

## TITLE 5

### Public Safety

Chapter 1	Law Enforcement
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### CHAPTER 1

#### Law Enforcement

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

The Park Falls Police Department shall consist of a Chief of Police and such other officers, assistants, and patrolmen as from time to time may be appointed by the Common Council, pursuant to the provisions of the Wisconsin Statutes.

#### **SEC. 5-1-2 RECORDS AND REPORTS.**

- (a) **Monthly Reports.** The Chief of Police shall submit a monthly general report to the Common Council 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 City, 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 Police Department shall:

- (a) Familiarize himself with the ordinances of the City and the Statutes and attend to the enforcement of such ordinances by all lawful means.
- (b) Help prevent crimes, misdemeanors and violations of City ordinances and protect the health, safety, public peace and order of the City 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 City.
- (e) See that the necessary permits and licenses issued by the State or City are in the possession of or properly displayed by any person engaged in an activity or business within the City for which such permit or license is required and that the terms of such permits or licenses are complied with
- (f) Perform such other lawful duties as ordered by the Chief of Police or his authorized representative.

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

- (a) **Duties.** In addition to the duties imposed upon him elsewhere in this Code of Ordinances, the Chief of Police shall:
  - (1) Have command of the Police Department on administrative matters, subject to the general direction of the Common Council.
  - (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. He shall submit or cause to be submitted to the various agencies such reports and summaries as are required by State Statutes or ordinances and shall participate in voluntary programs designed to improve law enforcement and public safety
  - (3) Submit such reports and/or information and comply with such policies as may be prescribed by the Common Council.
  - (4) Have control of the assignment, hours of duty, and transfer of all members of the Department.
  - (5) 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 City as are within its jurisdiction. He shall supervise the preparation and presentation of annual reports and budgets for the Police Department. He shall be required to certify to the correctness of all bills incurred by the Department.
  - (6) Strive to maintain suitable, productive relationships with other City departments and with other governmental agencies and private organizations concerned with law enforcement, crime prevention, administration of justice and public safety. He shall cooperate and exchange information with other City departments in matters relating to their various functions.
  - (7) 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 City 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 be responsible for the safekeeping, lawful disposition and accurate record of the same. He shall see that all property is returned to its lawful owner or otherwise disposed of according to the applicable statutes.

**SEC. 5-1-5 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. He shall also comply with all provisions of the Law Enforcement Standards Board in regard to background investigations. He shall keep himself adequately informed of the activities of the Department and be assured that the duties of his subordinates are properly discharged. He shall formulate procedures for recognizing outstanding performance by Department members for investigating complaints of misconduct by any Department member and for taking appropriate disciplinary action subject to the provisions of the applicable statutes and rules of the Department.

**SEC. 5-1-6 HEARING AUTHORITIES FOR SUSPENSION OR REMOVE OF LAW ENFORCEMENT OFFICERS.**

- (a) Pursuant to Sec. 62.13(6m), Wis. Stats., the City may not suspend, reduce, suspend and reduce or remove any police chief or other law enforcement officer who is not probationary unless the City 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 City 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 City or be employed by the City. The City 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 City shall reimburse the state for the state's costs under this paragraph.
- (b) The provisions of this Section first apply 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.

**SEC. 5-1-7 CIVILIANS TO ASSIST.**

All persons in the City, when called upon by any Police officer or peace officer, shall promptly aid and assist him in the execution of his duties and whoever shall neglect or refuse

to give such aid or assistance shall be subject to the general penalty as provided in Title 1 of this Code of Ordinances.

## CHAPTER 2

### Fire Prevention

- 5-2-1 Fire Department Organization; Goals of the 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 Firemen 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 Banning and/or Regulating the Use of Fire, Burning Materials, and Fireworks During the Existence of Extreme Fire Danger

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

- (a) **Fire Department Established.** The Park Falls Fire Department shall be responsible for the program of fire defense for the citizens and property within the City of Park Falls. The duty of said Department shall be that of firefighting and the prevention of fires in the City of Park Falls and townships in Price County contracting for the service of the department.
- (b) **Goals of the Fire Defense Program.**
  - (1) The primary objective of the fire defense program is to serve all citizens, without prejudice or favoritism, by safeguarding, collectively and individually, their lives against the effects of fires and explosions.
  - (2) The second objective of the fire defense program is to safeguard the general economy and welfare of the community by preventing major conflagrations and the destruction by fire of industries and businesses.
  - (3) The third objective of the fire defense program is to protect the property of all citizens against the effects of fire and explosions. All property deserves equal protection, regardless of location or monetary value.
- (c) **Department to Adopt Bylaws.** The Park Falls Fire Department shall adopt bylaws for the control, management and government and for the regulation of business and proceedings of the Department, which bylaws shall be adopted by a two-thirds (2/3) vote of the Department members and approved by the Common Council. Amendments shall be adopted in the same manner.
- (d) **Funds Appropriated.** The Common Council shall appropriate funds to provide for operation and for such apparatus and equipment for the use of the Fire Department as it may deem expedient and necessary to maintain efficiency and properly protect life and property from fire.
- (e) **Membership.**
  - (1) The Fire Department shall consist of the following officers: one (1) Chief, an Assistant Chief, a Captain and Lieutenant for each company, and a Treasurer,

Training/Safety Officer and Secretary, together with one (1) Mechanic, and as many drivers and firemen, who are residents of the City of Park Falls, as may be appointed by the Mayor, with the approval of the Council, provided, that at no time shall the Department consist of less than twenty-eight (28) active members, including officers.

- (2) Any person desiring to be a member of the Fire Department may file with the Secretary an application in such form as the Common Council may require. Applicants must be at least eighteen (18) years old. The name of any applicant approved by the Fire Department shall be presented to the Common Council for confirmation.
  - (3) All resignations from the Fire Department shall be submitted to the fire chief.
  - (4) Active membership in the Fire Department shall cease when physically unable to perform the duties of the position, after which such members shall become honorary members.
  - (5) The Secretary shall report the name of each person expelled or demoted to the Common Council. Any member or officer of the Fire Department who has been expelled or demoted for any offense or neglect of duty or insubordination shall have the right to appear before the Common Council to address whether the discipline should be amended or rescinded. The Common Council may, by a two-thirds (2/3) vote of its members, order the Fire Chief to reinstate that member.
  - (6) All members of the Fire Department must reside within a 2.5 mile radius of the Municipal Building/Fire Hall within six months of appointment.
- (f) **General Rules Governing Officers.** The election of officers shall be held at the annual meeting of the Fire Department in such manner as is provided in the bylaws. In case of any vacancy, the Fire Chief will appoint a member in good standing to fill the office until the next annual election.

#### **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 the Park Falls Fire Department along the streets or alleys of such City at the time of a fire or when the Fire Department of the City 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 Department may cause the arrest of any person failing to give the right-of-way to the Fire Department in responding to a fire.

- (2) The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting firemen and policemen and those admitted by order of any officer of the Department, shall be permitted to come.
  - (3) The Chief shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire or to prevent the spreading of fire or to protect the adjoining property, and during the progress of any fire he shall have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work of the Department during the progress of a fire.
- (b) **Fire Inspection Duties.**
- (1) The Fire Chief shall be the Fire Inspector of the City of Park Falls and shall have the power to appoint one or more deputy Fire Inspectors and shall perform all duties required of the Fire Inspectors by the laws of the State and rules of the Department of Industry, Labor and Human Relations, particularly Section 101.14, Wis. Stats.
  - (2) While acting as Fire Inspector pursuant to Sec. 101.14(2), Wis. Stats., the Fire Chief, or any officer of the Fire Department designated by the Fire Chief, shall have the right and authority to enter any building or upon any premises in the City of Park Falls 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 Common Council for further action.
  - (3) The Chief of the Fire Department is required, by himself or by officers or members of the Fire Department designated by him as fire inspectors, to inspect all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of any law or ordinance relating to the fire hazard or to the prevention of fires. Such inspections shall be made at least once in six (6) months in all of the territory served by the Fire Department and oftener as the Chief of the Fire Department orders. Each six (6) month period shall begin on January 1 and July 1 of each year.
  - (4) Written reports of inspections shall be made and kept on file in the office of the Chief of the Fire Department in the manner and form required by the Department of Industry, Labor and Human Relations. A copy of such reports shall be filed with the Fire Chief.

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

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

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

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

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

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

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

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

Whenever there shall be a fire or fire alarm or the Fire Department shall be out for practice, every person driving or riding in a motorized or other vehicle shall move and remain to the side of the street until the fire engine and fire truck and other fire apparatus shall have passed. Vehicles shall not follow within five hundred (500) feet of any fire engine.



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

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

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

- (a) OPEN BURNING PROHIBITED. No person, firm or corporation shall build any outdoor fire within the corporate limits of the City of Park Falls excepting as set forth in Subsection (b) of this Section and in Section 5-2-10.
- (b) Exceptions.
  - (1) Outdoor cooking over a fire contained in a device or structure designed for such use is permissible;
  - (2) Controlled burning of grass or similar vegetation for environmental management purposes, provided that it is contained with the prior written approval of the Fire Chief, may be permitted;
  - (3) Campfires or bonfires that are attended and contained in a device or structure designed for such use may be permitted;
  - (4) Other occasions of desirable outdoor burning not specified by this Subsection may be granted single occasion approval as in Subsections (2) and (3) above.
  - (5) Whenever approval and special permit are granted by the Fire Chief or a fire warden under Subsection (b)(2), (3) and (5) of this Section, the permit may specify and be conditioned on observance of safety restrictions and insurance requirements set forth therein.
- (c) CHIEF MAY PROHIBIT. The Fire Chief is permitted to prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous, except on written permit from the Fire Chief, which permit shall designate the time and place for such burning. Notice of designation of a fire danger emergency period shall be made by publication of an appropriate order, once in the official newspaper, to be effective forthwith
- (d) BURNING ON STREETS. No materials may be burned upon any street, curb, gutter or sidewalk.
- (e) LIABILITY. Persons utilizing and maintaining outdoor fires shall be responsible for any liability resulting from damage caused by his fare.

**SEC. 5-2-10 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 City of Park Falls. This extreme danger of fire affects the health, safety, and general welfare of the residents of the City of Park Falls 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 City during said emergency.

- (b) **Regulation of Fires, Burning Materials, and Fireworks.** Pursuant to Sec. 66.325, Wis. Stats., and 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 City 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 City 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 Price County, Wisconsin, is under Wisconsin Department of Natural Resources emergency fire regulations banning outdoor smoking and campfires.
  - (2) Pursuant to Sec. 66.325, Wis. Stats., burning emergencies shall become effective upon the time and date of the Mayor 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 Common Council.

## CHAPTER 3

### Fire Prevention Code; Hazardous Materials

- 5-3-1 Adoption of State Codes
- 5-3-2 Disclosure of Hazardous Materials and Infectious Agents; Reimbursement for Clean-up of Spills
- 5-3-3 Recovery of Costs
- 5-3-4 Removal of Underground Storage Tanks

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

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

- (a) Wis. Adm. Code Ch. ILHR 1; Safety.
- (b) Wis. Adm. Code Ch. ILHR 5; Explosives and Blasting Agents.
- (c) Wis. Adm. Code Ch. ILHR 7; Cleaning and Dyeing.
- (d) Wis. Adm. Code Ch. ILHR 8; Flammable and Combustible Liquids.
- (e) Wis. Adm. Code Ch. ILHR 9; Liquefied and Petroleum Gases.
- (f) Wis. Adm. Code Ch. ILHR 14; Fire Hazards.
- (g) Wis. Adm. Code Ch. ILHR 20; Dusts, Fumes, Vapors and Gases.
- (h) Wis. Adm. Code Ch. ILHR 21; Spray Coating.
- (i) Wis. Adm. Code Ch. ILHR 35; Safety in Construction.
- (j) Wis. Adm. Code Ch. ILHR 43; Anhydrous Ammonia Code.
- (k) Wis. Adm. Code Ch. ILHR 50; Administration and Enforcement.
- (l) Wis. Adm. Code Ch. ILHR 51; Definitions and Standards.
- (m) Wis. Adm. Code Ch. ILHR 52; General Requirements.
- (n) Wis. Adm. Code Ch. ILHR 53; Structural Requirements.
- (o) Wis. Adm. Code Ch. ILHR 54; Factories, Office and Mercantile Buildings.
- (p) Wis. Adm. Code Ch. ILHR 55; Theaters and Assembly Halls.
- (q) Wis. Adm. Code Ch. ILHR 56; Schools and Other Places of Instruction.
- (r) Wis. Adm. Code Ch. ILHR 57; Apartment Buildings, Hotels and Places of Detention.
- (s) Wis. Adm. Code Ch. ILHR 58; Health Care, Detention and Correctional Facilities.
- (t) Wis. Adm. Code Ch. ILHR 59; Hazardous Occupancies.
- (u) Wis. Adm. Code Ch. ILHR 60; Child Day Care Facilities.
- (v) Wis. Adm. Code Ch. ILHR 61; CBRF.
- (w) Wis. Adm. Code Ch. ILHR 62; Specialty Occupancies.
- (x) Wis. Adm. Code Ch. ILHR 64; Heating, Ventilating and Air Conditioning.
- (y) Wis. Adm. Code Ch. ILHR 65; Fire Protection.
- (z) Wisconsin Electrical Code.

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

**(a) Application.**

- (1) All persons, firms or organizations using, researching or producing hazardous materials and/or infectious agents shall notify the Fire Department as prescribed by this Section.
- (2) The provisions of this Section shall apply to all persons, firms or organizations using, researching, producing or storing hazardous materials and/or infectious agents on and after the effective date of this Section.

**(b) Definitions.**

- (1) "Infectious agent" is a bacterial, mycoplasmal, fungal, parasitic or viral agent known to cause illness in humans which is used, researched, produced or stored within or on premises.
- (2) "Hazardous materials" are those materials that can cause death or disabling injury from brief exposure; those materials that could cause a lost-time injury from exposure; and those materials that could cause temporary disability or injury without permanent effects which are used, researched, produced or stored within or on premises except those household consumer products used at the point of consumption and not used for commercial or experimental purposes. This definition of hazardous materials shall include radioactive materials.

**(c) Information Required.**

- (1) Any person, firm or organization using, researching, producing and/or storing any hazardous materials shall provide in writing to the Fire Department the following information:
  - a. Address, location of where hazardous materials are used, researched, stored or produced;
  - b. The trade name of the hazardous material;
  - c. The chemical name and any commonly used synonym for the hazardous material and the chemical name and any commonly used synonym for its major components;
  - d. The exact locations on the premises where materials are used, researched, stored and/or produced;
  - e. Amounts of hazardous materials on premises per exact location;
  - f. The boiling point, vapor pressure, vapor density, solubility in water, specific gravity, percentage volatile by volume, evaporation rate for liquids and appearance and odor of the hazardous material;
  - g. The flashpoint and flammable limits of the hazardous substance;
  - h. Any permissible exposure level, threshold limit value or other established limit value for exposure to a hazardous material;
  - i. The stability of the hazardous substance;
  - j. Recommended fire extinguishing media, special firefighting procedures and fire and explosion hazard information for the hazardous material;
  - k. Any effect of over-exposure to the hazardous material, emergency and first aid procedures and telephone numbers to call in an emergency;

- l. Any condition or material which is incompatible with the hazardous material and must be avoided.
  - m. Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming into contact with the hazardous materials;
  - n. Procedures for handling or coming into contact with the hazardous materials.
- (2) Any person, firm or organization using, researching, producing and/or storing infectious agent and/or carrier of an infectious agent shall provide in writing to the Fire Department the following:
- a. The name and any commonly used synonym of the infectious agent;
  - b. Address/location where infectious agents are used, researched, stored and/or produced;
  - c. The exact locations where infectious agents are used, researched, stored and/or produced;
  - d. Amount of infectious agent on premises per exact locations;
  - e. Any methods of route of transmission of the infectious agents;
  - f. Any symptoms of effect of infection, emergency and first aid procedure and a telephone number to be called in an emergency;
  - g. Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming in contact with the infectious agent;
  - h. 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 City for actual and necessary expenses incurred by the City 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 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 ILHR 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 City for the actual cost of labor and materials associated with the use of any specialized extinguishing agent, chemical, neutralizer or similar material or equipment employed to extinguish, confine or clean up any such hazardous material which is involved in any accidental spill or in threat of any fire or accidental spill.

## SEC. 5-3-4 REMOVAL OF UNDERGROUND STORAGE TANKS.

- (a) **Definitions.**
- (1) **Permit.** A permit issued to a person for the removal of an underground storage tank which, by law, requires the removal to be supervised by the Fire Department.
  - (2) **Underground Storage Tank.** An underground petroleum product or chemical storage tank system used to store petroleum products or chemicals for which federal or state law requires a municipal fire department to supervise its removal.
- (b) **Permit Required.** A permit is required for the removal of any underground storage tank. A person may not remove or have removed any underground storage tank without obtaining a permit from the City Clerk-Treasurer.
- (c) **Permit Application.** A permit for the removal of an underground storage tank shall be issued by the City Clerk-Treasurer following a person filing an application for a permit at least thirty (30) days in advance of the removal of the tank, unless otherwise authorized by the Park Falls Fire Chief. The form of the application and permit shall be as determined by the City Clerk-Treasurer and in conjunction with federal and state law.
- (d) **Cost of Permit.** The cost of a permit for the removal of an underground storage tank shall be determined by the Board of Public Works.
- (e) **Expiration of Permit.** A permit shall only be valid on the day so stated on the permit and during the hours listed on the permit. The permit is nontransferable unless authorized by the Park Falls Fire Chief.

## CHAPTER 4

### Regulation of Alarm System

- 5-4-1 Title
- 5-4-2 Declaration of Purpose
- 5-4-3 Definitions
- 5-4-4 Administrative Rules
- 5-4-5 Automatic Dialing Devices
- 5-4-6 Direct Connections to the Police Department
- 5-4-7 Testing
- 5-4-8 Notification
- 5-4-9 Fee for Answering Alarms
- 5-4-10 City Liability
- 5-4-11 Permits for Private Alarm Systems
- 5-4-12 Revocation of Permits

#### **SEC. 5-4-1 TITLE.**

This Chapter shall be known as the City of Park Falls Alarm Systems Ordinance.

#### **SEC. 5-4-2 DECLARATION OF PURPOSE.**

The purpose of this Chapter is to provide minimum standards and regulations applicable to burglar, fire and holdup alarm systems, alarm 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 means given herein.

- (a) The term "alarm business" means any business in which the owners or employees engage in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, or servicing alarm systems.
- (b) The term "alarm system" means an assembly of equipment and devices or single device such as a solid state unit which plugs directly into 110-volt AC line or otherwise receives electrical energy arranged to signal the presence of a hazard requiring urgent attention and to which the Police or Fire Department is expected to respond. In this Chapter, the term "alarm system" shall include the terms "automatic holdup alarm systems," "burglar alarm systems," "holdup alarm systems" and "manual holdup alarm systems" as those terms are hereinafter defined, and fire alarm systems which monitor temperature, humidity or any other condition directly related to the detection of fire. Excluded from this definition and from the coverage of this

Chapter are alarm systems used to alert or signal persons within the premises in which the alarm system is located of an attempted, unauthorized intrusion or holdup attempt or fire.

- (c) The term "annunciator" means the instrumentation of an alarm console at the receiving terminal of a signal line through which both visual and audible signals show when an alarm device at a particular location has been activated or which, in the event of malfunction, may also indicate line trouble.
- (d) The term "answering service" refers to a telephone answering service providing among its services the service of receiving on a continuous basis through trained employees emergency signals from alarm systems, and thereafter immediately relaying the message by live voice to the dispatch center of the Police or Fire Department.
- (e) The term "automatic dialing device" refers to an alarm system which automatically sends over regular telephone lines by direct connection or otherwise a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.
- (f) The term "automatic holdup alarm system" means an alarm system in which the signal transmission is initiated by the action of the robber.
- (g) The term "manual holdup alarm system" refers to an alarm system in which the signal transmission is initiated by the direct action of the person attached or by an observer thereof.
- (h) The term "burglar alarm system" refers to an alarm system which signals an entry or attempted entry into the area protected by the system.
- (i) The term "direct connect" means an alarm system which has the capability of transmitting system signals to the Police or Fire Department.
- (j) The term "false alarm" means the activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner or lessee of an alarm system or of his employees or agents or other undetermined cause. False alarm does not include alarms caused by tornadoes or other violent climatic conditions.
- (k) The term "interconnect" means to connect an alarm system to a voice grade telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.
- (l) The term "central station" means an office to which remote alarm and supervisory signaling devices are connected, where operators supervise the circuits.
- (m) The term "primary trunk line" means a telephone line leading directly into the dispatch center of the Police or Fire Department that is for the purpose of handling emergency calls on a person-to-person basis and which is identified as such by a specific number included among the emergency numbers listed in the telephone directory or numbers in sequence therewith.
- (n) The term "subscriber" means a person who buys or leases or otherwise obtains an alarm system and thereafter contracts with or hires an alarm business to monitor and/or service the alarm system.



**SEC. 5-4-4 ADMINISTRATIVE RULES.**

The Chief of Police shall promulgate such rules as may be necessary for the implementation of this Chapter. Such rules shall require the approval of the Common Council 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) No alarm business or alarm system designed to transmit emergency messages to the Police Department shall be tested or demonstrated without prior notification and approval of the Police Department dispatcher. Alarm businesses or alarm system owners or lessors will be advised on proper test procedure.
- (b) No alarm system relayed through intermediate services to the Police Department will be tested to determine the Police Department's response without first notifying the appropriate authority. However, the Police Department may inspect or test on-site alarm systems authorized under this Chapter.
- (c) Alarm systems shall be in compliance with all pertinent response policies of the Police Department.

**SEC. 5-4-8 NOTIFICATION.**

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

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

- (a) **Generally.** Each false alarm requires response of public safety personnel, involves unnecessary expense to the City, increases the risk of injury to persons or damage to property and dilutes the overall public safety protection to the City. Such false alarms constitute a public nuisance and must be abated.
- (b) **Intentional.** No person shall intentionally cause the activation of a burglar/fire alarm device knowing that no criminal activity, fire or other emergency exists.
- (c) **False Alarms; Administrative Charges.** Any person, business, corporation or other entity having permissible alarm system with alarm device(s) at one or more locations in accordance with this Chapter shall pay to the City a charge for false alarms responded to by the Police or Fire Department according to the following schedule for each calendar year for each location connected, separate accounts to be kept for false alarms as to criminal activity and false alarms for fire or other emergencies:
  - (1) Responded to by Police Department:
    - a. First false alarm for a location - No Charge
    - b. Second (2nd) false alarm per location - \$50.00
    - c. Subsequent false alarms per location - Additional \$25.00 per occurrence
  - (2) All false alarms responded to by Fire Department firefighting personnel and apparatus, in addition to a police response:
    - a. First false alarm for a location - No Charge
    - b. Second false alarm per location. - \$100.00
    - c. Subsequent false alarms per location - Additional \$100.00 per occurrence

This subsection is intended to impose a strict liability on the person, business, corporation or other entity responsible for alarm connection to either the police alarm panel or to alarm receiving firm to which the Police or Fire Department have responded and shall be applied regardless of the cause of the false alarm excepting those alarms excluded from the definition of "False Alarm." Failure to pay such administrative charge(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) **Waiver of Fee.** If a possessor of the alarm shows to the satisfaction of the Chief of Police or the Fire Chief, as applicable, that such false alarm was not the result of negligence or improper maintenance, or other good and sufficient cause beyond the reasonable control of the possessor of the alarm, such fee may be waived and the response shall not count as a false alarm in computing the fee established under Subsection (c).
- (e) **Other Violations.** Any person, corporation or other entity violating this Chapter in any manner, other than for collection of unpaid administrative charges treated in the preceding Subsection (a) of this Section, shall be subject to forfeiture as provided in Section 1-1-7 of this Code. When any premises located in the City is owned, leased

or occupied by two (2) or more persons as joint tenants, tenants in common, Joint lessees, or in any other manner, each person shall see that the provisions of this Chapter are complied with, and each person may be subjected to a penalty on violation of this Section.

- (f) **Default of Payment for Forfeiture and/or Costs.** On default of payment of forfeiture and/or costs under the immediately preceding Subsections (c) and/or (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. 66.60(16), Wis. Stats.

#### **SEC. 5-4-10 CITY LIABILITY.**

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

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

- (a) **Permit Required.** A permit is required for each private alarm system on premises within the City. There shall be a Five Dollar (\$5.00) permit fee.
- (b) **Interior Alarms.** A permit under this Chapter as not required for an alarm system which gives a signal, visual or audible or both, solely within the interior of the building in which it is located.
- (c) **Issuing Authority.** The Chief of Police shall issue the permits and collect the fees.
- (d) **Application.** Application for permit required under this Chapter shall be filed with the Chief of Police. The Chief of Police shall prescribe the form of the application and request such information as is necessary to evaluate and act upon the permit application. The Chief of Police shall deny a permit if the alarm system for which it is sought does not comply with this Chapter.
- (e) **Appeal.** Any person required by this Chapter to have a permit who has been denied such a permit by the Chief of Police shall have a right to appeal that decision to the Common Council. The procedure for this appeal shall be as set forth in Section 5-4-12.

#### **SEC. 5-4-12 REVOCATION OF PERMITS.**

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

- (1) The application for a permit contains a false statement of a material fact.
  - (2) A licensee has repeatedly failed to comply with the provisions of this Chapter.
  - (3) An alarm system repeatedly actuates false alarms.
- (c) **Appeals.** Any permittee may appeal the decision of the Chief of Police by filing a written notice of appeal with the City Clerk-Treasurer within ten (10) days after the decision. Such appeal shall be heard by the Common Council within thirty (30) days after filing the appeal. The Common Council may affirm, amend or reverse the decision or take other action deemed appropriate. An appeal timely taken suspends the revocation until the Common Council gives its decision. The City Clerk-Treasurer shall give written notice of the time and place of the hearing to the appellant by certified mail or personal delivery not less than seven (7) days before the hearing. In conducting the hearing, the Common Council shall not be limited by the technical rules of evidence.

## CHAPTER 5

### Emergency Government

#### 5-5-1 Emergency Government System

##### **SEC. 5-5-1 EMERGENCY GOVERNMENT SYSTEM.**

- (a) **Definition.** "Emergency Government" shall mean the preparation for and the carrying out of all emergency functions other than functions for which the military forces are primarily responsible, to minimize and repair injury and damage resulting from disaster caused by enemy attack, sabotage or other hostile action or by fire, flood, or other natural causes.
- (b) **Duties and Powers of Emergency Government.** The Director shall be the executive head of the City emergency government organization and shall have direct responsibility for organization, administration, and operation of the organization, subject to the direction and control of the Mayor and the Common Council. In addition to such powers and responsibilities as may be imposed on him from time to time by the Common Council, he shall have the authority and it shall be his duty to:
- (1) Coordinate all activities for emergency government within the City.
  - (2) Maintain liaison and cooperate with emergency government agencies and organizations of other political subdivisions and of the state and federal government.
  - (3) Participate in county and state emergency government activities upon request.
  - (4) Prepare a comprehensive general plan for the emergency government of the City and present such plan to the Common Council for approval.
  - (5) Subject to the approval of the Common Council, enter into mutual aid agreements with other political subdivisions, and file copies of any such agreements with the State Director of Emergency Government.
  - (6) Upon the declaration of any emergency, issue all necessary proclamations as to the existence of such state of emergency and such disaster warnings or alerts as shall be required in the emergency government plan.
- (c) **Utilization of Existing Services and Facilities.** In preparing and executing the emergency government plan, the Director shall utilize the services, equipment, supplies, and facilities of the existing departments and agencies of the City to the maximum extent practicable. When the Common Council has approved the plan, it shall be the duty of all municipal agencies and departments of the City to perform the duties and functions assigned by the approved plan.
- (d) **Declaration of Emergencies.** The emergency government organization shall take action in accordance with the emergency government plan only after the declaration of an emergency and issuance of official disaster warnings. Declaration of emergency shall be made by the Governor, the Common Council, the Mayor or, in his absence, by the Chief of Police. Such state of emergency shall continue until terminated by the issuing authority, provided that any declaration not issued by the Governor may be terminated by the Common Council.

- (e) **Emergency Regulations.** Whenever necessary to meet an emergency government emergency for which adequate regulations have not been adopted by the Common Council, the Mayor and, in his absence, the Chief of Police, may proclaim, promulgate, and enforce orders, rules, and regulations relating to the conduct of persons and the use of property which are necessary to protect the public peace, health, and safety, and preserve lives and property, and to insure cooperation in emergency government activities. Such proclamations shall be posted in three (3) public places and may be rescinded by resolution of the Common Council.
- (f) **Obstruction of Defense Organization.** No person shall willfully obstruct, hinder, or delay any member of the emergency government organization in the enforcement of any order, rule, regulation, or plan issued pursuant to the authority contained in this Section.