

# TITLE 5

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## **Public Safety**

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# Title 5 ► Chapter 1

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## Law Enforcement

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

The Amery Police Department shall consist of a Chief of Police and such other officers and assistants as from time to time may be employed by the Common Council, pursuant to the provisions of this Code of Ordinances.

### **Sec. 5-1-2 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/herself 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 obstructions, unlighted street lamps, unlawful street signs or signals, and defective or dangerous streets 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/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 Mayor, pursuant to the Wisconsin Statutes.
  - (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/she 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 Council.
  - (4) Have exclusive 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. 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.
  - (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. The Chief of Police 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. The Chief of Police 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. The Chief of Police shall also comply with all provisions of the 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 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 Civilians to Assist.**

All persons in the City, when called upon by any police officer or peace 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 Title 1 of this Code of Ordinances.

### **Sec. 5-1-7 Hearing Authorities for Suspension or Removal of Law Enforcement Officers.**

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, and for

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whom there is no valid and enforceable contract of employment or collective bargaining agreement which provides for a fair review prior to that suspension, reduction, suspension and reduction or removal, unless the City does one (1) of the following:

- (a) Establishes 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 committee shall act under Section 62.13(5) in place of a board of police and fire commissioners. The Common Council may provide for some payment to each member for the member's cost of serving on the committee at a rate established by the Common Council.
- (b) Appoint a person who is not an elected or appointed official of the City and who is not employed by the City. The person shall act under Section 62.13(5) in place of a board of police and fire commissioners. The Common Council may provide for some payment to that person for serving under this subdivision at a rate established by the Common Council.

# Title 5 ▶ Chapter 2

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## Fire Prevention

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

- (a) **Fire Department Established.** The Amery Fire Department shall be responsible for the program of fire defense for the citizens and property within the City of Amery. The Amery Fire Department is hereby officially recognized as the Fire Department of the City of Amery and the duties of fire fighting, rescue and the prevention of fires in the City is delegated to such department. Its organization and internal regulation shall be governed by the provisions of this Chapter and by such bylaws adopted by the Department as are approved by the Common Council, except as otherwise provided by law and ordinance.
- (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, explosions and disasters, both natural and man-made.
  - (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.
- (c) **Appropriations.** The Common Council shall appropriate funds to provide for personnel, 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.

## **Sec. 5-2-2 Powers and Duties of Chief.**

- (a) **General Supervision.** The Fire Chief or his/her designee shall have the general supervision of the Department, which supervision shall be subject to and not conflict with this Chapter and the bylaws of the Department. He/she shall be responsible for the personnel and general efficiency of the Department.
- (b) **Presiding Officer.** The Fire Chief or his/her designee shall preside at all meetings, call special meetings, preserve order, decide all points of order that may arise and enforce a rigid observance of this Chapter and bylaws.
- (c) **Command of Fire Fighting Operations.** The Fire Chief or his/her designee shall be present at all fires, and have complete command and entire responsibility of all fire fighting operations, plan the control of the same, direct the action of the Department when it arrives at the fire, observe that the Department does its duty, grant leaves of absence at a fire when he/she may deem it proper, and see that the fire apparatus is kept in proper condition at all times.
- (d) **Disciplinary Actions.** The Fire Chief or his/her designee may demote or expel any officer or member of the Department pursuant to Department bylaws for neglect or refusal to perform his/her departmental duties, or for non-residence, subject to an appeal from such demotion or expulsion to the Common Council.
- (e) **Department Budget.** Not later than October 1 of each year, the Fire Chief shall file with the City Administrator a detailed estimate of the appropriations needed for the conduct of the Department during the ensuing fiscal year.
- (f) **Enforcement of Fire Prevention Ordinances.** The Fire Chief shall be responsible for enforcing all fire prevention ordinances of the City and State laws and regulations pertaining to fire prevention, and shall keep citizens informed on fire prevention methods and on the activities of the Department.
- (g) **Fire Record Book.** The Fire Chief shall keep a fire record book of every fire to which the Department was called and shall enter in such book the locality of fire, time alarm was received, cause of fire, where fire started, cause of delay (if any) in responding, method of extinguishment and equipment used, estimated fire loss, time fire was extinguished, names of men responding and general remarks.
- (h) **Apparatus Inventory.** The Fire Chief shall keep an inventory of all apparatus and equipment.

- (i) **Duties of Commanding Officer.** The Fire Chief shall perform such other duties as are usually incumbent on the commanding officer of the Fire Department.

### **Sec. 5-2-3 Impeding Fire Equipment Prohibited.**

No person shall impede the progress of a fire engine, fire truck or other fire apparatus of the Amery 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 any emergency.

### **Sec. 5-2-4 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 emergency are hereby vested with full and complete police authority. 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 an emergency.
- (2) The Fire Chief and assistants may prescribe certain limits in the vicinity of any emergency within which no persons, excepting firefighters and law enforcement officers and those admitted by order of any officer of the Department, shall be permitted to come.
- (3) The Chief and Assistant 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 Department during the progress of a fire.

(b) **Fire Inspection Duties.**

- (1) The Fire Chief shall be the Fire Inspector of the City of Amery 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 Commerce (formerly 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 Amery 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 his/her duty to give such directions for the abatement of such conditions as he/she shall deem necessary.

- (3) The Chief of the Fire Department 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 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. Repairs or alterations necessary to remove the hazardous condition shall be made within a reasonable time at the expense of the owner. The Inspector shall also investigate the storage and handling of explosives and inflammable liquids within the City.
- (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 Commerce (formerly 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. 5-2-5 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. 5-2-6 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 firefighter 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 designee shall have the power to order the removal or destruction of any property necessary to prevent the further spread of fire.

### **Sec. 5-2-7 Duty of Bystanders to Assist.**

Every person who shall be present at an emergency 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. 5-2-8 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 Amery excepting as set forth below in this Section. This prohibition on burning includes burning of construction waste and debris at construction sites.
- (b) **Exceptions.**
- (1) Outdoor cooking over a fire contained in a device or structure designed for such use is permissible;
  - (2) Controlled burning of grass or similar vegetation for environmental management purposes, with the prior written approval of the Fire Chief, or his/her designee, may be permitted; this exception is not to be used for the burning of grass, leaves or other lawn debris;
  - (3) Campfires or bonfires, with prior written approval of the Fire Chief, may be permitted.
  - (4) Recreational burning pits lined with incombustible material provided they are located at least twenty-five (25) feet from any structure.

- (5) Other occasions of desirable outdoor burning not specified by this Subsection, but not as an alternative to refuse removal or disposal of which other methods are available, may be granted single occasion approval as in Subsections (2) and (3) above.
  - (6) Open burning when a permit is issued.
  - (7) Practice fires conducted by the Fire Department.
- (c) **Application for Permit.**
- (1) **Procedure for Issuance of Burning Permit.** Before the setting or starting of any open burning permitted under this Section, a permit authorizing the burn shall be first obtained by the owner, operator, or agent from the Fire Chief. Application for a burning permit shall be made in writing upon a form furnished by the Fire Chief. The Fire Chief, may also establish from time to time special rules or restrictions relating to open burning by permit. Such rules may govern conditions including, but not necessarily limited to, the following:
    - a. Hours when burning is allowed;
    - b. Day(s) when burning is allowed;
    - c. Material which may or may not be burned;
    - d. Whether open burning is allowed or whether burning is only allowed with an approved incinerator or burning device;
    - e. The length of time the permit is valid;
    - f. What constitutes an approved burning device or incinerator;
    - g. The size of the material pile burned by open burning;
    - h. The distance or distances to be maintained between the material being burned and other flammable material;
    - i. Supervision required for burning, including minimum age of supervisors and type of fire extinguishing equipment which must be present at the burn site;
    - j. The manner in which ashes created by the burning under the permit are to be disposed of.
  - (2) **Issuance of Permit.** If the Fire Chief or other person authorized or designated by the Fire Chief to issue such permits, finds that the proposed burning complies with all City ordinances and the regulations contained in CH. COMM 14, Wis. Adm. Code, he/she shall approve the application, and a burning permit shall subsequently issued to the applicant. A copy of any burning permit, and the application therefore, shall be kept on file with the Fire Chief. No burning permit issued shall be valid for more than thirty (30) days from the date when issued.
- (d) **Open Burning Regulations.** The following regulations shall be applicable when an open burning permit has been issued:
- (1) All open burning conducted pursuant to a permit shall be performed in a safe, pollution-free manner, when wind and weather conditions are such as to minimize adverse affects, and in conformance with local and state fire protection regulation. Open burning permits shall not be used to covertly burn plastic, construction debris or other prohibited materials.

- (2) The pile of material being burned shall be at least fifty (50) feet away from any structure, wood or lumber pile, wooden fence, trees, or bushes. Provisions shall be made to prevent the fire from spreading to within fifty (50) feet of such items or the fire shall otherwise be contained in an approved incinerator or burner device which is located at least twenty-five (25) feet from any structure, wood or lumber pile, wooden fence, trees, or bush(es).
- (3) Any ashes created by burning such material as is lawful under this Section are to be disposed of in a manner authorized by law.
- (4) Open burning shall be constantly attended and supervised by a competent person of at least sixteen (16) years of age until such fire is extinguished. This person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire while burning and/or extinguishing such fire.
- (5) No materials may be burned upon any street, curb, gutter, or sidewalk.
- (6) Permits shall not be issued for burning barrels or for burning of leaves.
- (e) **Agricultural Properties.** Agriculturally-zoned properties are exempt from the permit requirements of this Section, provided owner-produced refuse only is burned and the provisions of Subsection (d) are complied with.
- (f) **Fire Response Costs.** In the event an open burning event results in a response by Fire Department and/or other emergency personnel, the cost of such response may, at the Fire Chief's discretion, be billed to the property owner and if necessary, placed on the property tax roll pursuant to Sec. 66.0703(13), Wis. Stats.

### **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 Amery. This extreme danger of fire affects the health, safety, and general welfare of the residents of the City of Amery 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.** 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 briquets, gas grills, or camp stoves on private property; or
    - b. Charcoal grills using charcoal briquets, 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 briquets 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 Polk 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 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 Fire Chief.

*Cross-Reference:* Section 5-3-4.

*State Law Reference:* Sec. 166.23, Wis. Stats.

## **Sec. 5-2-11 Patio Fireplaces.**

Patio fireplaces are permitted in the City of Amery 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(b)(2). Upon the complaint of two (2) or more persons to the Police or 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. 5-2-12 Fire Department Authorized to Hold Volunteer Company Funds.**

- (a) **Purpose and Authority.** This Section is enacted pursuant to the authority of Sec. 66.0608, Wis. Stats, for the purpose of authorizing "volunteer funds" to be held in the name of the

Fire Department. This Section is to be interpreted in conformance with that Statute as it may be amended from time to time.

- (b) **Adoption of Authorization.** The City of Amery Common Council does hereby authorize the Fire Chief to deposit volunteer company funds of the Department in an account in the name of the Fire Department in any public depository in which other City funds are being held by the City Administrator or designee.
- (c) **Control of Funds.** The Fire Department, through its Fire Chief, is granted exclusive control over the expenditure of volunteer company funds of the Department. This authority is granted without limitation as to amount or type of funds. It is subject to the limitations and requirements hereinafter set forth.
- (d) **Limitations and Requirements.** The following limitations and requirements shall apply to the handling and disbursement of funds from the account:
  - (1) **Expenditures.** Expenditures withdrawn from the account may be made only upon majority vote of Fire Department members present at a duly noticed meeting of the Department. Such withdrawals and expenditures may be made for any purpose that promotes the ability of the Fire Department to provide services for which it is organized.
  - (2) **Accountings.** The Fire Chief shall provide the City with a quarterly statement at the end of March, June, September and December of each calendar year. The statements shall be provided within thirty (30) days of the end of the calendar quarter. The statements shall include a detailed itemization of all receipts, expenditures, and the balance on hand at the end of the quarter. The source of all funds and the identity of the payee for each disbursement shall be set forth.
  - (3) **Audit.** Fire Department accounts authorized by this Section shall be included in the annual audit of City funds. They shall be audited in the same manner as other City funds.

### **Sec. 5-1-13 Fire Protection Charges.**

- (e) **State Authority.** The City of Amery hereby establishes a policy and procedure for the payment of fire costs incurred by the City of Amery as set forth in this Section.
- (f) **Liability for Fire Protection Costs.** Each owner of real or personal property located within the City of Amery for which the Fire Department responds shall be responsible for the costs thereof based upon the "Fire Protection Costs Fee Schedule" adopted by the Common Council and incorporated herein by reference.
- (g) **Invoice and Payment Procedure; Special Charge and Lien.** Costs of fire charges under this Section shall be paid to the City Administrator within sixty (60) days of the date of the bill. Invoices which are unpaid sixty (60) days after their dates shall bear interest at the rate of ten percent (10%) per annum from the invoice date. Invoices which are outstanding for more than ninety (90) days and are unpaid as of November 1 of any year shall become a lien against the real estate for which fire protection was provided, and this amount,

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including interest, shall be placed on the tax roll as a delinquent special charge against such real estate pursuant to Wisconsin Statutes.

## Title 5 ► Chapter 3

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# Safety Codes

- 5-3-1** Reimbursement for Cleanup of Spills
- 5-3-2** Recovery of Costs of Extinguishing and Cleaning Up Fires  
Involving Hazardous Materials
- 5-3-3** Adoption of State Codes

### **Sec. 5-3-1 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. 5-3-2 Recovery of Costs of Extinguishing and Cleaning Up Fires Involving Hazardous Materials.**

- (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 COMM 10, 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. 5-3-3 Adoption of State Codes.**

- (a) The following orders, rules, and regulations of the Department of Commerce, all of which are set forth in the Wisconsin Administrative Code as from time to time amended and/or

renumbered, are incorporated herein by reference and adopted as part of this Fire Prevention Chapter:

- (1) Wis. Adm. Code Ch. COMM 4; Signs for Smoking Areas.
- (2) Wis. Adm. Code Ch. COMM 7; Explosive Materials.
- (3) Wis. Adm. Code Ch. COMM 9; Manufacture of Fireworks.
- (4) Wis. Adm. Code Ch. COMM 10; Flammable and Combustible Liquids.
- (5) Wis. Adm. Code Ch. COMM 14; Fire Protection.
- (6) Wis. Adm. Code Ch. COMM 15; Cleaning and Dyeing.
- (7) Wis. Adm. Code Ch. COMM 16; Electrical.
- (8) Wis. Adm. Code Ch. COMM 20-25; Uniform Dwelling Code.
- (9) Wis. Adm. Code Ch. COMM 28; Smoke Detectors.
- (10) Wis. Adm. Code Ch. COMM 30; Fire Department Safety and Health.
- (11) Wis. Adm. Code Ch. COMM 43; Anhydrous Ammonia Code.
- (12) Wis. Adm. Code Chs. COMM 50-64; Building and Heating, Ventilating and Air Conditioning.
- (13) Wis. Adm. Code Ch. COMM 66; Uniform Multifamily Dwelling.
- (14) Wis. Adm. Code Ch. COMM 70; Historic Building.
- (15) Wis. Adm. Code Ch. COMM 75-79; Existing Buildings.
- (16) Wisconsin Electrical Code.

## Title 5 ► Chapter 4

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# Regulation of Alarm Systems

<b>5-4-1</b>	Title
<b>5-4-2</b>	Declaration of Purpose
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### **Sec. 5-4-1 Title.**

This Chapter shall be known as the City of Amery 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) **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/her 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 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.**
  - (1) 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 fee schedule 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.
  - (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 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 Sec. 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. 66.0627, Wis. Stats.

### **Sec. 5-4-10 City Liability.**

The City of Amery 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 permit fee as prescribed in Section 1-3-1.
- (b) **Interior Alarms.** A permit 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) **Issuing Authority.** The Chief of Police shall issue the permits and collect the fees.

**5-4-11**

- (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 Administrator 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 Administrator 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.

## Title 5 ► Chapter 5

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# Emergency Government

**5-5-1**      Emergency Government Coordinator

### **Sec. 5-5-1      Emergency Government Coordinator.**

The County/Municipal Emergency Management Coordinator appointed and employed by Polk County is hereby designated and appointed Emergency Management Coordinator of the City of Amery, subject to the conditions and provisions set forth in Wisconsin Statutes and the Polk County Emergency Management program and any subsequent amendments.

