

TITLE 5

Public Safety

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Title 5 ► Chapter 1

Law Enforcement

- 5-1-1** Rules and Policies for the Police Department
- 5-1-2** Police Chief's Responsibility for Training

Sec. 5-1-1 Rules and Policies for the Police Department.

The Chief of Police shall establish and promulgate Rules of Conduct, Directives and Policies and Procedures and prescribe such duties for individual members as he/she may deem necessary for the effective and efficient command and operation of the Department; provided no such Rules of Conduct, Directive or Policy/Procedure duties or assignment shall be in conflict with the statutes, ordinances and approved City of Owen personnel rules and regulations.

Cross-Reference: Title 2, Chapter 6

Sec. 5-1-2 Police Chief's Responsibility for Training.

The Chief of Police is responsible for the training of all members of the Department. The Chief of Police shall cause adequate and progressive programs of training to be organized and conducted to prepare Department members in the knowledge, procedures, and techniques of their duties and responsibilities. The Chief of Police will insure that, within budgetary limitations, members of the Department attend training courses, seminars, and conferences necessary to maintain and improve their job skills and professional knowledge. The Chief of Police shall encourage Department members to further their education in law enforcement through study, special courses, college attendance, extension programs, and independent readings.

Title 5 ▶ Chapter 2

Fire Protection

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

- (a) **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.
- (b) **Fire Department Constitution and By-Laws.** The Owen-Withee-Curtiss Volunteer Fire Department ("Fire Department" or "Department") is authorized and directed to adopt a constitution and by-laws for the control, management, government and regulation of its

business and proceedings, except as otherwise prescribed herein. Said constitution and by-laws shall become effective and operative after adoption of a two-thirds (2/3) vote of the members of the Department. All amendments shall be similarly adopted.

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 Fire Department along the streets or alleys of the City of Owen at the time of a fire or when the Fire Department is using such streets or alleys in response to a fire alarm or for practice.

Sec. 5-2-3 Police Power of the Department; Investigation of Fires.

(a) Police Authority at Fires.

- (1) The Fire Chief and assistants or officers in command at any fire are hereby vested with full and complete police authority at fires. Any officer of the Fire Department may cause the arrest of any person failing to give the right-of-way to the Fire Department in responding to a fire.
- (2) The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting firefighters and police officers and those admitted by order of any officer of the Fire Department, shall be permitted to come.
- (3) The Chief shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire or to prevent the spreading of fire or to protect the adjoining property, and during the progress of any fire he/she shall have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work of the Fire Department during the progress of a fire.

(b) Fire Inspection Duties.

- (1) The Fire Chief, or the Chief's designee, shall be the Fire Inspector of the City of Owen and shall have the power to appoint one or more deputy Fire Inspectors and shall perform all duties required of the Fire Inspectors by the laws of the State and rules of the Wisconsin Department of Safety and Professional Services, particularly Sec. 101.14, Wis. Stats.
- (2) While acting as Fire Inspector pursuant to Sec. 101.14(2), Wis. Stats., the Fire Chief, or any officer of the Owen 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 Owen 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 and, if such directions be not complied with, to report such noncompliance to the Common Council for further action.

- (3) The Fire Chief is required, by himself/herself or by officers or members of the Fire Department designated by him/her as fire inspectors, to inspect all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of any law or ordinance relating to the fire hazard or to the prevention of fires. Such inspections shall be made at least once in six (6) months in all of the territory served by the Fire Department, and not less than once in three (3) months in such territory as the Common Council has designated or thereafter designates as within the City or as a congested district subject to conflagration, and oftener as the Chief of the Fire Department orders. Each six (6) month period shall begin on January 1 and July 1.
- (4) Written reports of inspections shall be made and kept on file in the office of the Chief of the Fire Department in the manner and form required by the Wisconsin Department of Safety and Professional Services. A copy of such reports shall be filed with the Fire Chief.
- (c) **Fire Inspectors Handbook.** The *Fire Inspectors' Handbook, SPS* is hereby adopted and made part of this Code of Ordinances by references.

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

Sec. 5-2-4 Damaging Fire Hose Prohibited; Parking by Hydrants; Blocking Fire Lanes.

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

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

- (a) **Entering Adjacent Property.** It shall be lawful for any firefighter while acting under the direction of the Fire Chief or any other officer in command to enter upon the premises

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adjacent to or in the vicinity of a building or other property then on fire for the purpose of extinguishing such fire and in case any person shall hinder, resist or obstruct any firefighter in the discharge of his/her duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firefighters in the discharge of their duty.

- (b) **Destruction of Property to Prevent the Spread of Fire.** During the progress of any fire, the Fire Chief or his/her assistants shall have the power to order the removal or destruction of any property necessary to prevent the further spread of fire; provided that it is inevitable that, unless such property is removed, other property is in danger of being destroyed by fire.

Sec. 5-2-6 Duty of Bystanders to Assist.

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

Sec. 5-2-7 Vehicles to Yield Right-of-Way.

Whenever there shall be a fire or fire alarm or the Fire Department is out for practice, every person driving or riding in a motorized or other vehicle shall move and remain to the side of the street until the fire engine and fire truck and other fire apparatus shall have passed.

Sec. 5-2-8 Interference with Use of Hydrants Prohibited.

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

Sec. 5-2-9 Open Burning.

- (a) **Open Burning Prohibited.** No person, firm, or corporation shall build any outdoor fire within the corporate limits of the City of Owen excepting as set forth in Subsection (c) below. The use of burning barrels is prohibited, as is the burning of construction waste and debris at construction sites.
- (b) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Designated Area.** An open pit with a minimum size of nine (9) square feet.
 - (2) **Garbage.** Discarded materials resulting from the handling, processing, preparation, storage, cooking and consumption of food, and discarded animal feces.

- (3) **Open Burning.** Burning from which the products of combustion are emitted directly into the air without passing through a stack or chimney.
 - (4) **Refuse.** All matters produced from industrial or community life, subject to decomposition.
 - (5) **Solid Waste.** Garbage, refuse, recyclable materials, grasses, and all other discarded or salvageable solid materials including solid waste materials resulting from industrial, commercial, and agricultural operations, and from domestic use and public service activities.
- (c) **Exceptions.**
- (1) Outdoor cooking over a fire contained in a device or structure designed for such use is permissible. This includes the open burning of fuel for cooking food, such as a barbecue or other similar outdoor activity if confined to a proper cooking device such as a grill or in an open pit.
 - (2) Open burning a public brush dropoff site conducted by City employees, with the permission of the Fire Chief or his/her designee, if the City provides such a site.
 - (3) Controlled burning of grass or similar vegetation for environmental management purposes, with the prior written approval of the Fire Chief, or his/her designee, may be permitted; this exception is not to be used for the burning of grass, leaves or other lawn debris.
 - (4) Ceremonial campfire or bonfires, with prior written approval of the Fire Chief, or his/her designee, may be permitted.
 - (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 (b)(2), (3), and (4) above.
 - (6) Recreational burning pits confined by metal, concrete, stones or other non-flammable rings, not exceeding four (4) feet in diameter and located not less than twenty-five (25) feet from any structure (the burning of clean wood only is permitted and the use of burning pits to burn refuse is prohibited); recreational burning pits shall be extinguished by 11:00 p.m.
 - (7) Whenever special permits are granted by the Fire Chief under Subsections (b)(3) and (5) of this Section when unique circumstances exist, the permit may specify and be conditioned on observance of safety restrictions and insurance requirements set forth therein.
- (d) **Application for Permit.**
- (1) **Procedure for Issuance of Burning Permit.** The City maintains a brush collection site for use by City residents pursuant to regulations posted at the site. The Fire Chief shall have the authority to issue special burning permits allowing open burning elsewhere in exceptional circumstances listed in Subsection (c) of this Section as deemed appropriate. The permit issuer 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. Day(s) and hours when burning is allowed; such times shall comply with the limits in this Section;
 - b. Material which may or may not be burned;
 - c. Permit conditioned upon observance of safety restrictions in this Section and applicable insurance requirements.
 - d. The length of time the permit is valid;
 - e. The size of the material pile burned by open burning;
 - f. The distance or distances to be maintained between the material being burned and other flammable material;
 - g. Safety restrictions and supervision required for burning, including minimum age of supervisors and type of fire extinguishing equipment which must be present at the burn site;
 - h. The manner in which ashes created by the burning under the permit are to be disposed of.
 - i. Insurance may be required.
- (2) **Issuance Of Permit.** If the permit issuer finds that the proposed burning complies with all City ordinances and the regulations contained in Ch. SPS 314, Wis. Adm. Code, he/she shall approve the application, and a burning permit shall subsequently be 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. Application for a permit constitutes consent that the Fire Chief or his/her designee may enter and inspect the property where the open burning site is located.
- (e) **Open Burning Regulations.** The following regulations shall be applicable for open burning for which a permit has been issued pursuant to Subsection (d):
- (1) All open burning 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 shall not be used to covertly burn plastic, rubbish, garbage, trash, wood treated with preservatives, coated materials, or other prohibited materials.
 - (2) Startup shall be accomplished by using dry kindling materials rather than waste oil, tires or other rubber materials.
 - (3) Persons maintaining outdoor fires shall be responsible for any liability resulting from damage cause by his/her fire.
 - (4) The 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.
 - (5) Any ashes created by burning such material as is lawful under this Section are to be disposed of in a safe, responsible manner.
 - (6) 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.

- (f) **Time for Burning.** Open burning shall be permitted only from 7:00 a.m. to one-half (1/2) hour after sunset or as permitted by the Fire Chief. No burning is permitted on Sunday.
- (g) **Inspection.** Application for a permit constitutes consent that the Fire Chief or the Chief's designee may enter and inspect the property where the open burning site is located.
- (h) **Chief May Prohibit.** The Fire Chief is permitted to prohibit any or all bonfires and outdoor fires when atmospheric conditions or local circumstances make such fires hazardous.
- (i) **Burning on Streets.** No materials may be burned upon any street, curb, gutter or sidewalk.
- (j) **Liability.** Persons utilizing and maintaining outdoor fires shall be responsible for any liability resulting from damage caused by his/her fire.
- (k) **Material.** Material for open burning by permit shall not include rubbish, garbage, trash, any material made of or coated with paint, rubber, plastic, leather or petroleum based materials, and may not contain any flammable or combustible liquids, or wood treated with preservatives.
- (l) **Penalties.**
 - (1) The first time a person(s) is/are informed by the Fire or Police Department that he/she is in violation of any provision of this Section, he/she will be directed to extinguish the fire. The officer issuing the directive shall record same in the daily response log. Failure to comply with the directive shall result in a penalty imposed as herein provided.
 - (2) Any person, firm or corporation violating the provisions of this Section shall be subject to a forfeiture as prescribed in Section 1-1-7. Each violation and each day a violation continues or occurs shall constitute a separate offense. The imposition of a penalty under this Section shall not prohibit the City from maintaining a separate action against the violator to secure monetary damage for any damage caused by the burning.

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

Sec. 5-2-10 Patio Fireplaces.

Patio fireplaces are permitted in the City of Owen 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

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manufactured fireplace logs. The burning of trash, leaves, woods with a chemical treatment (railroad tie, fence post, power pole, etc.), or other materials that tend to create a noxious or annoying smoke discharge are not allowed. This Section does not allow for below ground campfires or other device fires not clearly authorized in this Section or Section 5-2-9(c)(2). Upon the complaint of two (2) or more persons to the 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. 5-2-11 Banning and/or Regulating the Use of Fire, Burning Materials and Fireworks During the Existence of Extreme Fire Danger.

- (a) **Declarations of Emergency.** When there occurs a lack of precipitation, there may exist an extreme danger of fire within the City of Owen. This extreme danger of fire affects the health, safety, and general welfare of the residents of the City of Owen 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 of Owen during said emergency.
- (b) **Regulation of Fires, Burning Materials and Fireworks.** When a burning state of emergency is declared, it may be ordered that a person may not:
 - (1) Set, build, or maintain any open fire, except:
 - a. Charcoal grills using charcoal briquettes, gas grills, or camp stoves on private property; or
 - b. Charcoal grills using charcoal briquettes, gas grills, or camp stoves in 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 Clark County, Wisconsin, is under Wisconsin Department of Natural Resources emergency fire regulations banning outdoor smoking and campfires, or when necessary as determined by the Mayor, upon the recommendation of 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 Common Council.

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 Owen-Withee-Curtiss Volunteer 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 Fire Chief is authorized to deposit volunteer company funds of the Fire Department in an account in the name of the Department in any public depository in which other City funds are being held by the City Clerk-Treasurer or designee.
- (c) **Control of Funds.** The Fire Chief is granted exclusive control over the expenditure of volunteer company funds of the Fire 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 Volunteer Fire Department members present at a duly noticed meeting of the Fire 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 Common Council 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.** Volunteer Fire Department accounts authorized by this Section shall be included in any audit of Fire Department funds. They shall be audited in the same manner as other Fire Department funds.

Sec. 5-2-13 Solid Fuel-Fired Outdoor Heating Devices.

- (a) **Intent and Purpose.** The Common Council has the authority to exercise its police powers for the general health, welfare and safety of the residents of the City of Owen. It is

recognized and found that the type of fuel used by and the scale and duration of the burning by solid fuel-fired outdoor heating devices and the smoke and particulate emissions emanating therefrom create noxious and hazardous smoke, soot, fumes, odors and air pollution that can be detrimental to citizens' health, and can deprive neighboring property owners/users of the enjoyment of their property or premises when such devices are located in an urban setting. Such devices are hereby declared to be a public nuisance.

- (b) **Definition.** "Solid fuel-fired outdoor heating device" means any equipment, device or apparatus, or any part thereof, which is installed or constructed for the purpose of combustion of fuel to produce heat, hot water and/or energy that is used as a component of a heating system providing heat for the interior of a building or for a pool, where the equipment, device or apparatus is located outside of the building or pool for which the heat, hot water and/or energy is to be generated. Said device shall be deemed to be outdoors, even if it is located in a building or structure.
- (c) **Prohibition of Solid Fuel-Fired Outdoor Heating Devices.** It shall be unlawful for any person to install, construct, operate or use a solid fuel-fired outdoor heating device in the City of Owen, except as set forth in Subsection (d) below.
- (d) **Non-Conforming Units.**
 - (1) The lawful use or operation of any solid fuel-fired outdoor heating device existing as of the original effective date of this Section may be continued, subject to the requirements of this Section.
 - (2) The property owner of any solid fuel-fired outdoor heating device existing as of the original effective date of this Section shall, within six (6) months of the original effective date of this Section, register said device with the City Zoning Administrator and receive a permit evidencing its status as a non-conforming use under this Section. The permit fee shall be as prescribed in Sec. 1-3-1.
 - (3) No non-conforming solid fuel-fired outdoor heating device shall hereafter be extended, enlarged or expanded.
 - (4) Any solid fuel-fired outdoor heating device existing as of the original effective date of this Section which use thereof has been discontinued for a period of twelve (12) consecutive months shall not be permitted to be re-established as a non-conforming use, cannot be used or operated, and must be immediately removed by the property owner from the subject premises. If the property owner fails to remove the solid fuel-fired outdoor heating device at the end of said twelve (12) months, the City shall give written notice by certified mail or personal service. Such notice shall provide that such person shall remove the solid fuel-fired outdoor heating device within fifteen (15) days of the notice.
 - (5) Solid fuel-fired outdoor heating devices permitted to be used or operated pursuant to Subsection (d) above shall be required to use clean wood or wood specifically permitted by the manufacturer as fuel. "Clean wood" is defined as natural wood which has not been pressure treated with preservatives and does not contain resins or

glues as in plywood or other composite wood products. The use of the following materials as fuel are strictly prohibited:

- a. Rubbish or garbage including, but not limited to, food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
 - b. Kerosene, gasoline or petroleum products.
 - c. Asphalt and products containing asphalt.
 - d. Wood or wood products, other than clean wood.
 - e. Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 - f. Rubber including tires and synthetic rubber-like products.
 - g. Newspaper, corrugated cardboard, container board and office paper.
- (e) **Enforcement.** The Fire Chief, Chief of Police, Director of Public Works, Zoning Administrator, Building Inspector or their subordinates are authorized to enforce this Section.

Title 5 ► Chapter 3

Fire Prevention Code; Hazardous Materials

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

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

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

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however, that where such rules and regulations are less stringent than other provisions found in this Code, the provisions of this Chapter shall apply:

- (1) Fire Prevention Code, NFPA 1, except for 3-2 3.1 and 7-1.2.
 - (2) Safety to Life from Fire in Buildings and Structures, NFPA 101.
 - (3) Water-based Fire Protection Systems, NFPA 54.
 - (4) Spray Applications Using Flammable or Combustible Materials, NFPA 33.
 - (5) National Fuel Gas Code, NFPA 54.
 - (6) Storage and Handling of Liquid Petroleum Gases Code, NFPA 58.
 - (7) Aircraft Fuel Servicing, NFPA 407.
- (c) **Statutory Fireworks Regulations.** Section 167.10 of Wis. Stats., pertaining to Regulation of Fireworks, together with any future additions, deletions, or supplements thereto, are herewith incorporated as part of this Chapter and shall be enforced with the same force and effect as though set forth in full herein. Provided, however, that where such rules and regulations are less stringent than other provisions found in this Chapter, the provisions of this Chapter shall apply. Notwithstanding any provisions of this Chapter to the contrary, no person may sell, possess or use fireworks, as that term is defined by Sec. 167.10(1), Wis. Stats., as may be amended from time to time, within the City of Owen; except that the use of fireworks may be allowed by appropriate Permit issued by the Fire Chief, Police Chief, or Mayor (see Section 7-5-1).

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

- (a) **Application.**
- (1) All persons, firms or organizations using, researching or producing hazardous materials and/or infectious agents shall notify the Owen-Withee-Curtiss Volunteer Fire Department as prescribed by this Section.
 - (2) The provisions of this Section shall apply to all persons, firms or organizations using, researching, producing or storing hazardous materials and/or infectious agents on and after the effective date of this Section.
- (b) **Definitions.**
- (1) "Infectious agent" is a bacterial, mycoplasmal, fungal, parasitic or viral agent known to cause illness in humans which is used, researched, produced or stored within or on premises.
 - (2) "Hazardous materials" are those materials that can cause death or disabling injury from brief exposure; those materials that could cause a lost-time injury from exposure; and those materials that could cause temporary disability or injury without permanent effects which are used, researched, produced or stored within or on premises except those household consumer products used at the point of consumption and not used for

commercial or experimental purposes. This definition of hazardous materials shall include radioactive materials.

(c) **Information Required.**

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

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- e. Any methods of route of transmission of the infectious agents;
 - f. Any symptoms of effect of infection, emergency and first aid procedure and a telephone number to be called in an emergency;
 - g. Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming in contact with the infectious agent;
 - h. Procedure for handling, clean-up and disposal of infectious agents leaked or spilled.
- (d) **Reimbursement for Cleanup of Spills.** Any person who possesses or controls a hazardous material or infectious agent which was discharged or caused the discharge of a hazardous material or infectious agent shall reimburse the 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 Fees for Extraordinary Services;
Hazardous Material Incident Response
Reimbursement.**

- (a) **Purpose; Authority.**
- (1) The City of Owen provides fire, police and other response services for the protection of the public health, safety and welfare, the costs of which are funded from the general tax revenue of the City. Such services may involve property which is not owned by a property taxpayer of the City such as utility transmission and telephone lines, gas lines, cable television equipment, or hazardous materials, or may involve property owned by a taxpayer of the City, but which requires extraordinary response services, such as an open burning site or a hazardous substances or hazardous waste handling or storage site. Such response services benefit the owner or person in charge of such property and the public health, safety and welfare; and
 - (2) The City of Owen, pursuant to Sec. 61.34, Wis. Stats., and its police powers may collect the costs of such response services from the owner or person in charge of the property if it is deemed proper and in the best interest of the public health, safety and welfare.
- (b) **Prohibited Discharges.** No person, firm or corporation shall discharge or cause to be discharged, leaked, leached or spilled upon any public or private street, alley, public or private property, or unto the ground, surface waters, subsurface waters, or aquifers, or within the City of Owen, except those areas specifically licensed for waste disposal or landfill activities and to receive such materials, any explosive, flammable or combustible solid liquid or gas, any radioactive material at or above Nuclear Regulatory Restriction levels, etiologic agents, or any solid, liquid or gas creating a hazard, potential hazard, or public nuisance or any solid, liquid or gas having a deleterious effect on the environment.

(c) **Definitions.**

- (1) **Hazardous Substances or Hazardous Waste.** As defined in Sec. 289.01(11) and (12), Wis. Stats.
 - (2) **Property.** The personal property or real estate directly involved in the response services, including but not limited to, utility transmission or telephone line, gas line, cable television equipment, open burning site or hazardous substance or hazardous waste handling or storage site.
 - (3) **City Response Services.** City of Owen police, fire, utilities, public works, or other similar response services.
 - (4) **Emergency Services Response.** Includes, but is not limited to: Fire Service, Emergency Medical Service, Law Enforcement. A person, firm, or corporation who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall be responsible for reimbursement to the responding agencies for actual and necessary expenses incurred in carrying out their duties under this Chapter. Actual and necessary expenses may include but not be limited to: replacement of equipment damaged by the hazardous material, cleaning, decontamination and maintenance of the equipment specific to the incident, specific laboratory expenses incurred in the recognition and identification of hazardous substances in the evaluation of response, decontamination, costs incurred in the procurement and use of specialized equipment specific to the incident, clean up and medical surveillance, and incurred costs in future medical surveillance of response personnel as required by the responding agencies medical advisor.
- (d) **Site Access.** Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to emergency government officers and staff and to City Police Department and Fire Department personnel for the purpose of evaluating the threat to the public and monitoring containment, cleanup and restoration activities.
- (e) **Public Protection.** Should any prohibited discharge occur that threatens the life, safety or health of the public at, near, or around the site of a prohibited discharge, and that the situation is so critical that immediate steps must be taken to protect life and limb, the Mayor, his/her assistant, or the senior City police or fire official on the scene of the emergency may order an evacuation of the area or take other appropriate steps for a period of time until the Common Council can take appropriate action.
- (f) **Enforcement.** The Fire Chief and his/her deputies, as well as City law enforcement officers, shall have authority to issue citations or complaints under this Section.
- (g) **Civil Liability.** Any person, firm or corporation in violation of this Section shall be liable to the City for any expenses incurred by the City or loss or damage sustained by the City of Owen by reason of such violation.
- (h) **Responsibility for Costs.**
- (1) In the event the Common Council determines the costs incurred for City response services are extraordinary in amount or the services for which the costs are incurred

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are extraordinary in type, the Common Council shall review and determine whether to seek reimbursement for the extraordinary costs from the owner of the property. The Council shall consider the amount of the costs involved, the nature of the response services, the impact of the response on other City services, and such other factors it deems appropriate in making its determination.

- (2) The Common Council may direct the City Clerk-Treasurer to issue an invoice for the costs of labor and materials, or a portion thereof, to the owner or person in charge of the property. The invoice shall include an itemization of the costs and a requirement for payment within thirty (30) days.

Sec. 5-3-4 Smoke Detectors.

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

Title 5 ► Chapter 4

Regulation of Private Alarm Systems

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Sec. 5-4-1 Title.

This Chapter shall be known as the City of Owen 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 meaning given herein.

- (a) **Alarm Business.** Any business in which the owners or employees engage in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, or servicing alarm systems.
- (b) **Alarm System.** An assembly of equipment and devices or single device such as a solid state unit which plugs directly into 110-volt AC line or otherwise receives electrical energy arranged to signal the presence of a hazard requiring urgent attention and to which the Police or Fire Department is expected to respond. In this Chapter, the term "alarm system" shall include the terms "automatic holdup alarm systems," "burglar alarm systems," "holdup alarm systems" and "manual holdup alarm systems" as those terms are hereinafter defined, and fire alarm systems which monitor temperature, humidity or any other condition directly related to the detection of fire. Excluded from this definition and from the coverage of this Chapter are alarm systems used to alert or signal persons within the premises in which the alarm system is located of an attempted, unauthorized intrusion or holdup attempt or fire.
- (c) **Annunciator.** The instrumentation of an alarm console at the receiving terminal of a signal line through which both visual and audible signals show when an alarm device at a particular location has been activated or which, in the event of malfunction, may also indicate line trouble.
- (d) **Answering Service.** A telephone answering service providing among its services the service of receiving on a continuous basis through trained employees emergency signals from alarm systems, and thereafter immediately relaying the message by live voice to the dispatch center of the Police or Fire Department.
- (e) **Automatic Dialing Device.** An alarm system which automatically sends over regular telephone lines by direct connection or otherwise a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.
- (f) **Automatic Holdup Alarm System.** An alarm system in which the signal transmission is initiated by the action of the robber.
- (g) **Manual Holdup Alarm System.** An alarm system in which the signal transmission is initiated by the direct action of the person attached or by an observer thereof.
- (h) **Burglar Alarm System.** An alarm system which signals an entry or attempted entry into the area protected by the system.
- (i) **Direct Connect.** An alarm system which has the capability of transmitting system signals to the Police or Fire Department.
- (j) **False Alarm.** The activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner or lessee of an alarm system or of his employees or agents or other undetermined cause. False alarm does not include alarms caused by tornadoes or other violent climatic conditions.
- (k) **Interconnect.** To connect an alarm system to a voice grade telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.

- (l) **Central Station.** An office to which remote alarm and supervisory signaling devices are connected, where operators supervise the circuits.
- (m) **Primary Trunk Line.** A telephone line leading directly into the dispatch center of the Police or Fire Department that is for the purpose of handling emergency calls on a person-to-person basis and which is identified as such by a specific number included among the emergency numbers listed in the telephone directory or numbers in sequence therewith.
- (n) **Subscriber.** A person who buys or leases or otherwise obtains an alarm system and thereafter contracts with or hires an alarm business to monitor and/or service the alarm system.

Sec. 5-4-4 Administrative Rules.

The Chief of Police and Fire Chief 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; Emergency Contact Persons.

- (a) **Direct Connections.** 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.
- (b) **Emergency Contact Persons.** The alarm user shall provide the Police Department and Fire Department with the names and telephone numbers of at least two (2) persons who can be reached at any time, day or night, who are authorized to respond to an emergency signal transmitted by the automatic alarm system or device, and who are trained in the operation of functioning of the alarm system, and who can open the premises wherein the alarm system is installed. It shall be a violation of this Section if any of these persons cannot be contacted, or if they refuse to cooperate with and respond at the request of Fire Department and Police Department officials; said person(s) may be subject to a forfeiture under the penalty section of this Chapter.

Sec. 5-4-7 Testing.

- (a) No alarm business or alarm system designed to transmit emergency messages to the Police or Fire Department shall be tested or demonstrated without prior notification and approval of the Police or Fire 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 or Fire Department will be tested to determine the Police or Fire Department's response without first notifying the appropriate authority. However, the Police or Fire 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 or Fire 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 False Alarms.

- (a) **Generally.**
 - (1) 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 of Owen. Such false alarms constitute a public nuisance and must be abated.
 - (2) The user of any private alarm system which, upon activation, elicits a response from the Police or Fire Department, shall be subject to a fee for each false alarm in the calendar year. A "false alarm" shall be defined as an alarm which was discharged falsely, accidentally, through mechanical failure, malfunction, improper installation, lack of maintenance, or by negligence of the owner or lessee of the alarm system or the owner's employees or agents.
- (b) **Exceptions.**
 - (1) Alarms that occur during electrical storms, tornadoes, blizzards, or other natural disasters or Acts of God.
 - (2) Disruption of the telephone circuits beyond the control of the alarm company and/or the alarm user.

- (3) Electrical power or disruption or failure not caused by the user.
 - (4) Alarms caused by failure of equipment at the Clark County Communications Center (911).
- (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 Departments a charge for false alarms responded to by the Police or Fire Department according to the 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. The cost of false alarms outside of City limits shall be billed by the City as a service to the Departments to the responsible party(s).
 - (2) Those subject to fees for false alarms shall be notified in writing of such fees. Failure to pay the fee within thirty (30) days of invoice shall be grounds to subject the user to the penalties contained within Section 1-1-7 in addition to the false alarm fees prescribed by this Chapter. In addition to any other methods provided by law, false alarm fees shall be allocated to the property served as a special charge under the Wisconsin Statutes.
 - (3) 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.
 - (4) The fee shall be imposed whether the Police Department or Fire Department received the alarm by direct connection or through an intermediary, such as an answering service or modified central station. If the Fire Chief or Police Chief are notified in writing prior to the day of installation of a new alarm system, the fee imposed by this Section shall be waived for a ninety (90) day period beginning with the date of the installation.
- (d) **Other Violations.** Any person, corporation or other entity violating this Chapter in any manner; other than for collection of unpaid administrative charges treated in the preceding Subsection (a) of this Section, shall be subject to forfeiture as provided in Section 1-1-7 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.

- (e) **Default of Payment for Forfeiture and/or Costs.** On default of payment of forfeiture and/or costs under the immediately preceding Subsections (c) and/or (d), such person or responsible officer of the violating corporation or other entity shall be confined in the county jail until the same be paid but not to exceed a length of time specified by the court which length of time shall not exceed six (6) months. Upon nonpayment of the fee, the amount due may be placed on the tax roll as a special charge pursuant to Sec. 66.0627, Wis. Stats.

Sec. 5-4-10 City Liability.

The City of Owen 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 Unlawful False Alarms.

It shall be unlawful for any persons to give or cause to be given a false alarm, or to pull the lever of any signal box, except in the case of fire, or tamper, meddle or interfere in any way with said boxes, or any of the wires, or supports there connected with any part of the fire/police alarm system, or to make any connection or communication therewith so as to interrupt or interfere with the proper working of said system or injure or destroy machinery or fixtures connected to said system.

Sec. 5-4-12 Registration of Private Alarm Systems.

- (a) **Registration Required.** Registration is required for each private alarm system on premises within the City of Owen. There is no registration fee.
- (b) **Interior Alarms.** Registration under this Chapter is not required for an alarm system which gives a signal, visual or audible or both, solely within the interior of the building in which it is located.
- (c) **Registration.** Registration required under this Chapter shall be filed with the Police Chief and/or Fire Chief. The Police Chief and/or Fire Chief shall prescribe the form of the registration and request such information as is necessary to evaluate and act upon the registration request. The Police Chief or Fire Chief may refuse registration if the alarm system for which it is sought does not comply with this Chapter.