

TITLE 5

Public Safety

- | | |
|------------------|----------------------------------|
| Chapter 1 | Law Enforcement |
| Chapter 2 | Fire Prevention |
| Chapter 3 | Fire Prevention and Safety Codes |
| Chapter 4 | Regulation of Alarm Systems |
| Chapter 5 | Firearms in Public Buildings |

Title 5 ► Chapter 1

Law Enforcement

- 5-1-1** Organization of Police Department
- 5-1-2** Records and Reports
- 5-1-3** General Powers of Police Officers
- 5-1-4** Responsibilities of Chief of Police
- 5-1-5** Maintenance of Personnel Records and Performance Evaluations
- 5-1-6** Hearing Authorities for Suspension or Removal of Law Enforcement Officers
- 5-1-7** Civilians to Assist

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

The Washburn Police Department shall consist of a Chief of Police and such other personnel, assistants, and patrol officers as from time to time may be appointed by the Mayor, pursuant to the provisions of the Wisconsin Statutes.

Sec. 5-1-2 Records and Reports.

- (a) **Monthly Reports.** The Chief of Police shall submit a monthly general report to the Common Council of all activities of the Washburn Police Department during the preceding month.
- (b) **Police Records.** There shall be kept by the Department a suitable record in which shall be entered the name of every person arrested in the City of Washburn, 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 of Washburn and the Statutes and attend to the enforcement of such ordinances by all lawful means.

5-1-3

- (b) Help prevent crimes, misdemeanors and violations of City ordinances and protect the health, safety, public peace and order of the City of Washburn and its inhabitants.
- (c) Report all street and sidewalk obstructions, unlighted street lamps, unlawful street signs or signals, and defective or dangerous streets and sidewalks to the appropriate person or organization responsible for their repair or service.
- (d) Maintain order at the scene of a fire or any other fire response within the City of Washburn.
- (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 and Common Council, 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. The Chief of Police shall submit or cause to be submitted to the various agencies such reports and summaries as are required by State Statutes or ordinances and shall participate in voluntary programs designed to improve law enforcement and public safety.
 - (3) Submit such reports and/or information and comply with such policies as may be prescribed by the Common Council.
 - (4) Have 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 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 Hearing Authorities for Suspension or Removal of Law Enforcement Officers.

- (a) Pursuant to Sec. 62.13(6m), Wis. Stats., the City may not suspend, reduce, suspend and reduce or remove any police chief or other law enforcement officer who is not probationary unless the City follows the procedure under Sec. 62.13(5), Wis. Stats. To act under this Subsection in place of the Board of Police and Fire Commissioners under Sec. 62.13(1) through (6), Wis. Stats., the City may do either of the following:

5-1-6

- (1) Establish a committee of not less than three (3) members, none of whom may be an elected or appointed official of the City or be employed by the City. The City shall pay each member for the member's cost of serving on the committee.
 - (2) Send a written request for a hearing examiner to the division of hearings and appeals under Sec. 15.103(1), Wis. Stats. The City shall reimburse the state for the state's costs under this paragraph.
- (b) The provisions of this Section first apply to law enforcement officers when such officers are subject to a collective bargaining agreement which is in conflict with the statutory requirements, but which is still in effect on April 9, 1986, only after the expiration date of such agreement.

Sec. 5-1-7 Civilians to Assist.

All persons in the City, when called upon by any police officer or peace officer, shall promptly aid and assist him/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.

Title 5 ► Chapter 2

Fire Prevention

- 5-2-1** Fire Department Organization; Goals of the Department
- 5-2-2** Impeding Fire Equipment Prohibited
- 5-2-3** Police Power of the Department; Investigation of Fires
- 5-2-4** Damaging Fire Hose Prohibited; Parking by Hydrants;
Blocking Fire Lanes
- 5-2-5** Firefighters May Enter Adjacent Property
- 5-2-6** Duty of Bystanders to Assist
- 5-2-7** Vehicles to Yield Right-of-Way
- 5-2-8** Interference with Use of Hydrants Prohibited
- 5-2-9** Open Burning

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

- (a) **Fire Department Established.** The Washburn Fire Department ("Department") shall be responsible for the program of fire defense for the citizens and property within the City of Washburn.
- (b) **Goals of the Fire Defense Program.**
 - (1) The primary objective of the fire defense program is to serve all citizens, without prejudice or favoritism, by safeguarding, collectively and individually, their lives against the effects of fires and explosions.
 - (2) The second objective of the fire defense program is to safeguard the general economy and welfare of the community by preventing major conflagrations and the destruction by fire of industries and businesses.
 - (3) The third objective of the fire defense program is to protect the property of all citizens against the effects of fire and explosions. All property deserves equal protection, regardless of location or monetary value.
- (c) **Membership.** The Fire Department of the City of Washburn consists of the Fire Chief, a First and Second Assistant Chief, and as many drivers and firefighters who live and normally work within the City of Washburn as may be appointed by the Fire Chief and approved by the Department membership, provided that at no time shall the Department consist of less than twenty-two (22) active members.

- (d) **Department to Adopt Bylaws.** The Washburn Fire Department shall adopt bylaws for the control, management and government and for the regulation of business and proceedings of the Department, which bylaws shall be adopted by a two-thirds (2/3) vote of the Department members and approved by the Common Council. Amendments shall be adopted in the same manner.
- (e) **Expense Reimbursement.** All members of the Fire Department who respond to fire calls, training sessions, emergencies or other departmental functions shall be paid such sum as determined by the Police and Fire Committee and approved by the Common Council. All fees and compensation received by members of the Washburn Fire Department are hereby declared to be reimbursement for expenses, including travel, and cleaning and replacement of damaged clothing. Each member shall, on receipt of such reimbursement, sign an expense voucher and file the same with the City Clerk-Treasurer. This sum shall be paid by the City Clerk-Treasurer upon an order being signed by the Fire Chief.

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

Sec. 5-2-3 Police Power of the Department; Investigations 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 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 Department during the progress of a fire

(b) Fire Inspection Duties.

- (1) The Fire Chief shall be the Fire Inspector of the City of Washburn and shall have the power to appoint one or more deputy Fire Inspectors and shall perform all duties required of the Fire Inspectors by the laws of the State and rules of the Department of Commerce, 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 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 Washburn 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.
- (4) Written reports of inspections shall be made and kept on file in the office of the Chief of the Fire Department in the manner and form required by the Department of Commerce. A copy of such reports shall be filed with the Fire Chief.

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 City of Washburn, and no vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street, private driveway or other place, to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.
- (b) **Parking Vehicles Near Hydrants.** It shall be unlawful for any person to park any vehicle or leave any object within ten (10) feet of any fire hydrant at any time.

- (c) **No Parking Near Fire.** It shall be unlawful for any person, in case of fire, to drive or park any vehicle within one block from the place of fire without the consent and authority of the Fire Chief or any police officer.

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

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

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

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

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

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

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) **Purpose.** This Section is intended to promote the public health, safety and welfare, and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of and visitors to the City of Washburn due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning.
- (b) **Applicability; Exemptions.** This Section applies to all outdoor burning and refuse burning within the City of Washburn, except:
- (1) This Section does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.
 - (2) This Section does not apply to burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation unless the material being burned includes refuse as defined in Subsection (d) below.
 - (3) This Section does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.
- (c) **Severability.** Should any portion of this Section be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Section shall not be affected.
- (d) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Campfire.** A small outdoor fire intended for recreation or cooking not including a fire intended for disposal of waste wood or refuse.
 - (2) **Clean Wood.** Natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.
 - (3) **Fire Chief.** The Chief of the Washburn Fire Department or other person authorized by the Fire Chief.
 - (4) **Outdoor Burning.** Open burning or burning in an outdoor wood-fired furnace.
 - (5) **Open Burning.** Kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney.
 - (6) **Poisonous Plants.** Such plants as poison ivy, poison oak, poison sumac, and any other plant that gives off irritants when burned.
 - (7) **Refuse.** A waste material except clean wood.
- (e) **General Prohibition on Outdoor Burning and Refuse Burning.** Open burning, outdoor burning and refuse burning are prohibited in the City of Washburn unless the burning is specifically permitted by this Section.
- (f) **Materials That May Be Burned.** Unless specific written approval has been obtained from the Fire Chief or the Wisconsin Department of Natural Resources, only the following materials may be burned:
- (1) Clean wood, excluding evergreen, pine or green (undried wood).
 - (2) Brush, excluding poisonous plants.
 - (3) Weeds, as allowed under Subsection (g), excluding poisonous plants.

- (g) **Burning Brush, Clean Wood and Weeds.** Open burning of weeds, brush, stumps, and clean wood is allowed only in accordance with the following provisions:
- (1) **Safe Burning Conditions Required.** All allowed open burning shall be conducted in a safe nuisance-free manner, when wind and weather conditions are such as to minimize adverse effects and not create a health hazard or a visibility hazard on roadways, railroads or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.
 - (2) **Snow Cover Burning Conditions.** Burning of trees, limbs, stumps, brush or weeds is allowed only when snow cover is present at the burn site, and only if approved by the Fire Chief, and only if in accordance with other provisions of this Section.
 - (3) **Burning Ban Periods.** No open burning shall be undertaken during periods when either the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban applicable to the area, except for barbecue, gas, and charcoal grills, unless such fires are included in the burning ban.
 - (4) **Special Management Fires.** Fires set for forest, prairie or wildlife habitat management are allowed with the approval of the Fire Chief and, if required by state law, the Wisconsin Department of Natural Resources.
 - (5) **Outdoor Campfires.** Outdoor campfires and small bonfires for cooking, ceremonies or recreation are allowed provided that the fire is confined by a control device or structure such as an enclosure, fire ring, or fire pit, no more than three (3) feet wide at its widest point. Bonfires are allowed only if approved by and in accordance with provisions established by the Fire Chief.
 - (6) **Emergency Situations.** In emergency situations such as natural disasters, burning that would otherwise be prohibited is allowed if specifically approved by the Wisconsin Department of Natural Resources.
 - (7) **Setbacks.** Except for barbecue, gas and charcoal grills, open burning under this Section shall only be conducted at a location at least ten (10) feet from the property line.
 - (8) **Supervision.** Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
 - (9) **Street Burning Prohibited.** No materials may be burned upon any street, curb, gutter or sidewalk.
 - (10) **Proximity to Other Combustible Materials.** Except for barbecue, gas, and charcoal grills, no burning shall be undertaken within fifteen (15) feet of any combustible material, combustible wall or partition, exterior window opening, or exit access or exit, unless authorized by the Fire Chief.
 - (11) **Local Open Burning Ban Days.** No open burning may be conducted on days when the Fire Chief issues a burning ban.
 - (12) **Smoldering.** No fire may be allowed to smolder.

- (13) **Burning Cessation Situations.** Any otherwise lawful fire may be prohibited, or if already in progress, may be ordered extinguished, by the Fire Chief or any law enforcement officer of the City of Washburn if the atmospheric conditions are such as to make the fire a hazard to public health or safety or to public or private property, or if the fire is producing excessive flame or smoke so as to endanger public health or safety or public or private property.
- (h) **Burning Barrels Prohibited.** No person shall use or maintain a burning barrel in the City of Washburn.
- (i) **Burning Permits.**
- (1) **Fire Chief Authorized to Issue.** The Fire Chief is authorized to issue burning permits as called for in this Section.
- (2) **Permit Subject to Compliance of Regulations.** A burning permit issued under this Section shall require compliance with all applicable provisions of this Section and any additional special restrictions deemed necessary to protect public health and safety.
- (3) **Burning Permit Violations.** Any violation of the conditions of a burning permit shall be deemed a violation of this Section. Any violation of this Section or the burning permit shall void the permit.
- (j) **Liability.** A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.
- (k) **Right of Entry and Inspection.** The Fire Chief or any authorized officer, agent, employee or representative of the City of Washburn who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this Section. If the owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with Sec. 66.0199, Wis. Stats.
- (l) **Enforcement and Penalties.**
- (1) **Enforcement Officials.** The Fire Chief and any law enforcement officer of the City of Washburn are authorized to enforce the provisions of this Section.
- (2) **Penalties.** The penalty for violation of any portion of this Section shall be a forfeiture of not less than Fifty Dollars (\$50.00) or more than One Thousand Dollars (\$1,000.00) plus the cost of prosecution. Penalties are doubled for second and subsequent offenses.

CHAPTER 3

Fire Prevention and Safety Codes

- 5-3-1 Intent of Code
- 5-3-2 Adoption of State Codes
- 5-3-3 Application to New and Existing Conditions
- 5-3-4 Orders to Eliminate Fire Hazards
- 5-3-5 Service of Orders
- 5-3-6 Investigation of Fires
- 5-3-7 Fire Records
- 5-3-8 Exceptions
- 5-3-9 Depositing or Accumulating Combustible Material
- 5-3-10 Chimneys, Heating Appliances, Etc.
- 5-3-11 Use of Torches or Flame-Producing Devices
- 5-3-12 Tents
- 5-3-13 Administration
- 5-3-14 New Materials, Processes, or Occupancies Which May Require Permits
- 5-3-15 Disclosure of Hazardous Materials and Infectious Agents;
Reimbursement for Cleanup of Spills
- 5-3-16 Recovery of Costs of Extinguishing and Cleaning Up Fires
Involving Hazardous Materials
- 5-3-17 Penalty

SEC. 5-3-1 INTENT OF CODE.

It is the intent of this Chapter to prescribe regulations consistent with recognized standard practice for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling, and use of hazardous substances, materials, and devices, and from conditions hazardous to life and property in the use or occupancy of buildings or premises.

SEC. 5-3-2 ADOPTION OF STATE CODES.

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

- (1) Wis. Adm. Code Ch. IND 1; Safety.
- (2) Wis. Adm. Code Ch. IND 5; Explosives and Blasting Agents.
- (3) Wis. Adm. Code Ch. IND 7; Cleaning and Dyeing.
- (4) Wis. Adm. Code Ch. IND 8; Flammable and Combustible Liquids.
- (5) Wis. Adm. Code Ch. IND 9; Liquified and Petroleum Gases.
- (6) Wis. Adm. Code Ch. IND 20; Dusts, Fumes, Vapors and Gases.
- (7) Wis. Adm. Code Ch. IND 21; Spray Coating.
- (8) Wis. Adm. Code Ch. IND 35; Safety in Construction.
- (9) Wis. Adm. Code Ch. IND 43; Anhydrous Ammonia Code.
- (10) Wis. Adm. Code Ch. IND 50; Administration and Enforcement.
- (11) Wis. Adm. Code Ch. IND 51; Definitions and Standards.

- (12) Wis. Adm. Code Ch. IND 52; General Requirements.
 - (13) Wis. Adm. Code Ch. IND 53; Structural Requirements.
 - (14) Wis. Adm. Code Ch. IND 54; Factories, Office and Mercantile Buildings.
 - (15) Wis. Adm. Code Ch. IND 55; Theatres and Assembly Halls.
 - (16) Wis. Adm. Code Ch. IND 56; Schools and Other Places of Instruction.
 - (17) Wis. Adm. Code Ch. IND 57; Apartment Buildings, Hotels, and Places of Detention.
 - (18) Wis. Adm. Code Ch. IND 58; Health Care, Detention, and Correctional Facilities.
 - (19) Wis. Adm. Code Ch. IND 59; Hazardous Occupancies.
 - (20) Wis. Adm. Code Ch. IND 60; Child Day Care Facilities.
 - (21) Wis. Adm. Code Ch. IND 61; CBRF.
 - (22) Wis. Adm. Code Ch. IND 62; Specialty Occupancies.
 - (23) Wis. Adm. Code Ch. IND 64; Heating, Ventilating, and Air Conditioning.
 - (24) Wis. Adm. Code Ch. IND 65; Fire Prevention.
 - (25) Wisconsin Electrical Code.
- (b) The following codes of the National Fire Protection Association (NFPA) are hereby adopted by reference and made a part of the City of Washburn Fire Prevention Code:
- (1) Volume IV -- Extinguishing Equipment.
- (c) Whenever the provisions of the aforementioned codes conflict, the stricter interpretation shall apply.
- (d) Official copies of each of said codes are now on file in the office of the City Clerk and the Chief of the Fire Department of the City of Washburn and shall remain so filed and be, at all reasonable times, open to inspection by any interested persons.

SEC. 5-3-3 APPLICATION TO NEW AND EXISTING CONDITIONS.

The provisions of this Chapter shall apply equally to new and existing conditions except that existing conditions not in strict compliance with the terms of this Chapter shall be permitted to continue where the exceptions do not constitute a distinct hazard to life or adjoining property.

SEC. 5-3-4 ORDERS TO ELIMINATE FIRE HAZARDS.

Whenever any of the officers, members, or inspectors of the Fire Department as mentioned in Section 5-2-3 shall find any building or upon any premises dangerous or hazardous conditions as follows, he or they shall order such dangerous conditions or materials to be removed or remedied in such manner as may be specified in said order:

- (a) Dangerous or unlawful amounts of combustible or explosive matter.
- (b) Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive matter.
- (c) Dangerous accumulations of rubbish, wastepaper, boxes, shavings, or other highly flammable materials.
- (d) Accumulations of dust or waste material in air conditioning systems or of grease in kitchen exhaust ducts.
- (e) Obstructions to or on fire escapes, stairs, passageways, door, or windows liable to interfere with the operation of the Fire Department or egress of occupants in case of fire.

- (f) Any building or other structure which, for want of repairs, lack of sufficient fire escapes or other exit facilities, automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause, creates a fire hazard or a threat to life and safety.

SEC. 5-3-5 SERVICE OF ORDERS.

- (a) The service of such orders as mentioned in Section 5-3-4 may be made upon the owner, occupant, or other person responsible for the conditions, either by delivering a copy of the same personally or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the said premises. Whenever it may be necessary to serve such an order upon the owner of premises, such order may be served either by delivering to and leaving with the said person a copy of the said order or, if the owner is absent from the jurisdiction of the officer making the order, by mailing such copy to the owner's last-known post office address.
- (b) If buildings or other premises are owned by one (1) person and occupied by another under lease or otherwise, the orders issued in connection with the enforcing of the Chapter shall apply to the occupant thereof, except where the rules or orders require the making of such additions to or changes in the premises themselves, such as would immediately become real estate and be the property of the owner of the premises; in such cases the rules or orders shall affect the owner and not the occupant unless it is otherwise agreed between the owner and the occupant.

SEC. 5-3-6 INVESTIGATION OF FIRES.

- (a) The Chief of the Fire Department shall investigate the cause, origin, and circumstances of every fire occurring in the City which is of suspicious nature or which involves loss of life or injury to persons or by which property has been destroyed substantially damaged. Such investigations shall be begun immediately upon the occurrence of such a fire by the fire officer in whose district the fire occurs, and if it appears that such fire is of suspicious origin, the Chief of the Fire Department shall take charge immediately of the physical evidence, shall notify the proper authorities designated by law to pursue the investigation of such matters and shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case.
- (b) The Police Department, upon request of the Chief of the Fire Department, shall assist in the investigation of any fire which, in the opinion of the Chief of the Fire Department, is of suspicious origin.

SEC. 5-3-7 FIRE RECORDS.

The Chief of the Fire Department shall keep a record of all fires and of all the facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, and whether such losses were covered by insurance and, if so, in what amount. Such record shall be made daily from the reports made by the Fire Department officers and inspectors. All such records shall be public.

SEC. 5-3-8 EXCEPTIONS.

Nothing contained in this Chapter shall be construed as applying to the transportation of any article or thing shipped in conformity with the regulations prescribed by the Interstate Commerce Commission, nor as applying to the military forces of the United States.

SEC. 5-3-9 DEPOSITING OR ACCUMULATING COMBUSTIBLE MATERIAL.

- (a) **Hot Ashes And Other Dangerous Materials.** No person shall deposit hot ashes or cinders, or smoldering coals, or greasy or oily substances liable to spontaneous ignition, into any combustible receptacle or place the same within ten (10) feet of any combustible materials, unless resting on a noncombustible floor or on the ground outside the building, shall be placed on noncombustible stands, and in every case must be kept at least two (2) feet away from any combustible wall or partition.
- (b) **Accumulations Of Waste Materials.** Accumulations of wastepaper, hay, grass, straw, weeds, litter, or combustible or flammable waste or rubbish of any kind shall not be permitted to remain upon any roof or in any court or yard. All weeds, grass, vines, or other growth, when the same endangers property, or is liable to be fired, shall be cut down and removed by the owner or occupant of the property it is on.
- (c) **Storage Of Readily Combustible Materials.** Storage Requirements. Storage in buildings shall be orderly, shall not be within two (2) feet of the ceiling, and not so located as to endanger exit from the building. Storage in the open shall not be more than twenty (20) feet in height, shall be so located with respect to adjacent buildings as not to constitute a hazard, and shall be compact and orderly.
- (d) **Flammable Decorative Materials In Stores And Public Buildings.** Cotton batting, straw, dry vines, leaves, trees, or other highly flammable materials shall not be used for decorative purpose in show windows or other parts of stores unless flameproofed, provided, however, that nothing in this Section shall be held to prohibit the display of saleable goods permitted and offered for sale. Electric light bulbs in stores shall not be decorated with paper or other combustible materials unless such materials shall first have been rendered flameproof.

SEC. 5-3-10 CHIMNEYS, HEATING APPLIANCES, ETC.

All chimneys, smokestacks, or similar devices for conveying smoke or hot gases to the outer air and the stoves, furnaces, fire boxes, or boilers to which they are connected shall be constructed and maintained in such a manner as not to create a fire hazard.

SEC. 5-3-11 USE OF TORCHES OR FLAME-PRODUCING DEVICES.

Any person using a torch or other flame-producing device for removing paint from any building or structure shall provide one (1) approved fire extinguisher or water hose connected to the water supply on the premises where such burning is done. In all cases, the person doing the burning shall remain on the premises one (1) hour after the torch or flame-producing device has been used.

SEC. 5-3-12 TENTS.

- (a) **Fire Watchers To Be Employed.** One (1) or more qualified persons to serve as fire watchers shall be employed by all circuses, carnivals, or other exhibitions where large crowds assemble. They shall familiarize themselves with all fire protection facilities and fire prevention features and with the condition of exits and shall patrol the entire tent area during the time of occupancy. They shall see that aisles and exitways are kept open and that "No Smoking" rules are enforced.
- (b) **Tents For Assembly To Conform To Recognized Safe Practices.** The design, construction, flameproofing, location, maintenance, and use of tents for assembly shall be in accordance with recognized safe practices. Compliance with the American Standard of Outdoor Assembly, Grandstands and Tents, as adopted by the National Fire Protection Association, shall be considered as prima facie evidence of compliance with such recognized safe practices.

SEC. 5-3-13 ADMINISTRATION.

- (a) **Enforcement.**
 - (1) The Fire Prevention Code Chapter shall be enforced by the Chief of the Fire Department of the City of Washburn and such subordinates in said Department as the Chief shall designate.
 - (2) This Chapter shall not be construed to affect the responsibility of any person owning, operating, or installing any equipment for damage to persons or property caused by any defect therein, nor shall the City be held as assuming any such liability by reason of the inspection or reinspection authorized herein or the permit issued as herein provided or by reason of the approval or disapproval of any equipment authorized herein.
- (b) **Modifications.** The Chief of the Fire Department shall have the power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code, provided that the spirit of the Chapter shall be observed, public safety secured, and substantial justice done. The particulars of such modification, when granted or allowed, and the decision of the Chief of the Fire Department thereof shall be entered upon the records of the Department and a signed copy shall be furnished the applicant.
- (c) **Appeals.** Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the Common Council within ten (10) days from the date of the decision of the Chief. In the event of such appeal, the Board shall set a time and place for hearing thereof and give to the appellant at least ten (10) days' notice thereof by mail or personally.

SEC. 5-3-14 NEW MATERIALS, PROCESSES, OR OCCUPANCIES WHICH MAY REQUIRE PERMITS.

The Chief of the Fire Department and the Fire Inspectors shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any

new materials, processes, or occupancies, which shall require permits, in addition to those now enumerated in said Code. The Chief of the Fire Department shall post such a list in a conspicuous place in his office and in the office of the Clerk and may distribute copies thereof to interested persons.

SEC. 5-3-15 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 Fire Department as prescribed by this Section.
- (2) The provisions of this Section shall apply to all persons, firms or organizations using, researching, producing or storing hazardous materials and/or infectious agents on and after the effective date of this Section.

(b) Definitions.

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

(c) Information Required.

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

- l. Any condition or material which is incompatible with the hazardous material and must be avoided.
 - m. Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming into contact with the hazardous materials;
 - n. Procedures for handling or coming into contact with the hazardous materials.
- (2) Any person, firm or organization using, researching, producing and/or storing infectious agent and/or carrier of an infectious agent shall provide in writing to the Fire Department the following:
- a. The name and any commonly used synonym of the infectious agent;
 - b. Address/location where infectious agents are used, researched, stored and/or produced;
 - c. The exact locations where infectious agents are used, researched, stored and/or produced;
 - d. Amount of infectious agent on premises per exact locations;
 - e. Any methods of route of transmission of the infectious agents;
 - f. Any symptoms of effect of infection, emergency and first aid procedure and a telephone number to be called in an emergency;
 - g. Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming in contact with the infectious agent;
 - h. Procedure for handling, clean-up and disposal of infectious agents leaked or spilled.
- (d) **Reimbursement for Cleanup of Spills.** Any person who possesses or controls a hazardous material or infectious agent which was discharged or caused the discharge of a hazardous material or infectious agent shall reimburse the City for actual and necessary expenses incurred by the City or its agent to contain, remove or dispose of the hazardous substance or infectious agent or take any other appropriate action which is deemed appropriate under the circumstance.

SEC. 5-3-16 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 ILHR 8, Wis. Adm. Code, as the same is now in force and may hereafter from time to time be amended.
- (b) Every person, firm or corporation using, storing, handling or transporting (whether by rail or on the highways) flammable or combustible liquids, chemicals, gasses or other hazardous materials shall be liable to the City for the actual cost of labor and materials associated with the use of any specialized extinguishing agent, chemical, neutralizer or similar material or equipment employed to extinguish, confine or clean up any such hazardous material which is involved in any accidental spill or in threat of any fire or accidental spill.

SEC. 5-3-17 PENALTY.

- (a) Any person who shall violate any of the provisions of this Chapter or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit

issued thereunder, or who shall fail to comply with such an order as affirmed or modified by the Chief of the Fire Department or the Common Council or by a court of competent jurisdiction within the time fixed herein shall be subject to the penalty set forth in Section 1-1-7.

- (b) The application of the above penalty shall not be held to prevent the enforced removal of the prohibited condition.

CHAPTER 4

Regulation of Alarm System

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

SEC. 5-4-1 TITLE.

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

SEC. 5-4-2 DECLARATION OF PURPOSE.

The purpose of this Chapter is to provide minimum standards and regulations applicable to burglar, fire and holdup alarm systems, alarm business and alarm users. Both society in general and public safety in particular will be aided by providing a useful and usable system of private security which properly balances quick response by law enforcement with minimization of law enforcement time spent on alarms which are false or otherwise not the intended function of private security systems.

SEC. 5-4-3 DEFINITIONS.

Within this Chapter, the following terms, phrases and words and their derivations have the means given herein.

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

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

SEC. 5-4-4 ADMINISTRATIVE RULES.

The Chief of Police shall promulgate such rules as may be necessary for the implementation of this Chapter. Such rules shall require the approval of the Common Council and shall be open to inspection by the public.

SEC. 5-4-5 AUTOMATIC DIALING DEVICES.

No person shall interconnect any automatic dialing device to a Police or Fire Department primary trunk line. No person shall permit such devices, which were installed

prior to the effective date of this Chapter, to remain interconnected from any property owned or controlled by that person. Such devices may be connected to a central station or an answering service. Relaying messages so received to the Police or Fire Department shall only be done person to person on the telephone line.

SEC. 5-4-6 DIRECT CONNECTIONS TO THE POLICE DEPARTMENT.

Direct connections to the Police or Fire Department are prohibited, but may be authorized pursuant to the direct connection policies of each Department, a copy of which is on file with the Chief of Police and Fire Chief.

SEC. 5-4-7 TESTING.

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

SEC. 5-4-8 NOTIFICATION.

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

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

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

- | | |
|--|-----------|
| (1) Responded to by Police Department: | |
| a. First two (2) false alarms for a location | No Charge |
| b. Third (3rd) false alarm per location | \$25.00 |
| c. Fourth (4th) false alarm per location | \$35.00 |
| d. Fifth (5th) false alarm per location | \$45.00 |
| e. Sixty (6th) and subsequent false alarm per location | \$65.00 |
| (2) All false alarms responded to by Fire Department firefighting personnel and apparatus, in addition to a police response: | |
| a. First two (2) false alarms for a location | No Charge |
| b. Third (3rd) and subsequent false alarm per location. | \$100.00 |

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. 66.60(16), Wis. Stats.

SEC. 5-4-10 CITY LIABILITY.

The City of Washburn 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 one-time Five Dollar (\$5.00) permit fee.
- (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.
- (d) **Application.** Application for permit required under this Chapter shall be filed with the Chief of Police. The Chief of Police shall prescribe the form of the application and request such information as is necessary to evaluate and act upon the permit application. The Chief of Police shall deny a permit if the alarm system for which it is sought does not comply with this Chapter.
- (e) **Appeal.** Any person required by this Chapter to have a permit who has been denied such a permit by the Chief of Police shall have a right to appeal that decision to the Common Council. The procedure for this appeal shall be as set forth in Section 5-4-12.

SEC. 5-4-12 REVOCATION OF PERMITS.

- (a) **Hearing.** Before a permit issued pursuant to this Chapter may be revoked, a hearing shall be held before the Chief of Police. Notice setting forth the time, place and nature of the hearing shall be sent by mail or delivered to the permittee at the address shown on the permit application not less than seven (7) days prior to the hearing.
- (b) **Grounds for Revocation.** The Chief of Police may revoke a permit on the following grounds:
 - (1) The application for a permit contains a false statement of a material fact.
 - (2) A licensee has repeatedly failed to comply with the provisions of this Chapter.
 - (3) An alarm system repeatedly actuates false alarms.
- (c) **Appeals.** Any permittee may appeal the decision of the Chief of Police by filing a written notice of appeal with the City Clerk within ten (10) days after the decision. Such appeal shall be heard by the Common Council within thirty (30) days after filing the appeal. The Common Council may affirm, amend or reverse the decision or take other action deemed appropriate. An appeal timely taken suspends the revocation until the Common Council gives its decision. The City Clerk 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

Firearms in Public Buildings

5-5-1 Firearms in Public Buildings; Restrictions

Sec. 5-5-1 Firearms in Public Buildings; Restrictions.

- (a) **Restrictions in Public Buildings.** Pursuant to Sec. 943.13(1m)(c)4., Wis. Stats., no person shall enter or remain in any part of a building owned, occupied or controlled by the state or by a local governmental unit if the state or local governmental unit has notified the person not to enter or remain in the building while carrying a firearm or a specific type of firearm.
- (b) **Signage; Buildings Included.** The City Administrator shall cause signs to be erected in prominent places at all entrances to all buildings owned, occupied or under the control of the City of Washburn, including buildings under the management of the Washburn Harbor Commission or designee, and buildings under the management of the Washburn Library Board, providing notice that no person is to enter or remain in any such building while carrying a firearm. Such signs shall be five by seven inches (5" x 7") or larger.
- (c) **Persons Excepted.** Nothing in this Section shall be construed to apply to prohibit a peace officer or armed forces or military personnel armed in the line of duty, or any person duly authorized by the Chief of Police, to possess in any public building a firearm. Notwithstanding Sec. 939.22(22), Wis. Stats., for purposes of this Subsection, "peace officer" does not include a commission warden who is not a state-certified commission warden.
- (d) **State Law Compliance.** Nothing in this Section shall be construed to authorize the carrying of any firearm or dangerous weapon contrary to Secs. 941.23 or 941.235, Wis. Stats.

State Law Reference: Sec. 941.23, 941.235 and 943.13(1m)(c), Wis. Stats.