, the Village Board shall review and determine whether to seek reimbursement for the extraordinary costs from the owner of the property. The Board 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 Clerk-Treasurer 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.

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

Sec. 5-3-5 False Alarms.

- (a) **Purpose.**
 - (1) False alarms, regardless of their cause, represent a significant public cost and endanger public safety by unnecessarily deploying fire, law enforcement, EMS or other emergency resources that would otherwise be available to respond to actual

emergency situations. The purpose of this Section is to discourage the unnecessary deployment of such resources due to false alarms and to provide for reimbursement to the Village of Fall River and its emergency services providers for the costs thereof. This Section shall be liberally interpreted in the Village's favor to achieve these purposes.

- (2) False alarms generated by private alarm systems shall be administered pursuant to Section 5-4-8.
- (b) **Scope.** A false alarm occurs for purposes of this Section when any signal, alarm, telecommunication, or telephone call generating an alert is falsely or improperly sent to an emergency services provider alleging an emergency, but no such event has occurred and no emergency situation exists. This Section is intended to impose strict liability on the person, business, corporation or other entity who owns or occupies the property which is served by the alarm system and shall be applied regardless of the cause of the false alarm unless a specific exemption applies. 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.
- (c) **Exemptions.** This Section shall not apply:
- (1) To false alarms resulting from personal medical alert signals by personal devices carried by individuals with heightened medical factors to summon assistance in case of a medical emergency.
 - (2) Where a test of the alarm system is being conducted upon notice to fire, law enforcement and other agencies that might reasonably be expected to respond to such alarm.
 - (3) Where an alarm is activated by weather and such activation could not have reasonably been prevented.
 - (4) To alarms related to activities referenced in Sec. 66.0627(7), Wis. Stats.
- (d) **Intentional False Alarm or Bomb Threats.** No person shall intentionally make a false alarm or cause the activation of a burglar/fire alarm device knowing that no criminal activity, fire or other emergency exists, or in any other manner make or convey a false alarm or bomb threat.
- (e) **False Alarm Charges.** The owner or occupant of any premises in the Village of Fall River shall pay a special administrative charge per Section 1-3-1 for false alarms involving such premises occurring within the same calendar year.
- (f) **Collection.** The Village Clerk-Treasurer shall provide written notice by regular mail of all charges due under this Section to the owner and, if applicable, the occupant of the premises where the false alarm occurred. Such notice shall inform the owner and occupant of the right to appeal the charges being imposed under this Section. Except as provided in Subsection (f) below, those charges shall be paid by the owner or occupant within thirty

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(30) days, they shall be considered a delinquent special charge and included in the current or next tax roll pursuant to Sec. 66.0627, Wis. Stats.

- (g) **Appeals.** Any property owner or occupant who receives a notice that false alarm charges are being imposed against him/her under this Section may appeal the imposition of said charges by serving written appeal upon the Village Clerk-Treasurer within fifteen (15) days after the date that the notice of such false alarm is mailed to him/her. Such appeal shall include a statement of grounds for appeal. The Village Clerk-Treasurer may prescribe a form to be used for appeals. If an appeal is filed, the time for payment under Subsection (e) shall be suspended until the appeal is decided by the Village Board. The charge will be reimposed if the appeal is denied.

Cross-Reference: Section 5-4-8.

Title 5 ► Chapter 4

Regulation of Private Alarm Systems

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	Fee for Answering False Alarms Involving Alarm Systems
5-4-9	Village Liability
5-4-10	Registration of Private Alarm Systems

Sec. 5-4-1 Title.

This Chapter shall be known as the Village of Fall River Alarm Systems Ordinance.

Cross-Reference: Section 5-3-5.

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 business 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 meaning given herein.

- (a) **Alarm Business.** 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) **Alarm System.** 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 or holdup attempt or fire.
- (c) **Annunciator.** 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) **Answering Service.** 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) **Automatic Dialing Device.** 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) **Automatic Holdup Alarm System.** An alarm system in which the signal transmission is initiated by the action of the robber.
- (g) **Manual Holdup Alarm System.** An alarm system in which the signal transmission is initiated by the direct action of the person attached or by an observer thereof.
- (h) **Burglar Alarm System.** An alarm system which signals an entry or attempted entry into the area protected by the system.
- (i) **Direct Connect.** An alarm system which has the capability of transmitting system signals to the Police or Fire Department.
- (j) **False Alarm.** 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) **Interconnect.** 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) **Central Station.** An office to which remote alarm and supervisory signaling devices are connected, where operators supervise the circuits.
- (m) **Primary Trunk Line.** 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) **Subscriber.** 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 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 Chief of Police and Fire Chief.

Sec. 5-4-7 Testing.

- (a) **Notification.** 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.

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- (b) **Intermediate Service Relaying.** 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) **Compliance With Department Policies.** Alarm systems shall be in compliance with all pertinent response policies of the Police Department.

Sec. 5-4-8 Fee for Answering False Alarms Involving Alarm Systems.

- (a) **Generally.** Each false alarm requires response of public safety personnel, involves unnecessary expense to the Village of Fall River, 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 False Alarm or Bomb Threats.** No person shall intentionally cause the activation of a burglar/fire alarm device knowing that no criminal activity, fire or other emergency exists, or in any other manner make or convey a false alarm or bomb threat
- (c) **False Alarms; Administrative Charges.**
 - (1) Any person, business, corporation or other entity having a permissible alarm system consisting of alarm device(s) at one or more locations in accordance with this Chapter shall pay to the Departments a charge for false alarms responded to by the Police and/or Fire Department according to the schedule found in Section 1-3-1 for each calendar year for each location connected, separate accounts to be kept for false alarms as to criminal activity and false alarms for fire or other emergencies. The cost of false alarms outside of Village limits shall be billed by the Village as a service to the responsible party(s).
 - (2) 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 and/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(s) in and of itself shall constitute a violation of this Section, and such charge(s) shall be collectible as a forfeiture upon prosecution and conviction thereof, together with an additional forfeiture(s) 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) **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 Section 1-1-6 of this Code of Ordinances. 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.

- (e) **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 (d), 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. 66.0627, Wis. Stats.

Cross-Reference: Section 5-3-5.

Sec. 5-4-9 Village Liability.

The Village of Fall River 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. 5-4-10 Registration of Private Alarm Systems.

- (a) **Registration Required.** Registration is required for each private alarm system on premises within the Village. There shall be no fee for such registration.
- (b) **Interior Alarms.** Registration 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) **Registration Authority.** The Chief of Police shall administer system registration.
- (d) **Application.** Application for registration required under this Chapter shall be filed with the Chief of Police. The Chief of Police shall prescribe the form of the registration and request such information as is necessary to evaluate and act upon the registration application.

Title 5 ► Chapter 5

Emergency Management

- 5-5-1 Policy and Purpose; Definitions
- 5-5-2 Emergency Management Committee; Emergency Management Director
- 5-5-3 Utilization of Existing Services and Facilities

Sec. 5-5-1 Policy and Purpose.

- (a) **Policy and Purpose.** To ensure that the Village of Fall River will be prepared for emergencies resulting from enemy action and with emergencies resulting from man-made and natural disasters, an emergency management organization is created to carry out the purposes set out in Chapter 166, Wis. Stats., and to further provide for coordination of such activities with other entities.
- (b) **Definitions.** As used in this Chapter:
 - (1) **Emergency Management.** Includes civil defense, and means all measures undertaken by or on behalf of the State of Wisconsin and its subdivisions:
 - a. To prepare for and minimize the effects of enemy action and natural or manmade disaster upon the civilian population;
 - b. To effectuate emergency repairs to, or the emergency restoration of vital public utilities and facilities destroyed or damaged by such action or disaster.
 - (2) **Civil Defense.** All those activities and measures designed or undertaken:
 - a. To minimize the effects upon the civilian population caused, or which would be caused, by enemy action;
 - b. To deal with the immediate emergency conditions which would be created by such enemy action; and
 - c. To effectuate emergency repairs to, or the emergency restoration of, vital public utilities and facilities destroyed or damaged by such enemy action.
 - (3) **Enemy Action.** All other extraordinary misfortunes affecting the county, natural or manmade not included in the term "enemy action".

Sec. 5-5-2 Emergency Management Committee; Emergency Management Director.

- (a) **Emergency Management Committee Established.**
 - (1) **Appointment.** There is created an Emergency Management Committee to be composed of the Village President and three (3) members of the Fall River Village

Board. The Village President shall serve as the chairperson of the Emergency Management Committee. The term for each Committee member shall be for one (1) year.

- (2) **Duties.** The Emergency Management Committee shall be an advisory and planning group and shall advise the Coordinator of Emergency Management Services and the Village Board on all emergency management matters. It shall meet upon the call of the Chairperson. It shall annually prepare a budget for emergency management and present same to the Village Board for consideration. It shall prepare an annual report for the Village Board.

(b) **Emergency Management Director.**

- (1) **Appointment.** The Emergency Management Director shall be annually appointed at the organizational meeting by the Village President, subject to Village Board confirmation.

- (2) **Duties.** The Director of Emergency Management for the Village of Fall River, in cooperation with the Columbia County Emergency Management Agency, shall participate in such joint action as shall be necessary, including:

- a. Direct the Village emergency management organization;
- b. Develop, promulgate and integrate emergency management plans for the operating services of the Village of Fall River;
- c. Direct participation of the Village in such emergency management training programs and exercises as may be required;
- d. Direct the Village emergency management training programs and exercises;
- e. Perform all administrative duties necessary for the rendering of reports and procurements of federal matching funds for each Village entity requesting federal matching funds;
- f. In case of a state of emergency being proclaimed by the Governor, direct the activities of the Village emergency management organization; and
- g. Perform such other duties, relating to emergency management, as may be required by the Village Board.

- (c) **Joint Meetings.** Whenever it is deemed necessary by either the Columbia County Emergency Management Committee or the Village Emergency Management Committee, there shall be a joint meeting of the committees to decide such matters as may arise.

Sec. 5-5-3 Utilization of Existing Services and Facilities.

- (a) **Policy.** In preparing and executing the emergency management program, the services, equipment, supplies and facilities of the existing departments and agencies of the Village of Fall River shall be utilized to the maximum extent practicable, and the officers and personnel of all such departments and agencies are directed to cooperate with and extend such services and facilities as are required of them.

- (b) **Cost of Equipment and Services.** The cost of equipment and services which may be procured by the Village of Fall River shall be borne by or shared by the Village of Fall River as required by the Wisconsin Statutes or rules and regulations relating to federal matching funds for such equipment and services.
- (c) **Plan Responsibilities.** In order to assure that in an emergency all the facilities of the existing Village government are expanded to the fullest to meet such emergency, Village officials and employees assigned to specific responsibilities under the Village Emergency Operations Plan will fulfill emergency and non-emergency duties as prescribed in the Plan.

