

## 5 Public Safety

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### 5.1 Law Enforcement

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#### 5.1.1 ORGANIZATION OF POLICE DEPARTMENT.

- (a) **Organization.** The Police Department shall consist of a Chief of Police and such other officers, assistants and patrolmen as from time to time may be appointed pursuant to the provisions of the Wisconsin Statutes, the ordinances and regulations of the Common Council, and the rules and regulations of the Board of Police and Fire Commissioners. "Law enforcement officer" shall mean any person employed by the Police Department for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is sworn as a police officer and authorized to make arrests for violations of the laws or ordinances the person is employed to enforce.
- (b) **Reserve Officers.** After examination by the Board of Police and Fire Commissioners, the Chief of Police, subject to Council approval, may appoint from time to time reserve officers. Reserve officers shall be law enforcement officers as defined in Subsection (a) but shall, in no case, render services in excess of five hundred fifty (550) hours per year and shall carry the duties, rights and privileges of a law enforcement officer only while on duty and shall be known as a reserve police officer only while on duty. They shall be on duty only when called to duty by the full-time police officer in command of the Glendale Police Department and, while on duty, shall have all powers, duties and responsibilities of sworn law enforcement officers. Reserve officers shall include such individuals

formerly holding the position of special officer in the City of Glendale, provided such person shall meet the certification requirements of any full-time sworn law enforcement officer, or who alternately has previously been duly appointed by the Board of Police and Fire Commissioners and has been certified by the Chief of Police in accordance with rules and regulations of the Law Enforcement Standards Board and ordinances of the City of Glendale.

- (c) **Auxiliary Police.** The Chief of Police, subject to Council approval, may appoint from time to time auxiliary police. Auxiliary police officers shall not be commissioned as law enforcement officers and shall be assigned primarily to law enforcement-related community service functions where the likelihood of making arrests is minimal, or will occur in conjunction with, and under the authority of, a law enforcement officer. Auxiliary police may also be used as a resource in emergencies and large-scale special events. They shall not be subject to the training and standards applicable to law enforcement officers but shall receive and be provided a level of training as reasonably necessary to fulfill their assigned duties and directives. Auxiliary police shall serve under the authority and direction of and subject to the rules and requirements of the Chief of Police or his designate commanding officers.
- (d) **Suburban Mutual Assistance Response Teams.** The Police Department, subject to approval by the Common Council, shall be authorized to participate in mutual aid agreements with other law enforcement agencies and participating jurisdictions, as authorized by Sec. 66.30, Wis. Stats., and the Mayor shall be deemed to have appropriate authority to enter into such contracts subject to review of such contracts by the Chief of Police and approval as to form by the Office of the City Attorney.

### 5.1.2 RECORDS AND REPORTS.

- (a) **Monthly Reports.** The Chief of Police shall submit a written monthly report to the Common Council of all activities and transactions of the Department during the preceding month.
- (b) **Police Records.** There shall be kept by the Department a suitable record in which shall be entered the name of every person arrested in the City, the name of the person making the arrest, the date and cause of the arrest, the court from which the warrant was issued, the disposition made of the case, the amount of fine and costs paid and to whom paid, bond posted, and all complaints in full.

### 5.1.3 GENERAL POWERS OF POLICE OFFICERS.

Every member of the Police Department shall:

- (a) Familiarize himself with the ordinances of the City and the Wisconsin Statutes and attend to the enforcement of such ordinances by all lawful means.
- (b) Help prevent crimes, misdemeanors and violations of City ordinances and protect the health, safety, public peace and order of the City and its inhabitants.

- (c) Report all street and sidewalk obstructions, unlighted street lamps, unlawful street signs or signals, and defective or dangerous streets and sidewalks to the appropriate person or organization responsible for their repair or service.
- (d) Maintain order at the scene of a fire or any other fire response within the City.
- (e) See that the necessary permits and licenses issued by the State or City are in the possession of or properly displayed by any person engaged in an activity or business within the City for which such permit or license is required and that the terms of such permits or licenses are complied with.
- (f) Perform such other lawful duties as ordered by the Chief of Police or his authorized representative.

#### 5.1.4 RESPONSIBILITIES OF CHIEF OF POLICE.

- (a) **Duties.** In addition to the duties imposed upon him elsewhere in this Code of Ordinances, the Chief of Police shall:
  - (1) Have command of the Police Department on administrative matters, subject to the direction of the Mayor and City Administrator, to the extent that the Council may delegate such authority or direction to him.
  - (2) Cause to be maintained accurate records of complaints, crimes, traffic accidents, ordinance violations, arrests, summons, incidents, and calls for police service and shall provide a system of periodic summary and analysis to ensure the most efficient and effective deployment and use of the Department's resources. He shall submit or cause to be submitted to the various agencies such reports and summaries as are required by State Statutes or ordinances and shall participate in voluntary programs designed to improve law enforcement and public safety.
  - (3) Submit such reports and comply with such administrative procedures as may be prescribed by, the City Administrator and Common Council relative to fiscal and administrative matters.
  - (4) Submit such reports and/or information and comply with such policies as may be prescribed by Common Council.
  - (5) Have exclusive control of the assignment, hours of duty, and transfer of all members of the Department.
  - (6) Plan, organize, staff, direct, and control all of the human and material resources of the Department for the most effective and efficient discharge of its duty to protect persons and property, preserve the peace, protect the rights of citizens and enforce the Wisconsin Statutes and the ordinances of the City as are within its jurisdiction. He shall supervise the preparation and presentation of annual reports and budgets for the Police Department. He shall be required to certify to the correctness of all bills incurred by the Department.
  - (7) Strive to maintain suitable, productive relationships with other City departments and with other governmental agencies and private organizations concerned with law enforcement, crime prevention, administration of justice and public safety. He shall cooperate and

exchange information with other City departments in matters relating to their various functions.

- (8) 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 shall be responsible for the safekeeping, lawful disposition and accurate record of the same. He shall see that all property is returned to its lawful owner or otherwise disposed of according to the applicable statutes.

### **5.1.5 RULES AND POLICIES FOR THE POLICE DEPARTMENT.**

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

### **5.1.6 MAINTENANCE OF PERSONNEL RECORDS AND PERFORMANCE EVALUATIONS.**

The Chief of Police shall cause to be maintained adequate personnel records of employment, assignment, promotions, attendance, performance and training for all members of the Department. He shall also comply with all provisions of the Law Enforcement Standards Board in regard to background investigations. He shall keep himself adequately informed of the activities of the Department and be assured that the duties of his subordinates are properly discharged. He shall formulate procedures for recognizing outstanding performance by Department members, for investigating complaints of misconduct by any Department member and for taking appropriate disciplinary action subject to the provisions of the applicable statutes, rules of the Department, and rules of the Police and Fire Commission.

### **5.1.7 POLICE CHIEF'S RESPONSIBILITY FOR TRAINING.**

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

## **5.2 Fire Prevention**

<b>5.2.1</b>	<b>IMPEDING FIRE EQUIPMENT PROHIBITED</b>
<b>5.2.2</b>	<b>POLICE POWER OF THE DEPARTMENT</b>
<b>5.2.3</b>	<b>DAMAGING FIRE HOSE PROHIBITED; PARKING BY HYDRANTS; BLOCKING FIRE LANES</b>
<b>5.2.4</b>	<b>FIREMEN MAY ENTER ADJACENT PROPERTY</b>
<b>5.2.5</b>	<b>VEHICLES TO YIELD RIGHT-OF-WAY</b>
<b>5.2.6</b>	<b>INTERFERENCE WITH USE OF HYDRANTS PROHIBITED</b>
<b>5.2.7</b>	<b>OPEN BURNING</b>
<b>5.2.8</b>	<b>FALSE ALARMS; MEDDLING WITH APPARATUS</b>

### **5.2.1 IMPEDING FIRE EQUIPMENT PROHIBITED.**

No person shall impede the progress of any fire engine, fire truck or other fire emergency vehicle of the North Shore Fire Department along any streets or alleys of such City at the time of a fire or in response to any emergency when the Fire Department of the City is using such streets or alleys in response to an emergency.

### **5.2.2 POLICE POWER OF THE DEPARTMENT.**

- (a) The Fire Chief or officers in command at any fire are hereby vested with full and complete police authority at fires. Any officer of the Department may cause the arrest of any person failing to give the right-of-way to the Fire Department in responding to a fire.
- (b) The Fire Chief or officers in command at any fire may prescribe certain limits in the vicinity of any fire within which no persons, excepting firemen and policemen and those admitted by order of any officer of the Department, shall be permitted to enter.
- (c) The Fire Chief shall have the power to cause the removal of any property whenever it is deemed necessary and prudent for the preservation of such property or to prevent the spread of fire or to protect any adjoining property. 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.
- (d) The Fire Chief, Fire Marshal or other designates shall have concurrent jurisdiction with the Director of Inspection Services for the purposes of enforcement of this Code, including the authority to conduct inspections as requested by the Director of Inspection Services, to issue corrective orders for violations of this Code or any other State Codes enforceable within the corporate limits of the City of Glendale, and to refer matters to the Director of Inspection Services for prosecution by the office of the City Attorney. This provision includes the authority to conduct inspections as required by this Code as requested by the Director of Inspection Services or any other agency of the City, to order that violations of this Code creating a clear and present danger cease immediately, to issue corrective orders regarding compliance with this Code and to refer matters for prosecution in the municipal court or for any other remedy deemed appropriate in the discretion of the office of the City Attorney and as provided by Section 1-1-7 of the City of Glendale Code.

### 5.2.3 DAMAGING FIRE HOSE PROHIBITED; PARKING BY HYDRANTS; BLOCKING FIRE LANES.

- (a) **Driving Over Fire Hose.** No person shall willfully damage in any manner any hose, hydrant or fire apparatus. 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 or other associated emergency, to drive or park any vehicle within the cordoned off area or within one block from the place of fire or emergency without the consent and authority of the Fire Chief or officers in command at the emergency or any police officer.

### 5.2.4 FIREMEN MAY ENTER ADJACENT PROPERTY.

- (a) **Entering Adjacent Property.** It shall be lawful for any fire department personnel while acting under the direction of the Fire Chief or any other officer in command to enter the premises adjacent to or in the vicinity of a building or other property that is on fire for the purpose of extinguishing or containing such fire. No person shall hinder, resist or obstruct any fireman in the discharge of his duties as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firemen in the discharge of their duties.
- (b) **Destruction of Property to Prevent the Spread of Fire.** During the progress of any fire, the Fire Chief or officers in command at the emergency shall have the power to order the removal or destruction of any property necessary to prevent the further spread of fire or to ensure that the fire has not extended to other areas; provided that it is likely that, unless such property is removed, other property is in danger of being destroyed by fire.

### 5.2.5 VEHICLES TO YIELD RIGHT-OF-WAY.

Whenever fire department vehicles are responding to an emergency with lights and/or siren every person driving or operating any motorized vehicle shall move and remain to the side of the street until the fire apparatus shall have passed. This section shall apply to all non-motorized vehicles as well.

### 5.2.6 INTERFERENCE WITH USE OF HYDRANTS PROHIBITED.

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

### 5.2.7 OUTDOOR, OPEN, REFUSE AND OTHER BURNING.

- (a) **Purpose.** This ordinance 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 the City of Glendale due to air pollution and fire hazards of open burning, wood burning, outdoor burning and refuse burning.

- (b) **Applicability.** This ordinance applies to all burning within the City of Glendale, except as set forth below or herein.
- (1) This ordinance does not apply to grilling or cooking using charcoal, propane or natural gas, in cooking and grilling appliances.
  - (2) This ordinance does not apply to burning in a stove, furnace, fireplace, or other heating device within a building used for human or animal habitation or use, unless the material being burned includes refuse as herein defined.
  - (3) This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene, in devices intended for heating, construction or maintenance activities.
  - (4) Burning incidental to the conduct of religious services.
  - (5) The burning of wood or other manufactured fireplace materials in decorative patio fireplaces or chimineas, provided such are located on concrete surfaces, and maintained at such distance from adjacent structures or other combustible materials so as to avoid the risk of combustion spreading from such fireplace or chiminea.
- (c) **Severability.** Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.
- (d) **Definitions.**
- (1) Fire Chief means the Chief of the North Shore Fire Department or other person authorized or designated by the Chief of the North Shore Fire Department.
  - (2) Outdoor burning means open burning or burning in an outdoor fired furnace or enclosure.
  - (3) Open burning means kindling or maintaining the fire where the products of combustion are emitted directly into the ambient air without passing through a stack or chimney.
  - (4) Outdoor wood fired furnace means a wood fired furnace, stove or boiler that is not located within a building.
  - (5) Refuse means any waste material, including yard waste and solid waste, and any other material intended for disposal.
- (e) **Prohibition on Open Burning, Outdoor Burning and Burning of Refuse or Solid Waste.** Open burning, outdoor burning and burning of refuse or solid waste are prohibited in the City of Glendale unless otherwise specifically permitted by this ordinance or another specifically applicable provision of the City of Glendale Code of Ordinances.
- (f) **Materials that May Not Be Burned.** The following materials may not be burned by way of indoor or outdoor burning, open burning, incinerator, burn barrel, furnace, stove, or any other indoor or outdoor incineration, or any heating device:
- (1) 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.
  - (2) Waste oil or other oily waste except oil designed for burning in a heating device or for energy recovery subject to the restrictions in Chapter NR-590 of the Wisconsin Administrative Code.
  - (3) Asphalt and products containing asphalt.
  - (4) Treated or painted wood including, but not limited to, plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

- (5) Any plastic material, including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic films or plastic containers.
- (6) Rubber, including but not limited to tires and synthetic rubber like products.
- (7) Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the provisions of the Glendale Code or any other applicable state or federal law.
- (g) **Open Burning of Leaves, Brush, Wood, Yard Waste, and Other Vegetative Debris.** Outdoor or open burning of leaves, brush, wood, yard waste, and other vegetative debris is prohibited in the City of Glendale.
- (h) **Burn Barrels.** No person shall use or maintain a burn barrel in the City of Glendale.
- (i) **Outdoor Wood Fired Furnaces.** No person shall use or maintain an outdoor wood fired furnace within the City of Glendale.
- (j) **Burning on Streets.** No materials may be burned upon any street, curb, gutter, or sidewalk, except as applies to grilling or cooking using charcoal, propane or natural gas, in cooking and grilling appliances, and only upon permission of the City of Glendale.
- (K) **Authority.** The North Shore Fire Department, the Chief of Police, or their designates, is permitted to prohibit any or all fires or combustion when such fire or combustion is deemed hazardous or an imminent threat to the public health, welfare, or safety.
- (l) **Fire Department Practice Burns.** Notwithstanding the provisions of this ordinance, the North Shore Fire Department may burn a standing building for the purpose of firefighting practice, provided the practice burn complies with the requirements of the Department of Natural Resources, and provided the Department has notified the City Administrator, and the Chief of Police, and been advised that the Administrator and Chief of Police have approved the date, time, duration, and circumstances of such practice burn.
- (m) **Liability.** Persons utilizing and maintaining outdoor or open burning as allowed by Section (b) above, assume all liability and responsibility for any damage caused to their property, adjoining property or persons, because of the kindling or maintaining of such fire.
- (n) **Enforcement and Penalties.** The penalty or remedy for violation of any portion of this ordinance shall be as set forth in Section 1.1.7 of the Glendale Code of Ordinances.

## 5.2.8 FALSE ALARMS; MEDDLING WITH APPARATUS.

No person shall within the City of Glendale give or cause to be given any false alarm with respect to police or fire service, either by telephone or otherwise; or to pull the lever of any signal box, in any way with any signal box, except in accordance with regulations established by the Chief of the Fire Department and the Chief of the Police Department; or to in any way injure same, or any of the wires or parts thereof connected with any part of said system; or to make any connection or communication therewith so as to interfere or interrupt the proper working of said systems, or with intent to injure, break or destroy any machinery or fixtures connected with said systems. Any person found guilty of the violation of this Section shall become subject to a penalty provided in Section 1-1-7.

### 5.3 Bureau of Fire Prevention

5.3.1	FIRE PREVENTION BUREAU
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5.3.16	FIRE DRILLS
5.3.17	EXPLOSIVES

#### 5.3.1. FIRE PREVENTION BUREAU.

##### (a) Bureau Established

- (1) A "Bureau of Fire Prevention," in the North Shore Fire Department, was established at consolidation, and is operated under the supervision of the Chief of the Fire Department.
- (2) The Chief of the Fire Department shall designate an officer or member of the Fire Department as Chief Inspector of the Fire Bureau, who shall hold this office at the will of the Chief.
- (3) The Chief of the Fire Department is a duly authorized deputy of the State and is granted the authority to designate as many representatives as necessary to complete all requirements of the State of Wisconsin.

##### (b) Fire Inspection Duties.

- (1) The Chief Inspector or his/her designees shall perform all duties required of the Fire Inspector by the laws of the State of Wisconsin and rules of the Department of Commerce, particularly Section 101.14, Wis. Stats.
- (2) While acting as a fire inspector pursuant to Sec. 101.14(2), Wis. Stats. the Chief or his/her designees, shall have the right and authority to enter any building or upon any premises in the City of Glendale 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 Chief 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 are not complied with, to report such noncompliance to the Director of Inspection Services for further action.

(c) **Fire Inspection Permits.**

(1) **Definitions.** As used in this Chapter:

- (a) North Shore Fire Department. That Fire Department created by an Intergovernmental Cooperation Agreement for fire and emergency services, which Department is jointly owned and operated by the Villages of Bayside, Brown Deer, Fox Point, River Hills, Shorewood, Whitefish Bay, and the City of Glendale, pursuant to the amended and restated North Shore Fire Department Agreement dated December 30, 1994, and under authority of the provisions of §§61.65 and 66.0301, Wis. Stats.
- (b) Public building. Defined in Section 101.02 (12), Wis. Stats. (2001-2002 or as hereafter amended) as set forth here to mean any structure, including exterior parts of such building, such as a porch, exterior platform, or steps providing means of ingress or egress, used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public or by a multiple family dwelling occupied by 3 or more tenants as defined in Section 13-1-200(32) of the Glendale Code.
- (c) Place of employment. Defined in Section 101.02 (11) Wis. Stats. (2001-2002 or as hereafter amended) as set forth here to mean every place, whether indoors or out or underground and the premises appurtenant thereto where either temporarily or permanently any industry, trade, or business is carried on, or where any process or operation, directly or indirectly related to any industry, trade, or business, is carried on, and where any person is, directly or indirectly, employed by another for direct or indirect gain or profit, but does not include any place where persons are employed in private domestic service which does not involve the use of mechanical power or in farming.

(2) **Permit Required.** Permits are required and shall be issued by the North Shore Fire Department, subject to the payment of fees as listed in subsection (3) below.

(3) **Fees.** The fees to be charged by the North Shore Fire Department for permits relating to occupancy inspections, work without permit, re-inspection fees, special plan reviews, processing variance requests, acceptance tests, code or evacuation plan consulting and other permit fees for plan reviews and inspections of all residential buildings containing 3 or more housing units, public buildings, places of employment, and special events are set forth in the schedule of permit fees as follows,

except that City owned buildings and City sponsored events shall be exempt therefrom:

<b>Occupancy Inspection:</b> (changes in residential occupancies are exempt from inspections and fees)	\$75.00 per inspection, except multi-family residential buildings shall be \$25.00 per unit
<b>Work Without Permit:</b>	Double normal fee
<b>Re-inspection Fee:</b>	\$50.00 first re-inspection \$75.00 each subsequent inspection
<b>Acceptance Tests:</b>	
Hydro-test of Sprinkler Piping (two (2) hour test)	\$125.00 per test
Fire Pump Test	\$100.00 per test
Fire Alarm and Detection System Test	\$100.00 per test
Hood and Duct Suppression System Test	\$75.00 per test
Other Suppression System Test	\$100.00 per test
Smoke Evacuation System Test	\$100.00 per test
Spray Booth System Test	\$100.00 per test
<b>Special Plan Review or Inspection:</b> Includes emergency and priority Plan reviews (those requiring 24-hour turnaround)	Normal Fee, Subject to Overtime Costs
<b>Processing Variance Requests:</b>	\$100.00 per code section variance requested
<b>Code or Evacuation Plan Consulting:</b>	\$75.00 per hour
<b>Plan Review (includes site inspection):</b>	
Construction Compliance with NFPA 101/Fire Code	\$0.07/sq. ft. (\$75.00 minimum per plan)
Performance-based or Alternative Design	\$0.07/sq. ft. (\$100.00 minimum per plan)
Fire Alarm and Detection Systems	\$0.07/sq. ft. (\$75.00 minimum per plan)
Audio/Visual Annunciation Systems	\$75.00 per plan
Hood and Duct Suppression Systems	\$100.00 per plan
Other Suppression Systems (FM200, Cardox, etc.)	\$100.00 per plan
Smoke Evacuation Systems	\$100.00 per plan
Water-based Sprinkler Systems (new or altered systems with 20 or more sprinkler heads)	\$0.05/sq. ft. (\$75.00 minimum per plan)
Spray Booth Operations	\$100.00 per plan

**Other Permit Items:**

Inspection of Amusement Parks or Carnivals (with rides)	\$150.00 per site
Inspection of sites for Bonfires, Outside Ceremonial Fires, Vegetation Burns	\$50.00 per request
Inspection of Hot Work (specialty roof operations, torch cutting, welding)	\$25.00 per operation
Inspection of Indoor Vehicle Exhibits (excluding licensed Automobile dealerships)	\$25.00 per vehicle
Inspection of Building Demolition	\$100.00 per submittal

**Special Events/Operations:**

Inspection of Tents in Excess of 400 sq. ft. used for Public Assembly	\$50.00 per tent
Inspection of Temporary Fuel Storage (construction heat)	\$50.00 per location
Plan Review and Site Inspection of Fireworks Displays	\$125.00 per plan review

- (4) Fire inspection permit fees shall be charged, collected and retained by the North Shore Fire Department.
- (5) Municipal buildings, municipal sponsored events, and municipal construction projects shall be exempt from fire inspection permits and fees.

**5.3.2 DUTIES OF BUREAU.**

- (a) It shall be the duty of the members of the North Shore Fire Department to enforce all laws and ordinances of the State, County and City, covering the following:
  - (1) The prevention of fires.
  - (2) The storage and use of explosives and flammable materials.
  - (3) The installation and maintenance of automatic fire alarm and extinguishing systems and their related equipment.
  - (4) Provide educational programs and training for public and private sectors designed to help reduces fires and the injuries and damage associated with fire.
  - (5) The means and adequacy of exit in case of fire, from factories, apartments, schools, hotels, lodging houses, asylums, hospitals, churches, halls, theaters, amphitheaters, and all other places in which numbers of persons work, live or congregate, from time to time, for any purpose.
  - (6) The investigation of the origin and cause of fires.

- (b) They shall have such other powers and perform such other duties as are set forth in other sections of this Chapter and as deemed necessary by the Chief of the North Shore Fire Department, and as may be conferred and imposed from time to time by law. The Chief of the Fire Department may delegate any of these powers or duties under this Chapter to the members of the department as he/she deems fit.
- (c) To have concurrent jurisdiction with the Director of Inspection Services to review for approval all sprinkler systems, fire alarm systems, fire extinguishing equipment and any other specific provisions of Title 5 of the Glendale Code providing specifically for its further jurisdiction or authority.

### **5.3.3 DEFINITIONS/CODES AND STANDARDS ADOPTED.**

**Definitions.** As used in this Chapter:

- (a) **ADOPTION OF CODES AND STANDARDS**  
All Orders, Rules and Regulations of the Department of Commerce, or its successor Administrative Agency, as are set forth in the Wisconsin Administrative Code as from time to time amended, are hereby adopted. The most current legislatively enacted versions are adopted and will be enforced. The Fire Prevention Code (NFPA 1), The Life Safety Code (NFPA 101) are hereby adopted as part of this Chapter. The most current available printed version of the NFPA Codes and Standards is adopted and will be enforced. In the event of a conflict between the provisions of this Chapter, the State Codes, or the NFPA, the provisions of this Chapter wherein specifically applicable shall control and govern. Thereafter, the most restrictive provision of the State Administrative Code or NFPA Codes shall be applicable and shall govern, except that the State Administrative Code shall apply to multi-family residential structures.
- (b) All standards and definitions as provided in Codes herein adopted by reference shall be deemed adopted herein.

### **5.3.4 ADDITIONAL ORDINANCES.**

It shall be the duty of the Chief (or his/her designee) of the North Shore Fire Department to investigate and to recommend to the Director of Inspection Services and the City Administrator such additional ordinances, or amendments, to existing ordinances, as he/she may deem necessary for safeguarding life and property against fire and the dangers associated with fire.

### 5.3.5 PRIVATE FIRE HYDRANTS.

- (a) **Where Private Fire Hydrants Required.** Any building, except residential buildings containing four (4) or less living units, hereafter erected or structurally altered to increase the floor area by fifty (50) percent or more, shall provide at the owner's expense an approved water hydrant when such building is set back two hundred fifty (250) feet or more from any street or highway or is located more than three hundred (300) feet from a City water hydrant. Required hydrants shall be freestanding and shall be located not more than 50 feet or less than 25 feet from the building. One (1) hydrant shall be located not more than 50 feet or less than 25 feet from the main entrance to each building. Additional hydrants shall be provided around the perimeter of the building so that no water hydrant is more than 250 feet from any other approved hydrant by normal access routes. Private hydrants shall be tested and maintained per NFPA 24.
- (b) **Approved Private Fire Hydrants.** An approved private fire hydrant shall mean a water hydrant connected to a City water main having at least two (2) two and one-half (2-1/2) inch and one (1) four and one-half (4-1/2) inch Fire Department connections. The connecting water lateral between the City water main and the approved private hydrant shall be not less than six (6) inch and need not be more than eight (8) inch in diameter. All private hydrants shall be accepted and approved by the Glendale Water Utility and be installed in compliance with all applicable standards of said Utility. The Chief of the Fire Department shall provide comment as needed as to location and accessibility of all private hydrants.

### 5.3.6 AUTOMATIC FIRE EXTINGUISHING EQUIPMENT REQUIRED FOR FOOD SERVING ESTABLISHMENTS.

- (a) **Requirements.** Every kitchen operated and maintained to serve the public, including restaurants, clubs, school, churches, taverns, hospitals, nursing homes and all other places having equipment used for frying, cooking and similar preparation of food, operated and maintained for serving the public shall be subject to this Section. Such establishments shall have approved automatic fire extinguishing equipment, which is actuated, by fire. Such automatic fire extinguishing equipment shall be installed in all duct systems, grease removal devices, cooking stoves, and appliance hoods. All suppression systems shall be listed with Underwriters Laboratories, Factory Mutual, or other recognized testing agency and shall conform to the requirements of NFPA 96. Installations of automatic fire extinguishing equipment shall require a permit to be issued by the Director of Inspection Services. Plans and specifications shall accompany each permit submittal and shall be reviewed and conditionally approved by the North Shore Fire Department. The North Shore Fire Department shall complete all field and acceptance testing.
- (b) **Time for Compliance of New and Existing Establishments.** All new establishments, subject to this Section, shall comply therewith before the Director

of Inspection Services grants a permit of occupancy. All existing establishments, subject to this Chapter, shall comply within six (6) months of the effective date hereof. The North Shore Fire Department shall, as soon as reasonably practicable after the effective date of this Chapter, notify every existing establishment subject to this Section of its duty to comply therewith. Any existing establishment shall have the right, within thirty (30) days after receiving notice from the North Shore Fire Department to comply, to appeal to the Board of Appeals for a variance from the terms and conditions of this Section. Such an appeal shall be made and governed by the provisions of law relating to appeals to the Board of Appeals.

(c) **Type of Equipment and Installation Requirements.**

- (1) All equipment shall conform to NFPA #96, "Ventilation of Cooking Equipment." The equipment shall be either a "package unit" as listed in the Underwriters Laboratories, Inc., "Fire Protection Equipment List," for the extinguishment of fires in hoods, filters, and ducts used for ventilation of restaurant cooking equipment or a system individually designed ("engineered systems") to the applicable NFPA standard for the type of extinguishing equipment. A manual actuation control, which is accessible to kitchen personnel, shall be provided. The control shall be located near the hood not more than five (5) feet above the floor, readily accessible and not obstructed by cabinets or any other objects, permanent or temporary that would affect a persons ability to see the device. Instructions on operation of the manual control system shall be posted. A visual indicating device shall be provided and so located that at any time it can readily be determined if the system s extinguishing agent has discharged. An automatic fuel shut-off device shall be provided on all gas-fired appliances.
- (2) A shut-off device is required for electric appliances especially electrically operated deep fat fryers.
- (3) The installation shall conform to NFPA #96, "Ventilation of Cooking Equipment. "Package units" shall be installed in conformance with the limitations in the Underwriters' Laboratories, "Fire Protection Equipment List" as established by tests for the various unit sizes and nozzle arrangements. In the ventilating system all areas that are enclosed or partly enclosed shall be protected, including areas behind filters, ductwork, including in some cases fresh air intakes, and enclosed air intakes ahead of filters. All hood systems shall be engineered regardless of size.
- (4) Cooking surfaces that are open or partly open shall be protected, including range tops, fat fryers, open broilers, griddles, etc. Fully enclosed devices, such as ovens, enclosed broilers, coffee urns, etc., do not require protection. At least one nozzle shall be installed for each fat fryer. Cylinders containing the extinguishing agent shall not be mounted in a concealed space. Cylinders shall be readily accessible for inspection and servicing.
- (5) Protection of ducts shall be within the limitations of a single system; multiple systems cannot be used. Ducts, which exceed the limitation of a

single system, must be protected by engineered systems or the ducts replaced with ducts, which are within "package systems" limitations. Where no hoods are installed and cooking protection is provided, detector links with heat deflectors shall be located in the same relative position as if a hood was provided. One link shall be provided for each cooking appliance.

- (d) **Maintenance Requirements.** All extinguishing systems shall be inspected and maintained at least semi-annually by a factory authorized representative, and the unit shall have a Certification Tag of the inspection and shall be attached to the extinguishing agent system or discharge canister.

### 5.3.7 REGULATION OF METAL WELDING OR CUTTING OPERATIONS.

- (a) **Definitions.** Welding or cutting operations shall consist of the welding or cutting of metal by gas torch or electric arc or any combination thereof.
- (b) **Operations.** Except for Subsection (d), this Section shall not apply to business or manufacturing establishments where such operations are performed in the regular course of business thereof or to maintenance or repairs performed by employees of such establishments on their own premises.
- (c) **Permit Required.** No person, firm or corporation shall perform any welding or cutting operation without first applying for and having been issued a permit before and complying with the fire prevention measures set forth in Subsection (d). Application for such permit shall be made to the Director of Inspection Services on a form provided by the City for that purpose. Such application shall set forth the location of the premises, a description of the work that is to be performed, the name of the person(s), firm or corporation performing the work and other information as may be necessary to administer this Subsection. Plans and specifications shall be referred to the North Shore Fire Department which shall inspect and approve as a condition of issuance of the permit.
- (d) **Fire Protection Measures.**
  - (1) Before commencing any welding or cutting operation, the area immediately surrounding such operation shall be protected by the use of non-flammable blankets or other fire-resistant materials. There shall be conveniently located at the work area:
    - a. Ashes or sand for absorption of oil.
    - b. An approved fire extinguisher or extinguishers or a charged hose attached to the water supply.
    - c. Other fire prevention devices, measures or precautions as may be specified by the Fire Chief or his/her designated subordinate.
    - d. Oxygen and gas cylinders shall be stored in specified areas, a sufficient distance from combustible materials and at locations where they will not be subjected to excessive temperatures, physical damage, tampering or use by unauthorized persons. The

valves shall be closed and protective caps shall be in place on stored empty cylinders.

### 5.3.8 SPRINKLER REQUIREMENTS.

- (a) **Where Required.** An approved automatic fire sprinkler system shall be installed and maintained per the requirements of the codes adopted herein. Where conflicts arise between this section and any other code section, the most restrictive requirements shall apply. Nothing in this section shall apply to one or two family dwellings.
- (b) **Review of Applications for Building and Occupancy Permits.** The Fire Chief, Fire Marshal or his/her designee shall review all applications for building and occupancy permits applicable to this Section, and shall require fire-extinguishing systems to be installed in conformance with this Code. Where extinguishing systems are installed, the North Shore Fire Department shall approve installations made in accordance with the appropriate NFPA Standard in its most current printed edition.
- (c) **Effective Date.** This Section and the Codes as applied by adoption and reference shall not have retroactive effect or application. It shall apply to additions to existing buildings. Additions, alterations, or structural or mechanical repairs of material significance to any building shall conform to that required of new construction without requiring the balance of the existing structure to comply with all the requirements of the Code unless in the opinion of the Director of Inspection Services or Fire Chief it shall be necessary to protect the public health welfare and safety to bring the entire structure into conformity.
- (d) **Appeals.**
  - (1) Any person aggrieved by a decision of the Fire Chief or the Director of Inspection Services relative to any provisions of this Section may appeal to the Board of Appeals within thirty (30) days from the decision of said Fire Chief or Director of Inspection Services by filing a notice of appeal with the City Clerk. The City Clerk shall give written notice by registered or certified mail or by personal delivery of the time and place of the hearing to the appellant not less than seven (7) days before the date of such hearing.
  - (2) Appeals shall be heard by the Board of Appeals in the same manner as appeals from the Director of Inspection Services under the City of Glendale Zoning and Building Codes.
  - (3) The Board of Appeals may affirm, amend, reverse or modify such decision or take such other action as it may deem appropriate but will not reduce the level of life safety required in the building.
  - (4) An appeal properly and timely taken suspends the order of the Fire Chief or Director of Inspection Services until the Board of Appeals renders and files its decision in the office of the City Clerk.

### 5.3.9 FIRE ALARM SYSTEMS.

- (a) **General.** Fire alarm systems shall mean any device designed to sense or alert persons to the possible presence of fire. A fire alarm system may include but is not limited to, smoke alarms, heat alarms, pull boxes, horns, and strobes and alarm panel. All fire alarm systems shall be installed per NFPA 72. All required alarm systems (required per NFPA 101 or the AHJ) shall be monitored by a U. L. listed monitoring company. All alarm systems shall be done with a permit issued by the Director of Inspection Services. Fire alarm plans and specifications shall accompany each submittal. Plans will be reviewed and conditionally approved by the North Shore Fire Department. The North Shore Fire Department shall complete all field and acceptance testing.
- (b) **Residential Fire Alarm Systems**  
Fire alarm systems are not required in one and two family dwellings. Interconnected smoke detection is required under the State Uniform Dwelling Code.
- (c) **Specifications of Devices.** Each detection device shall:
- (1) Cause the operation of an alarm shall be clearly audible in all rooms over any background noise levels with all intervening doors closed. Tests of the audibility level shall be conducted with all equipment, which would normally be running, in full operation.
  - (2) Sounders shall have a minimum rating of eighty-five (85) dba or 15% above the ambient noise level. Strobes shall meet all light admittance requirements.
  - (3) All devices used shall be part of a listed fire alarm system.

### 5.3.10 REPORTS; RECORD OF FIRES.

The North Shore Fire Department shall make available reports and records of fires upon request.

### 5.3.11 INVESTIGATIONS OF FIRES.

- (a) The North Shore Fire Department shall investigate the origin and cause, or circumstances of every fire occurring in the City by which property has been destroyed or damaged and, so far as possible, shall determine whether the fire is the result of carelessness or design.
- (b) Every fire shall have a written report prepared by a member assigned to investigation in the North Shore Fire Department in a timely manner after the occurrence of the same. This shall be in addition to any investigation by a police officer in whose jurisdiction such a fire has occurred. Such report shall be in such form as shall be prescribed by the Chief of the Fire Department, and shall contain a statement of facts relating to the origin and cause, circumstances of such fire, the extent of the damage thereof, the insurance upon such property,

and such other information as may be required and shall report such circumstances or fires damaging property to the Director of Inspection Services.

- (c) The City Attorney, upon request of the Fire Investigation Team of The North Shore Fire Department shall assist the investigators in the investigation of any fire, which, in their opinion, is of suspicious origin.

#### **5.3.12 INSPECTION PRIOR TO ISSUANCE OF LICENSES.**

Before licenses may be issued for the keeping, storage, use, manufacture, sale, handling, transportation or other disposition of highly flammable materials and rubbish, crude petroleum or any of its products, gun or blasting powder, dynamite, or explosives of any kind, including fireworks, firecrackers and signaling explosives, the Fire Chief, Fire Marshall, or his/her designates, shall inspect and approve the receptacles, vehicles, buildings or storage places to be used for any such purposes.

#### **5.3.13 PERIODIC INSPECTION OF HAZARDS.**

The Chief of the Fire Department or his/her designee shall inspect, as often as may be necessary, all especially hazardous manufacturing processes, storages or installations of acetylene or other gases, chemicals, oils, explosives and flammable materials, all interior fire alarms and automatic sprinkler systems, and such other hazards or appliances as the Chief of the Fire Department shall designate, and shall make such orders as may be necessary for the enforcement of the laws and ordinances governing the same and for safeguarding of life and property from fire.

#### **5.3.14 GENERAL INSPECTIONS.**

- (a) It shall be the duty of the Chief of the Fire Department as a deputy of the State of Wisconsin with the concurrent jurisdiction of the Director of Inspection Services, to inspect, or cause to be inspected by persons that he/she shall designate as often as necessary, all public buildings and places of employment except the interiors of private dwellings (one and two family), for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of the provisions or intent of any ordinance of the City affecting the fire hazard.
- (b) Whenever any inspector, as defined above, shall find in any premises or other place, combustible or explosive matter or dangerous accumulations of rubbish or unnecessary accumulation of wastepaper, boxes, shavings, or any highly flammable materials especially liable to fire and which is so situated as to endanger property; or shall find obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the operation of the Fire Department or egress of occupants in case of fire, he shall order the same to be removed or remedied; and such order shall forthwith be complied with by the owner or occupant of such premises or buildings, subject to appeal within twenty

four (24) hours to the Chief of the Fire Department as hereinafter provided in this Chapter. Any owner or occupant failing to comply with such order within a reasonable period after the service of the said order shall be liable to a penalty as hereinafter provided.

- (c) The service of any such order may be made upon the occupant of the premises to whom it is directed, either by delivering a copy of same to such occupant 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 said premises. Whenever it may be necessary to serve such an order upon the owner of the premises, such order may be served either by delivering to and leaving with the said person a copy of the said order, or, if such 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.

### **5.3.15**

### **REMOVAL OF DANGEROUS CONDITIONS.**

- (a) The Chief of the Fire Department or his/her designees, upon the complaint of any person, or whenever any of the said Department members shall deem it necessary, shall inspect all buildings and premises within their jurisdiction. Whenever any of said Department members shall find any building or other structure which, for want of repairs, lack of or insufficient fire escapes, automatic or other fire alarm apparatus or fire extinguishing equipment or by reason of age or dilapidated condition, or from any other cause, is especially liable to fire, and which is so situated as to endanger other property or the occupants thereof, or whenever such officer shall find in any building combustible or explosive matter or flammable conditions dangerous to the safety of such building or the occupants thereof, he or they shall order such dangerous conditions or materials to be removed or remedied and such order shall forthwith be complied with by the owner or occupant of such premises or building.
- (b) If such order is made by the Chief or any of his/her designees, such owner or occupant may within twenty-four (24) hours appeal to the Chief of the Fire Department, who shall within five (5) days review such order and file his decision thereon, and, unless by his authority the order is revoked or modified, it shall remain in full force and be complied with within the time fixed in said order or decision of the Chief of the Fire Department.
- (c) Any such owner or occupant may, within five (5) days after the making or affirming of any such order or decision by the Chief of the Fire Department, file his petition with the Board of Appeals for a review of such order. Such parties so appealing to the Board shall file with said Board within two (2) days a bond in an amount to be fixed and approved by the Board, conditioned upon the obligation to pay all the costs of such appeal in the event such appellant falls to sustain his appeal, or that the appeal is dismissed for any cause.

### 5.3.16 FIRE DRILLS.

It shall be the duty of the State of Wisconsin to require teachers of public, private, and parochial schools and educational institutions to have one fire drill each month and to keep all doors and exits unlocked during school hours. If the North Shore Fire Department is provided proper notice of the drill, the department will schedule itself to witness the drill.

### 5.3.17 EXPLOSIVES.

- (a) **Administrative Rules Adopted.** The provisions set forth in Wisconsin Administrative Code entitled, "Explosives and Blasting Agents," are herewith adopted, any act required or prohibited by said regulations is required or prohibited by this Section.
- (b) **Permit Required.**
  - (1) No person shall transport, store, sell, deliver, use or have in possession any explosive without first obtaining a permit from the Director of Inspection Services and notifying the North Shore Fire Department. Any person desiring a permit as required by this Section shall file with the Director of Inspection Services an application for such permit in writing on a form furnished for such purpose. Every application shall state the name or names of the persons who desire to transport, store, sell, deliver, use, have in possession, or who desire to do any work for which a permit is required by this Section, stating further the location and manner of storage or sale, or the location where such blasting is to be done, the kind of explosive to be used, the kind or character of excavation, or other work to be done, the method of detonating the explosive, and any other information required by the Director of Inspection Services and the North Shore Fire Department.
  - (2) In all cases involving the use of any explosive, the Director of Inspection Services may refuse such permit and may limit by permit the use of such explosive to twenty-five (25) pounds, if in his discretion the use of such explosive or of an amount of such explosive greater than twenty-five (25) Pounds are likely to endanger or cause damage to life, health, or property.
  - (3) Permits for the storage or use of explosives, when issued, shall at all times be kept on the premises in a readily accessible place for inspection.
  - (4) No permit for blasting shall be issued for a period longer than forty-eight (48) Hours.
- (c) **Revocation of Permit.** If, after a permit has been granted, an inspection by the Director of Inspection Services or his/her designees discloses that the permit holder or those acting under him, or those attempting to use or store such explosives are operating contrary to the regulations of this Section, the Director of Inspection Services shall immediately stop all operations and revoke the permit. When such operations are stopped and the permit is revoked, such explosives shall immediately be removed from such premises and the City,

subject, however, to the regulations of this Section relative to transportation of explosives.

- (d) **Additional Regulations.** In addition to the regulations as contained the Wisconsin Administrative Code, the Director of Inspection Services and/or the North Shore Fire Department may:
- (1) Determine the kind and amount of explosive that can be used.
  - (2) Establish such additional rules and regulations as may be deemed necessary to protect life and property.

## 5.4 Fire Prevention Code; Hazardous Materials

- 5.4.1 DISCLOSURE OF HAZARDOUS MATERIALS AND INFECTIOUS AGENTS; REIMBURSEMENT FOR CLEAN-UP OF SPILLS
- 5.4.2 RECOVERY OF COSTS OF EXTINGUISHING AND CLEANING UP FIRES INVOLVING HAZARDOUS MATERIALS
- 5.4.3 ABOVE-GROUND STORAGE FACILITIES

### 5.4.1 DISCLOSURE OF HAZARDOUS MATERIALS AND INFECTIOUS AGENTS; REIMBURSEMENT FOR CLEAN UP-OF SPILLS

(a) **Application.**

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

(b) **Definitions.** The following definitions shall be applicable in this Chapter:

- (1) Hazardous Materials. Any materials of a solid, liquid or contained gaseous or semi-solid form which, because of its quantity, concentration or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or pose a substantial present or potential hazard to human health or the environment. Such material includes, but is not limited to, material, which is toxic, carcinogenic, or flammable or other material set forth in Sec. 144.01(4m), Wis. Stats., as amended from time to time. Such material also includes irritants and strong oxidizers or materials, which generate pressure because of decomposition or heat. Toxic material includes containers and receptacles previously used in transportation, storage, use or application or material described herein as hazardous material.
- (2) Hazardous Waste. Any solid waste as defined in Wisconsin Administrative Code NR 500.03 as amended from time to time.
- (3) Infectious agent. 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.
- (4) Discharge. Means, but is not limited to, any spilling, leaching, pumping, pouring, emitting, emptying, escaping, releasing, disposing, injecting, or dumping.
- (5) Person. Any individual, owner, operator, corporation, partnership or association.

(c) **Information Required.**

- (1) Any person, firm or organization using, researching, producing and/or storing any hazardous materials shall provide in writing to the North Shore 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 flash point 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; recommended fire extinguishing media, special firefighting procedures and fire and explosion hazard information for the hazardous material;
  - j. Any effect of over-exposure to the hazardous material, emergency and first aid procedures and telephone numbers to call in an emergency;
  - k. Any condition or material, which is incompatible with the hazardous material and must be avoided;
  - l. 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;
  - m. 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 North Shore 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 who 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 circumstances.
- (e) **City Under No Obligation.** Nothing herein shall obligate the City to perform any of the remedial measures set forth in Subsection (d) above. The City shall endeavor in all cases to have such remedial measures performed by the persons set forth in Subsection (d) hereof, and in default of such performance, shall itself perform such remedial measures only if the exigencies of time and circumstances indicate that the public health, safety and welfare require such City intervention.
- (f) **Discharge and Cleanup of Hazardous Materials.**
  - (1) Prohibited Discharge. No person shall discharge, allow, or cause to be discharged upon or into any public street, alley or public property or onto the ground, surface water, subsurface waters, or aquifers, or on any private property, any hazardous material, except in those areas licensed for waste disposal or landfill activities for hazardous waste and/or hazardous materials as defined in this Chapter.
  - (2) Containment, Cleanup, and Restoration. Any person in violation of this Section must, upon the direction the City's police/fire officers or public health officials, take immediate action to contain, clean up and remove to an approved depository the offending material(s) and restore the site to its original condition. Should any person fail to engage or complete the requirement of this Section, the police/fire or health department may order the owner or lessee to take the required action or, in default thereof, may on behalf of the City, without taking bids, do the necessary work with all costs incurred by the City to be reimbursed by the violator(s) of this Section.
  - (3) Public Protection. Should any prohibited discharge occur that reasonably causes a threat to the life, safety, welfare or health of the public, a police/fire or health department officer or employee on the scene may order evacuation of the area or take other appropriate protective steps for such period of time as needed.
  - (4) Access. When a prohibited discharge has occurred or is reasonably thought to have occurred, access to the site, upon notice to the owner or occupant whether on public or private land, shall be granted to police, fire and health department personnel for the purpose of evaluating the extent of the discharge, monitoring the cleanup and restoration of the site.

Notice to the owner or occupant is not required if the delay will result in imminent risk to public health or safety or the environment.

- (g) **Notice.** Upon learning that a prohibited discharge as set forth in this Chapter has taken place, all persons shall immediately notify the police department of the time and place of the prohibited discharge and the substance discharged, if known.
- (h) **Enforcement and Penalties.**
- (1) Enforcement. A law enforcement officer, the Director of Inspection Services, upon referral from the North Shore Fire Department shall have the authority to make complaints and issue citations and summons under this Section.
  - (2) Civil Liability. Any person, firm, or corporation in violation of this Section shall be liable to the City and to any individual whose person or property was damaged by such violation for any and all expenses incurred by the City and loss or damage sustained by the City, or assisting private or public agencies by reason of such violation.
  - (3) Penalties. Any person, firm, or corporation found guilty of violating any provisions of this Section shall be subject to a forfeiture of not more than One Hundred Dollars (\$100.00) for the first offense, and not more than Five Hundred Dollars (\$500.00) plus State surcharge, and court costs for each subsequent offense, together with costs of prosecution in each instance; and in default Of Payment thereof, shall be imprisoned in the County Jail or the House of Correction until said forfeiture and costs together with subsequent costs are paid, but in any event, not to exceed thirty (30) days.
  - (4) Separate Offense. Each day that the violation is permitted or continues to exist shall constitute a separate offense.

#### 5.4.2 RECOVERY OF COSTS.

- (a) Every person, firm or corporation using, storing, handling or transporting flammable or combustible liquids, chemicals, gasses or other hazardous materials shall comply with the requirements of Wisconsin Administrative 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.
- (c) The City shall have all rights of recovery for costs related to the prevention, control, or extinguishing of any fire, and for subsequent cleanup or remedial action necessary pertaining to any fire, as provided by 1989 Wisconsin Act 256, which is specifically adopted in its entirety, together with such amendments and

reenactments as shall occur subsequent to the enactment of this Subsection (July 9, 1990).

### 5.4.3 ABOVE-GROUND STORAGE FACILITIES.

- (a) **Purpose.** The purpose of this Section is to protect the public health, safety and welfare of the persons and property of the City of Glendale and provide for economic growth of the community.
- (b) **Applicability.** An Above-Ground Storage Facility (AGSF) operating permit is required whenever more than 60 gallons cumulative volume of a flammable, combustible, toxic or hazardous material is to be stored on site. This requirement applies to single tanks and to the accumulated volume of multiple small containers. In the case of multiple small containers, the determination of volume shall be based on the total volume of all flammable, combustible, toxic or hazardous materials stored on site.
- (c) **Definitions.** The following definitions shall be applicable in this Section:
- (1) Above-Ground Storage Facility (AGSF). Any outside or interior storage tank or container, structure or outside storage area designed and intended to store a flammable, combustible, toxic or hazardous substance.
  - (2) Combustible Liquid. A liquid having a flash point at or above 100°F (37.80°C).
  - (3) Container. A vessel with a liquid capacity equal to or less than 60 gallons used for transporting a substance. This definition also applies to Port-a-Tanks when located in storage or a warehouse.
  - (4) Discharge. The spilling, leaking, pumping, emitting, or dumping of flammable, combustible, toxic or hazardous materials.
  - (5) Flammable Liquid. A liquid having a flash point below 100°F (37.8°C) having a vapor pressure not exceeding 40 psi. (2068 mm Hg) at 100°F (37.8°C) shall be known as a Class I liquid. Class I liquids shall be subdivided as follows:
    - a. Class IA shall include those having flash points below 73°F and having a boiling point below 100°F.
    - b. Class IB shall include those having flash points at or below 73°F and having a boiling point at or above 100°F.
    - c. Class IC shall include those having flash points at or above 73°F and below 100°F.
  - (6) Gas. A substance that is in gaseous forms at 70°F and 1 atm pressure.
  - (7) Hazardous, Material. Any substance with such physical, chemical, or infectious characteristics as to pose a potential hazard to existing or potential water supplies, human health, or the environment. Hazardous materials include, but are not limited to, toxic chemicals, heavy metals, radioactive or infectious wastes, acids and alkalis, pesticides, petroleum products, fertilizers, herbicides, solvents and thinners. Hazardous materials shall include, but are not limited to, chemicals and compounds listed in the Resource Conservation and Recovery Act (40 CFR 260 and 261);

Occupational Safety and Health Administration list (29 CFT 1910); U.S. Department of Transportation; Superfund Amendments and Reauthorization Act of 1986, Title 111-Community Right-to-Know; the Toxic Substances Control Act (TSCA); or the Federal Insecticide, Fungicide and Rodenticide Act.

- (8) Commerce. A regulatory agency of the State of Wisconsin. (COMM)
  - (9) COMM 10. State of Wisconsin Department of Commerce (COMM) regulations governing the storage, installation, operation, use maintenance and transportation of flammable and combustible liquids.
  - (10) Liquid. Any flammable, combustible, or hazardous substance or waste that is present in liquid form at standard conditions of 60F and 14.7 psi.
  - (11) LNG (Liquefied Natural Gas) A liquid form of natural gas (basically methane) which is maintained in liquefied form through refrigeration at about minus 260F at atmospheric pressure and kept in this form by utilizing property insulated vessels.
  - (12) LPG (Liquefied Petroleum Gas). A compressed liquefied gas consisting primarily of propane although it is often a mixture of propane, butane, and other hydrocarbons. It is stored in pressurized containers.
  - (13) NFPA 30. Is the national standard for Flammable and Combustible Materials.
  - (14) Outdoor Storage. The storage of raw or finished goods and materials (bulk or packaged) outside of any building or structure, but not including storage of a temporary or emergency nature.
  - (15) Port-a-Tank, A pallet mounted tank, or tank designed to be lifted by a forklift. The liquid capacity of this type of tank is usually in the range of 250 to 500 gallons.
  - (16) Solid. Any material that has fluidity less than that of 300 penetration asphalt when tested in accordance with ASTM D5, Test for Penetration for Bituminous Materials.
  - (17) Storage Tank. A vessel with a liquid capacity exceeding 60 gallons and intended for fixed installation. This definition applies to Port-a-Tanks when they are used as a feed tank to a manufacturing process. This definition applies to oil day tanks (60 to 200 gallon capacity) installed in buildings for emergency generators and fire pumps.
  - (18) Toxic Material. Toxic material shall be as defined in the Resource Conservation and Recovery Act 40 CFR 260, or any amendments and revisions thereto.
- (d) **Disclosure Requirement.** It shall be unlawful for any person, firm, or corporation to store flammable, combustible, toxic or hazardous substances without notifying the City of existing or proposed facilities and providing proof of any permits required by state or federal law.
  - (e) **Prohibited Storage.** It shall be unlawful for any person to store flammable, combustible, toxic or hazardous substances in such a manner as to endanger the public safety and welfare or to seriously threaten to degrade air, water or soil quality.
  - (f) **Use Restrictions.**

- (1) An existing tank, container or warehouse may not be converted to use for storage of flammable, combustible, or hazardous substances unless application has been made and the necessary approvals received from the City.
  - (2) Outdoor storage of flammable, combustible toxic or hazardous materials is prohibited except in product tight containers, which are protected from the elements, leakage, accidental damage or vandalism.
- (g) **Above-Ground Storage Facility Operating Permit (AGSF Operating Permit) Required.** No Above-Ground Storage Facility shall be erected or maintained on any lot or parcel of land in the City of Glendale, except in compliance with the requirements of this Section.
- (h) **Application for Conditional Use.**
- (1) Application. Before any work is commenced on the construction, installation or erection of an Above-Ground Storage Facility, or on any alterations, additions, remodeling or other improvements, an Application for Conditional Use shall be submitted to the City Planner and Zoning Administrator or other City agency or Department as from time to time designated by the City Administrator. If the proposal is acceptable to the City Planner and Zoning Administrator, it will be forwarded to the Director of Inspection Services. If not acceptable, the application will be returned to the applicant. The Plan Commission shall request and consider the recommendation of the North Shore Fire Department.
  - (2) Application Standards. The application shall be prepared in accordance with paragraph 10.10(3) of COMM10. The applicant shall note that COMM10 applies only to Flammable and Combustible Liquids, and that other COMM codes address the storage of specific gases and solids.
  - (3) Applicable Codes and Regulations.
    - a. The application shall comply with the requirements presented in the appropriate Wisconsin Administrative Code and the requirements of all applicable regulations.
    - b. Each type of substance has unique requirements for safe storage and use. The type and extent of facilities used to store and use flammable, combustible, and hazardous materials will depend on the type and amount of the material stored. The planning, design, construction and operation of an AGSF shall be in compliance with standards, regulations, codes, and policies established by the applicable federal (including, but not limited to, the U.S. Environmental Protection Agency, Occupational Safety and Health Administration, and the Department of Housing and Urban Development), state (including, but not limited to, the Wisconsin Department of Natural Resources, and the Wisconsin Department of Commerce), or local regulatory agency, or industrial group (including, but not limited to, the American Society of Testing Materials, American Petroleum Institute, National Fire Protection Association, Chlorine Institute, and Factory Mutual Systems) that present specifications for the planning, design, construction, and/or

operation of any above-ground storage facility, including, but not limited to, above-ground storage tanks and warehouses.

- c. In cases where there is a conflict between two (2) or more standards, the most restrictive one shall apply.

(4) Submit Design Report.

- a. The intent of this Section is to establish minimum standards for installations within the City, and not to duplicate, replace or supersede the regulations and guidance from other sources.
- b. The applicant shall provide the City with a design report prepared by a Professional Engineer, registered in the State of Wisconsin that addresses the following:
  1. Provides all information requested by the fire department.
  2. Documents that applicable state and federal permits have been applied for and received.
  3. Identifies and describes the type and amount of material to be stored, including the number and size of containers (e.g., 1 container @ 10,000 gal. vs. 10,000 containers @ 1 gallon), identifies specific regulations that governs the installation of the material, and which describe the proposed facilities along with an explanation of how the regulations have been addressed.
  4. For installations with more than 60 gallons combined volume of regulated material, describes the fire protection system(s) that will be in place.
  5. Identifies location and method of storage. Documents compliance with the minimum Acceptable Separation Distances required in Subsection (5) below.
  6. Discusses the compatibility of the proposed facility with the surrounding land use. Identifies and addresses alternative site selection, designs, sizes, and construction techniques. Explains how the facility will meet all noise, odor and traffic related issues.
  7. Discusses the environmental impact and methods used to mitigate the impact. The applicant is encouraged to provide information regarding the impacts in terms of jobs and taxes.
  8. If the AGSF will be located outside, describes how the AGSF will be obscured from the view of the public by fencing, screening or landscaping, or in the combination thereof, while maintaining access for fire protection.
  9. Describes road networks leading from the AGSF to major routes, and explains how residential neighborhoods will be avoided.
  10. The report shall be stamped, dated, and signed by a professional engineer, registered in the State of Wisconsin, who has prepared or reviewed the proposed plan, confirmed compliance with the applicable regulations, and certifies that

the installation complies with the standards established by the regulations.

- (5) Spill Prevention. Control and Countermeasure Plan (SPCC).
- a. The application shall include information on the materials to be stored in the proposed facility, identify potential for spills, and identify measures to prevent, control and correct spills that may occur.
  - b. A SPCC plan shall explain steps that will be taken to mitigate and respond to spills. In particular, it will explain steps that will be taken to:
    1. Prevent incompatible chemicals from mixing with one another;
    2. Notify appropriate agencies of a spill; and
    3. Respond to a spill during a fire.
  - c. If more than six hundred sixty (660) gallons of liquid or two thousand (2,000) pounds of dry material will be stored, the SPCC plan shall be prepared in accordance with all of the provisions of 40 CFR 112 of USEPA regulations under the Clean Water Act for storage of petroleum products, which provisions are adopted herein and incorporated as fully set forth, including such amendments or revisions as from time to time shall be adopted and in effect. The SPCC is required regardless of the type of materials stored.
- (6) Emergency Preparedness.
- a. The application shall include applications and reports required by the provisions of the SARA Title III Community Right-to-Know and OSHA Employee Right-to-Know regulations. The provisions of these two regulations shall apply to all industrial and commercial facilities, regardless of size, at which flammable, combustible, toxic or hazardous materials are stored in quantities greater than 50 gallons liquid or 25 pounds dry weight.
  - b. The application shall include an Emergency Preparedness and Response Plan. The applicant shall identify potential hazards, the steps taken to prevent the hazards from occurring, and the steps that will be taken in the event of an emergency.
  - c. The application shall provide information requested by the fire department including the location of materials stored in the facility and information regarding fire protection systems.
- (7) Storm Water Permit  
Companies impacted by the USEPA Storm-water Regulation, 40 CFT Part 122, shall include a copy of the storm-water permit applications, with the Application for Conditional Use. A copy of the permit and the storm-water management plans shall be provided when they become available.
- (8) Construction Schedule  
The application shall include the proposed schedule for construction, start-up and operation of the proposed AGSF. Included will be information on the anticipated length of time for storage.

**(i) Separation Distance Requirements.**

- (1) The Acceptable Separation Distance (ASD) between the proposed facility, and the property line, public area, private home or structure, and/or other on-site structure shall be based on applicable codes and regulations. Codes and violations that must be complied with include, but are not limited to:
  - a. City of Glendale Zoning Code.
  - b. U.S. Department of Housing and Urban Development, Citing HUD assisted Projects Near Hazardous Facilities, April 1987, JUD-1060CPD, which provisions are adopted herein and incorporated as fully set forth, including such amendments or revisions as from time to time shall be adopted and in effect. A copy of this procedure may be obtained from the Glendale Building Department.
  - c. Wisconsin COMM 10 and other applicable chapters.
  - d. National Fire Protection Agency Code, including, but not limited to, NFPA 30.
  - e. Factory Mutual Systems or other applicable guidelines.
  - f. USEPA Regulations for hazardous substances.
  - g. Any other applicable code, standard or ordinance.
- (2) In any case where there is a conflict between codes or regulations, the most restrictive shall apply.
- (3) In the event that an ASD cannot be met, a proposal shall be submitted to mitigate adverse impacts.

**(j) Construction Requirements**

- (1) The applicant shall post bond in an amount equal to the estimated construction cost with the City. Bond will be used to correct installation if not properly constructed.
- (2) The applicant shall notify the Director of Inspection Services in writing upon initiating construction of the AGSF.
- (3) The applicant shall notify the Director of Inspection Services upon completion of construction. An AGSF operating permit will be issued if the facility has been constructed in accordance with the applicable requirements.

**(k) Operating Requirements**

- (1) The permittee shall notify the Director of Inspection Services in writing upon shutdown of the AGSF for scheduled maintenance and shall give notice to the Director of Inspection Services in writing before resuming operation.
- (2) The permittee shall notify the Director of Inspection Services prior to making any alteration, modification, or change to the AGSF.
- (3) The permittee shall be responsible for renewing the operating permit every three (3) years:
  - a. The application for renewal shall include a copy of the annual insurance or safety reports, and a report from an inspector certified in accordance with COMM 10.

- b. The application provide the City with a copy of the Certificate of Insurance for the AGSF, along with copies of annual insurance or safety reports, and shall submit a letter describing steps that will be taken to comply with the insurance safety report.
- c. The permit requires the facility to be inspected by a qualified individual. This person shall inspect the proposed system and verify the adequacy of the safety and fire protection systems installed with the tank. The inspector shall submit a report that describes the operating status of the AGSF, changes to operation or the physical equipment since issuance of the previous permit, deficiencies, and appropriate corrective actions.

(l) **Reports and Notifications.**

- (1) The permittee shall maintain an inventory of materials that reconciles purchase, use or sale, and disposal records. The inventory shall be maintained on site and be available for inspection. The inventory for petroleum and liquid chemicals shall be kept on a weekly basis in order to detect product loss or leakage.
- (2) Every person having knowledge of a spill, leak, or other loss, including illegal disposal of waste, toxic or hazardous material, shall report the information immediately to the Fire Department and to the Department of Natural Resources.
- (3) A building plan showing the location, amounts, color-coding, and materials in storage shall be submitted to the Director of Inspection Services and also be kept in the central office to help the North Shore Fire Department respond to hazards. The plan should include information on fire protection features such as the location of control valves and fire hydrants.

(m) **Compliance.**

- (1) All AGSF's existing at the time of passage of this Section (April 13, 1992) meeting all of the requirements of this Section shall be upgraded to comply with the requirements of this Section at the time the AGSF is replaced, modified, or upgraded. All owners and/or operators of AGSF must comply with the following schedule:
  - a. Notify the City of the presence of an AGSF and submit an application for conditional use within three (3) months of passage of this AGSF Section. The application shall include documentation that the facility is provided with fire protection by a public or private fire department.
  - b. Apply for an operating permit within twelve (12) months of the passage of this Section. The application shall include the items described in Subsection (h), application for conditional use. The engineering report shall include a schedule for achieving compliance, which will be subject to the approval of the Building Department.
  - c. Final compliance shall be achieved within five (5) years.
- (2) Provisions of this Section shall be enforced by the Director of Inspection Services. Agents of the Director of Inspection Services may enter upon any

- premise at any reasonable time to inspect for compliance.
- (3) Upon request of an agent of the Director of Inspection Services or Fire Department, the owner or operator of any premises at which flammable, combustible, toxic or hazardous materials are used or stored shall furnish all information required to monitor compliance with the regulations of this Section.
  - (4) Users of flammable, combustible, toxic or hazardous materials are required to submit a disclosure statement in advance of any significant changes in the use or handling of the material or change of business ownership, name or address.
  - (5) The owner or operator must notify the City in advance of any material considered being proprietary or confidential, along with justification for the request, such material must be stamped "confidential".
- (n) **Failure to Comply.**
- (1) The Director of Inspection Services will issue a written notice of violation to any facility not in compliance with this Section. The notice of violation shall specify the nature of the violation, and a schedule for achieving compliance. The cost of the remediation shall be borne by the owner and operator of the premises.
  - (2) The owner and/or operator of the facility must respond to the notice of violation within ten (10) calendar days, describing the steps that have been taken to mitigate the violation, and the steps that will be taken to correct the situation.
  - (3) Failure to comply with the conditions, commitments, guarantees or the recommendations established in the approval of the AGSF shall be cause for rescinding the approval of same.
  - (4) Upon notice of the Director of Inspection Services, the owner shall be required to appear before the Plan Commission at its next meeting to explain any such failure to comply, and intended remedial actions, including a compliance schedule.
  - (5) The Plan Commission may set a time limit for compliance or recommend specific steps to be taken to rescind the approval of the project, including the termination of the construction, and removal of any AGSF on such site upon thirty (30) days' notice in writing to the owner at his last known address.
  - (6) Penalty for failure to comply with any provision of this Section shall be Five Thousand Dollars (\$5,000.00) per day of violation.
- (o) **Recovery of Costs.**
- (1) Every person, firm or corporation having ownership or control of an AGSF within the City shall be deemed as a condition of its operating permit to consent to entry upon premises wherein the AGSF is located as reasonably necessary to extinguish, confine or clean up any hazardous leak, defective condition, spill or any other condition associated with such AGSF which presents a threat of fire, or a risk to the health and/or safety of the citizenry.

- (2) The City shall have all rights of recovery for costs related to the prevention, control or extinguishing of any condition as set forth in Subsection (n)(1) above, and for subsequent cleanup or remedial action necessary pertaining to any fire, leak, spill or any other condition as described in Sub. (a) and such costs may be assessed against the property upon which the AGSF is located. This provision shall include, but not be limited to, all rights of recovery as provided by Section 1989 Wisconsin Act 256, which is specifically adopted in its entirety together with such amendments or reenactments as shall occur subsequent to the enactment of this Subsection.
- (p) **Applicability of Incorporated Laws and Regulations.**  
All references to federal and state laws and regulations shall be deemed to adopt and be included any such amendments or revisions as from time to time shall be adopted unless specifically excluded by provisions in this Section.

## 5.5 Emergency Government

- 5.5.1 DIRECTOR OF EMERGENCY GOVERNMENT
- 5.5.2 DEPUTY DIRECTOR OF EMERGENCY GOVERNMENT
- 5.5.3 MUTUAL AID AGREEMENTS
- 5.5.4 APPROPRIATION AND AUTHORITY

### 5.5.1 DIRECTOR OF EMERGENCY GOVERNMENT.

- (a) **Creation; Appointment.** There is hereby created the position of Director of Emergency Government, which position shall be held by the Director of Emergency Government employed by the "Zone A" Emergency Government Commission, said Commission consisting of representatives of the City of Glendale and the Villages of River Hills, Shorewood, Whitefish Bay, Fox Point, Bayside and Brown Deer.
- (b) **Powers and Duties.** The Director of Emergency Government as defined in Subsection (a) hereof shall have all of the powers, duties and responsibilities delegated to him by virtue of the "Zone A" Emergency Government Agreement entered into by the City of Glendale, dated the 15th day of January, 1963.

### 5.5.2 DEPUTY DIRECTOR OF EMERGENCY GOVERNMENT.

- (a) **Creation; Appointment.** The office of Deputy Director of Emergency Government is herewith created. The City Administrator shall serve as, and perform all the duties and responsibilities of, the Deputy Director of Emergency Government.
- (b) **Powers and Duties.** The Deputy Director of Emergency Government shall have direct responsibility for the organization, administration and operation of the City's Emergency Government organization and shall be responsible for the carrying out of the provisions of this Chapter, all subject to the direction and control of the Common Council. In performing his duties under this Section, the Deputy Director is particularly authorized and empowered as follows:
  - (1) To cooperate with the Federal Government, other political subdivisions and private agencies in all matters pertaining to civil defense and emergency government.
  - (2) To prepare a plan and program for the civil defense of the City of Glendale, such plan and program to be integrated into and coordinated with the civil defense plans of the Federal Government, the "Zone A" Emergency Government Commission, and the State of Wisconsin. Said plan shall be presented to the Common Council for its approval. When the Common Council has approved the plan by resolution, it shall be the duty of all municipal agencies and all civil defense forces of the City to perform

the duties and functions assigned by the plan as approved. The plan may be modified in like manner.

- (3) To negotiate and recommend to the Common Council mutual aid arrangements with other political subdivisions.
- (4) To procure supplies and equipment.
- (5) To institute training and public information programs.
- (6) To take all other preparatory steps to insure the furnishing of adequately trained and equipped forces of civil defense and disaster personnel in time of need.

### **5.5.3 MUTUAL AID ARRANGEMENTS.**

- (a) The Director for Emergency Government and Disaster may, in collaboration with other public and private agencies within the State of Wisconsin and the nation, develop, or cause to be developed, mutual aid arrangements for reciprocal civil defense and disaster aid and assistance in case of war or disaster too great to be dealt with unassisted. Such arrangements shall be consistent with the State of Wisconsin civil defense and disaster plan, and emergency government programs of the Federal Government.
- (b) The Mayor may, subject to the approval of the Common Council, enter into mutual aid arrangements with civil defense and disaster agencies or organizations in other political subdivisions or in the State of Wisconsin or in other states for reciprocal civil defense and disaster aid and assistance in case of war or disaster too great to be dealt with unassisted.

### **5.5.4 APPROPRIATION AND AUTHORITY TO ACCEPT SERVICE, GIFTS, GRANTS AND LOANS.**

- (a) The Common Council shall appropriate, from time to time, such money as may be necessary for carrying out the purposes of this Chapter, such money to be deposited in an emergency government account. The said money shall be disbursed in the usual manner for the disbursement of such funds; excepting in case of emergency, in which event the director may disburse funds within his discretion and without the signature or counter-signature of any other City officer.
- (b) Whenever the Federal Government or the State of Wisconsin, or any agency or officer thereof, or any person, firm or corporation, shall offer to the City services, equipment, supplies, materials or funds by way of gift, grant, or loan for purposes of civil defense and disaster, the City, acting through the Mayor, may accept such offer. Upon such acceptance, the Mayor may authorize any officer of the City, or the director or any deputy director, as the case may be, to receive such services, equipment, supplies, materials, or funds on behalf of the City, subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer. Such acceptance, however, shall not create any liability on the part of the City, or any officer, agent, or employee thereof, for failure to comply with the

terms of such offer and the rules and regulations, if any, of the agency making the offer.

## 5.6 Regulation of Alarm Systems

5.6.1	INTENT OF CHAPTER
5.6.2	DEFINITIONS
5.6.3	NOTIFICATION OF INSTALLATION
5.6.4	PROHIBITED ALARM SYSTEMS
5.6.5	FALSE ALARM SERVICE RESPONSE
5.6.6	PENALTY FOR VIOLATION OF CHAPTER

### 5.6.1 INTENT OF CHAPTER.

The intent of this Chapter is to regulate alarm systems as defined in this Chapter in the City of Glendale and to prevent carelessness, improper maintenance or any other cause which results in false police and/or fire alarms from privately owned, commercially owned, leased or contracted alarm systems. Such false alarms initiate police and/or fire personnel and apparatus responses which result in unnecessary expenses to the City, increase the risk of damage to property or injury to persons, and dilutes the level of police and fire protection available to other areas of the City.

### 5.6.2 DEFINITIONS.

The following definitions are applicable to this Chapter:

- (a) **Alarm.** Any signal, message or other communication transmitted by an alarm system or alarm company which causes a response by the police or fire department. This definition includes audible alarms whereby neighbors or other persons in the area report the alarm to the Communications Center.
- (b) **Alarm Company.** The business of any individual, partnership, corporation or other entity engaged in selling, leasing, maintaining, monitoring, servicing, repairing, altering, replacing, moving or installing any alarm system or in causing any alarm system to be sold, leased, maintained, monitored, serviced, repaired, altered, replaced, moved, or installed, in or on any building, structure or facility.
- (c) **Alarm System.** An intrusion, fire, burglar or hold-up alarm system, which is designed to summon or cause a response by either or both the Police and Fire Departments.
- (d) **Alarm User.** The person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility or portion thereof wherein an alarm system is in operation.
- (e) **Applicant.** Any party having an interest in, or property at, the premises where an alarm system is installed and who submits the data required by this Chapter.

- (f) **Chargeable Alarm.** A false alarm caused by owner or employee error, mechanical malfunction, negligence of the owner or employees, or alarms for unknown causes.
- (g) **Department.** Either the North Shore Fire Department or the City of Glendale Police Department, or both.
- (h) **False Alarm.** (1) A signal from an alarm system resulting in a response by either or both the Police and Fire Departments when an emergency situation does not exist, regardless of the manner in which either the Police or Fire Department is alerted. (2) Any alarm that is later determined by the officer not to have been the result of an existing emergency or unlawful situation.
- (i) **Non-chargeable Alarm.** An alarm that was caused by an existing emergency or unlawful incident or by forces beyond the control of the alarm owner or user.

### 5.6.3 NOTIFICATION OF INSTALLATION.

- (a) **Notice.** Any person having control over any property within the City of Glendale at which there is installed or exists an alarm system, or which will have an alarm system installed which will not be monitored or connected to an alarm company, shall notify the Glendale Police Department of the system or of his intention to install such system by providing information as follows:
  - (1) Name, address and telephone number of party who can be contacted in the event of an emergency or false alarm and is available upon request of the Department within one-half (1/2) hour to provide a key to the premises for which an alarm has been activated for the purposes of inspecting such premises or resetting such alarm system;
  - (2) Identification of party installing the alarm system;
  - (3) Identification of person or firm which may be contacted to report any apparent malfunction in the alarm system;
  - (4) Any other information deemed necessary by the Police or Fire Chief for the purpose of providing an appropriate response by either Department, or both;
  - (5) Any person, firm or corporation owning, leasing or operating a private alarm system within the City of Glendale shall also maintain an on-call maintenance service available during the hours that such system is in operation.
  - (6) No information required for an application for alarm permits shall be deemed public information under Section 19.31, Wis. Stats., and instead constitutes information whose disclosure would result in a compromise of public safety which is not outweighed by the benefit to the public in disclosure of same; all information so required shall be maintained in a secured manner by Police and Fire Department personnel.
  - (7) There shall be no permit fee for the installation of an alarm system. Installation of an alarm system without notifying the City shall be punishable by a forfeiture of not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00), for each offense, to the installer; a

separate offense shall be deemed committed each six (6) month period which elapses without the notification to the City.

- (8) **Registration Exemption.** No registration or notice of installation will be required of an alarm system which is monitored by or connected to an alarm company, provided that provisions of this Section are maintained by the alarm company and said information is made available to the Police Department upon request.

#### **5.6.4 PROHIBITED ALARM SYSTEMS.**

- (a) **Audible Alarms.** No person, firm or corporation shall use or install an alarm system which upon activation shall emit an audible alarm unless such system shall automatically shut off within five (5) minutes after being activated.
- (b) **Automatically Activated Phone Dialer.** No person, firm or corporation, other than the North Shore Water Commission Filtration Plant, shall use, or cause to be used, any telephone or electronic device or attachment that automatically selects the public telephone trunk line of the Police or Fire Department or any other department of the City of Glendale which reproduces a pre-recorded message to report a burglary, fire or other emergency. Any system in operation which is in violation of this Section shall be modified so that it is no longer in violation of this Section or shall be disconnected no later than ninety (90) days following the original enactment of this Chapter.

#### **5.6.5 FALSE ALARM SERVICE RESPONSE CHARGE.**

- (a) Each false alarm after the first one occurring within any 12 month period shall be subject to a Fifty Dollar (\$50.00) false alarm service response charge. This charge shall be increased by Fifty Dollars (\$50.00) for each succeeding violation to a maximum of Five Hundred Dollars (\$500.00), plus any related court costs. Each false fire alarm after the first one occurring within any 12 month period shall be subject to a Three Hundred Dollar (\$300.00) false alarm charge. This charge shall be increased by Three Hundred Dollars (\$300.00) for each succeeding violation to a maximum of One Thousand Five Hundred Dollars (\$1,500.00), plus any related court costs.
- (b) Each false alarm originated by a commercial alarm company without the prior notification to the Police or Fire Department occurring within each calendar year shall be subject to a One Hundred Dollar (\$100.00) false alarm service response charge. This charge shall be increased by One Hundred Dollars (\$100.00) for each succeeding violation to a maximum of Five Hundred Dollars (\$500.00).
- (c) A false alarm service charge may be waived, upon presentation by the applicant responsible for same, of evidence which satisfies either the Police Chief or Fire Chief, or their designee, that the false alarm was occasioned by causes other than negligence, carelessness or inadequate or improper maintenance.

- (d) Each false alarm service response charge shall be considered a special charge owed by the alarm user to the City, within the meaning of Section 66.60 (16) of the Wisconsin Statutes. If the special charge(s) are not paid within thirty (30) days of receipt of the invoice, it shall be considered delinquent, and shall become a lien, as of the date of such delinquency, and shall automatically be extended upon the current or next tax roll as a delinquent tax against the alarm user's property, and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such special charge. If the alarm user is not the owner of the property, a copy of the invoice provided for herein shall also be mailed to the owner of said property.
- (e) A ninety (90) day grace period on all new police and fire alarm systems or police and fire systems that have been upgraded by reconstruction or conversion to new technology shall be granted, provided the alarm installer informs the Police Department, in writing, when a new system is installed or upgraded.
- (f) No person shall intentionally cause the activation of an alarm device knowing that no emergency exists.

#### **5.6.6. PENALTY.**

In addition to the special charges assessed herein, any person, firm or corporation who or which shall violate any of the provisions of this Chapter shall be subject to a forfeiture as prescribed in Sec. 1-1-7 of this Code of Ordinances.

## 5.7 City Ambulance Service

### 5.7.1 CITY NON-PARAMEDIC AMBULANCE RUNS

#### 5.7.1 CITY NON-PARAMEDIC AMBULANCE RUNS.

- (a) **Classification of Requests for Assistance.**
- (1) The regulations of this Section shall apply. to all requests for City ambulance service. Ambulance requests are classified as follows:
    - a. Non-emergency;
    - b. Emergency, but not life-threatening; and
    - c. Life-threatening.
  - (2) If there is any doubt as to which classification applies, the doubt shall be resolved by treating the situation as one falling within the next highest classification.
- (b) **Transportation Policy.** The City shall respond to a request for ambulance service by dispatching to the location of the patient either the paramedic ambulance or the regular ambulance, or both. If, at the location, it is determined that the situation is life-threatening, as hereinafter defined, the paramedic ambulance shall transport the patient to the appropriate treatment center. If it is determined that the situation is an emergency, as hereinafter defined, but not a life-threatening situation, the regular ambulance shall transport the patient to a hospital, as hereinafter defined, of the patient's choice within a radius of three and eight-tenths (3.8) miles from the Glendale Fire Station, unless all hospitals within such radius do not have the requisite treatment facilities. In the event the situation is neither life-threatening nor an emergency, the patient, or the person having custody of the patient, shall be informed that the patient should be transported by a private ambulance service.
- (c) **Definitions.** The following definitions shall be applicable in this Section:
- (1) Life-threatening Situation. A situation as described in paragraph 7 of the contract between the City of Glendale and certain surrounding suburbs for paramedic service, which is adopted by reference and incorporated herein.
  - (2) Emergency Situation. One in which speed of conveyance is required for the well-being of the patient.
  - (3) Hospital. An institution providing twenty-four (24) hour continuous service to patients confined therein which is primarily engaged in providing facilities for diagnostic and therapeutic services for the surgical and medical diagnosis, treatment and care, of injured or sick persons, by or under the supervision of a professional staff of physicians and surgeons, and which is not primarily a place of rest for the aged, drug addicts or alcoholics, or a nursing home.

## **5.8 Residency Restrictions for Sex Offenders and Directing Action for Injunctive Relief for Violation Thereof**

- 5.8.1** PURPOSE.
- 5.8.2** DEFINITIONS.
- 5.8.3** RESIDENCY RESTRICTIONS.
- 5.8.4** RESIDENCY RESTRICTION EXCEPTIONS.
- 5.8.5** ORIGINAL DOMICILE RESTRICTION.
- 5.8.6** CHILD SAFETY ZONES.
- 5.8.7** CHILD SAFETY ZONE EXCEPTIONS.
- 5.8.8** VIOLATIONS.

The Mayor and Common Council of the City of Glendale, Milwaukee County, Wisconsin, do hereby find as follows, and adopt such findings as their legislative history for the provisions hereinafter enacted.

The Wisconsin Statutes provide for the punishment, treatment and supervision of persons convicted or otherwise responsible for sex crimes against children, including their release into the community.

Chapter 980 of the Wisconsin Statutes provides for the civil commitment of sexually violent persons, a more dangerous type of sex offender, and specifically, in §980.08, Stats, following such commitment, under certain conditions, provides for the supervised release of such persons into the community.

The City of Glendale places a high priority on maintaining public safety through highly skilled and trained law enforcement as well as dependency upon laws that deter and punish criminal behavior.

Sex offenders have very high recidivism rates, and according to a 1998 report by the U.S. Department of Justice, sex offenders are the least likely to be cured and the most likely to re-offend and prey on the most innocent members of our society. In addition, more than two-thirds of the victims of rape and sexual assault are under the age of 18, and sex offenders have a dramatically higher recidivism rate for their crimes than any other type of violent felon.

The Common Council has been advised by staff counsel of the findings of a number of the Legislatures of these United States, including Wisconsin, and including, but not limited to Pennsylvania, Alabama, Iowa, Florida, Maine, and Louisiana, as they pertain to laws adopted which relate to and in part impose restrictions upon sex offenders with respect to residency; and

The Common Council having also been advised of the decision of the United States Court of Appeals for the 8th Circuit, in Doe v. Miller, 405 F.3d 700, 716 (8th Cir. 2005), providing in part: "The record does not support a conclusion that the Iowa General Assembly and the Governor acted based merely on negative attitudes toward, fear of, or a bare desire to harm a politically unpopular group. [Citation omitted]. Sex offenders have a high rate of recidivism, and the parties presented expert testimony that reducing opportunity and temptation is important to minimizing the risk of re-offense. Even experts in the field could not predict with confidence whether a particular sex offender will re-offend, whether an offender convicted of an offense against a teenager will be among those who "cross over" to offend against a younger child, or the degree to

which regular proximity to a place where children are located enhances the risk of re-offense against children. One expert in the district court opined that it is just “common sense” that limiting the frequency of contact between sex offenders and areas where children are located is likely to reduce the risk of an offense. [Citation omitted]. The policymakers of Iowa are entitled to employ such “common sense,” and we are not persuaded that the means selected to pursue the States legitimate interest are without rational basis.”

The Common Council desires to codify in the Municipal Code in furtherance of the protection of the safety of its citizens, and to be responsible to their own citizens, the declaration by the Secretary of the Wisconsin Department of Health and Family Services and the Secretary of the Wisconsin Department of Corrections dated October 27, 2006, that Wisconsin law is now explicit, no sexually violent person may be placed on supervised release in a residence in the City unless that individual is from the City.

The Common Council having considered a proposed amendment to the Municipal Code to provide residency restrictions for sex offenders and child safety zones to further protect children, and upon all of the records and files and reports and proceedings pertaining to the subject matter, and all of the prior actions and experience of the City of Glendale in protecting the Community from sexually violent persons, finds the proposed amendments will serve to protect the health, safety and welfare of the Community.

#### **5.8.1 PURPOSE.**

This Chapter is a regulatory measure aimed at protecting the health and safety of children in Glendale from the risk that convicted sex offenders may re-offend in locations close to their residences. The City finds and declares that sex offenders are a serious threat to public safety. When convicted sex offenders reenter society, they are much more likely than any other type of offender to be rearrested for a new rape or sexual assault. Given the high rate of recidivism for sex offenders, and that reducing opportunity and temptation is important to minimizing the risk of re-offense, there is a need to protect children where they congregate or play in public places in addition to the protections afforded by state law near schools, daycare centers and other places children frequent. The City finds and declares that in addition to schools and daycare centers, children congregate or play at public parks.

#### **5.8.2 DEFINITIONS.**

As used in this Chapter and unless the context otherwise requires:

- (a) A “sexually violent offense” shall have the meaning as set forth in Wis. Stat. §980.01(6), as amended from time to time.
- (b) A “crime against children” shall mean any of the following offenses set forth within the Wisconsin Statutes, as amended, or the laws of this or any other state

or the federal government, having like elements necessary for conviction, respectively:

§940.225(l) First Degree Sexual Assault;  
 §940.225(2) Second Degree Sexual Assault;  
 §940.125(3) Third Degree Sexual Assault;  
 §940.22(2) Sexual Exploitation by Therapist;  
 §940.30 False Imprisonment-victim was minor and not the offender's child;  
 §940.3l Kidnapping victim was minor and not the offender's child;  
 §944.0l Rape (prior statute);  
 §944.06 Incest;  
 §944 10 Sexual Intercourse with a Child (prior statute);  
 §944.11 Indecent Behavior with a Child (prior statute);  
 §944.12 Enticing Child for Immoral Purposes (prior statute);  
 §948.02(1) First Degree Sexual Assault of a Child;  
 §948.02(2) Second Degree Sexual Assault of a Child;  
 §948.025 Engaging in Repeated Acts of Sexual Assault of the Same Child;  
 §948.05 Sexual Exploitation of a Child;  
 §948.055 Causing a Child to View or Listen to Sexual Activity;  
 §948.06 Incest with a Child;  
 §948.07 Child Enticement;  
 §948.075 Use of a Computer to Facilitate a Child Sex Crime;  
 § 948.08 Soliciting a Child for Prostitution;  
 §948.095 Sexual Assault of a Student by School Instructional Staff;  
 §948.11(2)(a) or (am) Exposing Child to Harmful Material felony sections;  
 §948.12 Possession of Child Pornography;  
 §948.13 Convicted Child Sex Offender Working with Children;  
 §948.30 Abduction of Another's Child;  
 §971.17 Not Guilty by Reason of Mental Disease of an included offense; and  
 §975.06 Sex Crimes Law Commitment.

- (c) "Person" means a person who has been convicted of, or has been found delinquent of, or has been found not guilty by reason of disease or mental defect of a sexually violent offense and/or a crime against children.
- (d) "Residence" ("reside") means the place where a person sleeps, or which qualifies as a residence under the holdings of the Wisconsin Supreme Court, and which may include more than one location, and may be mobile or transitory.

### **5.8.3 RESIDENCY RESTRICTIONS.**

A person shall not reside within two thousand feet of the real property comprising any of the following:

- (a) Any facility for children (which means a public or private school, a group home, as defined in §48.02(7), Stats., a residential care center for children and youth, as defined in §48.02(15d), Stats, a shelter care facility, as defined in §48.02(17),

Stats., a foster home, as defined in §48.02(6), Stats., a treatment foster home, as defined in §48.02(17q), Stats, a day care center licensed under §48.65, Stats, a day care program established under §120.13(14), Stats, a day care provider certified under §48.651, Stats, or a youth center, as defined in §961.01(22), Stats.); and/or

- (b) Any facility used for:
- (1) a public park, parkway, parkland, park facility;
  - (2) a public swimming pool;
  - (3) a public library;
  - (4) a recreational trail;
  - (5) a public playground;
  - (6) a school for children;
  - (7) athletic fields used by children;
  - (8) a movie theatre;
  - (9) a daycare center;
  - (10) any specialized school for children, including, but not limited to a gymnastics academy, dance academy or music school;
  - (11) a public or private golf course or range; and
  - (12) aquatic facilities open to the public;

The distance shall be measured from the closest boundary line of the real property supporting the residence of a person to the closest real property boundary line of the applicable above enumerated use(s).

#### **5.8.4 RESIDENCY RESTRICTION EXCEPTIONS.**

A person residing within two thousand feet of the real property comprising any of the uses enumerated in 5.8.3 above, does not commit a violation of this chapter if any of the following apply:

- (a) The person is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility.
- (b) The person has established a residence prior to the effective date of this Ordinance which is within two thousand feet of any of the uses enumerated in 5.8.3 above, or such enumerated use is newly established after such effective date and it is located within such two thousand feet of a residence of a person which was established prior to the effective date of this Chapter.
- (c) The person is a minor or ward under guardianship.

#### **5.8.5 ORIGINAL DOMICILE RESTRICTION.**

In addition to and notwithstanding the foregoing, but subject to 5.8.4 above, no person and no individual who has been convicted of, or adjudicated delinquent for, or been found guilty by reason of mental disease or defect of a sexually violent offense and/or a crime against children, shall be permitted to reside in the City of Glendale, unless such

person was domiciled in the City of Glendale at the time of the offense resulting in the person's most recent conviction for committing the sexually violent offense and/or crime against children.

### **5.8.6 CHILD SAFETY ZONES.**

No person shall enter or be present upon any real property upon which there exists any facility used for or which supports a use of:

- (1) a public park, parkway, parkland, park facility;
- (2) a public swimming pool;
- (3) a public library;
- (4) a recreational trail;
- (5) a public playground;
- (6) a school for children;
- (7) athletic fields used by children;
- (8) a movie theatre;
- (9) a daycare center;
- (10) any specialized school for children, including, but not limited to a gymnastics academy, dance academy or music school;
- (11) a public or private golf course or range;
- (12) aquatic facilities open to the public; and
- (13) any facility for children (which means a public or private school, a group home, as defined in §48.02(7), Stats, a residential care center for children and youth, as defined in §48.02(15d), Stats, a shelter care facility, as defined in §48.02(17), Stats, a foster home, as defined in §48.02(6), Stats, a treatment foster home, as defined in §48.02(17q), Stats., a day care center licensed under §48.65, Stats, a day care program established under §120.13(14), , a day care provider certified under §48.65l, Stats, or a youth center, as defined in §96.0l(22), Stats.).

### **5.8.7 CHILD SAFETY ZONE EXCEPTIONS.**

A person does not commit a violation of 5.8.6 above and the enumerated uses may allow such person on the property supporting such use if any of the following apply:

- (a) The property supporting an enumerated use under 5.8.6 also supports a church, synagogue, mosque, temple or other house of religious worship (collectively "church"), subject to the following conditions:
  - (1) Entrance and presence upon the property occurs only during hours of worship or other religious program/service as posted to the public; and
  - (2) Written advance notice is made from the person to an individual in charge of the church and approval from an individual in charge of the church as designated by the church is made in return, of the attendance by the person; and

- (3) The person shall not participate in any religious education programs which include individuals under the age of 18.
- (b) The property supporting an enumerated use under 5.8.6 also supports a use lawfully attended by a person's natural or adopted child(ren), which child's use reasonably requires the attendance of the person as the child's parent upon the property, subject to the following conditions:
  - (1) Entrance and presence upon the property occurs only during hours of activity related to the use as posted to the public; and
  - (2) Written advance notice is made from the person to an individual in charge of the use upon the property and approval from an individual in charge of the use upon the property as designated by the owner of the use upon the property is made in return, of the attendance by the person.
- (c) The property supporting an enumerated use under 5.8.6 also supports a polling location in a local, state or federal election, subject to the following conditions:
  - (1) The person is eligible to vote;
  - (2) The designated polling place for the person is an enumerated use; and
  - (3) The person enters the polling place property, proceeds to cast a ballot with whatever usual and customary assistance is provided to any member of the electorate; and the person vacates the property immediately after voting.
- (d) The property supporting an enumerated use under 5.8.6 also supports an elementary or secondary school lawfully attended by a person as a student under which circumstances the person who is a student may enter upon that property supporting the school at which the person is enrolled, as is reasonably required for the educational purposes of the school.

### **5.8.8 VIOLATIONS.**

If a person violates any provision of this Chapter, by establishing a residence or occupying residential premises within two thousand feet of those premises as described therein, without any exception(s) as also set forth above, the City Attorney, upon referral from the Chief of Police and the written determination by the Chief of Police that upon all of the facts and circumstances and the Purpose of this Chapter, such residence occupancy presents an activity or use of property that interferes substantially with the comfortable enjoyment of life, health, safety of another or others, shall bring an action in the name of the City in the Circuit Court for Milwaukee County to permanently enjoin such residency as a public nuisance. If a person violates any provision of this Chapter, in addition to the aforesaid injunctive relief, such person shall be subject to the general penalty provisions set forth under 1.1.7 of the Glendale Code. Each day a violation continues shall constitute a separate offense.

## **5.9 Adult and Juvenile Community Living Arrangement Facilities**

- 5.9.1** LEGISLATIVE INTENT.
- 5.9.2** DEFINITIONS.
- 5.9.3** REGULATIONS.
- 5.9.4** REVIEW.
- 5.9.5** PENALTY.

### **5.9.1 LEGISLATIVE INTENT.**

The Common Council finds that there exist various forms of Community Living Arrangement facilities addressing the needs of youth and elderly citizens within the City of Glendale. Such facilities include foster homes, group homes, residential care facilities for children and youth, treatment foster homes, adult family homes, residential care apartment complexes, and community based residential facilities. Such facilities, while providing a lesser level of care than is generally provided in acute care hospitals, or state licensed nursing home facilities, are generally regulated by the State of Wisconsin, and further governed by Federal Housing Laws and Federal Court Rulings. The Council finds that it is in the interest of the residents of such facilities to adopt provisions intended to enhance the level of care and safety attending the operation of such facilities, but only to the extent such regulations do not contravene federal or state regulation. It is the intent of the Council that the following regulations be enacted in supplementation of federal, state and local licensing, housing, and zoning laws, and in the interest of the health, welfare and safety of the City's youth and elderly citizens.

### **5.9.2 DEFINITIONS.**

The terms foster home, group home, residential care facility for children and youth, treatment foster home, adult family home, boarding house, residential care apartment complex, assisted living facility, and community based residential facility, shall have the meanings as set forth in Section 13.1.200 of the Glendale Code of Ordinances. Collectively, and for purposes of the following regulations, the foregoing facilities, and all like and similar facilities, shall be referred to as Community Living Arrangement facilities. The provisions of this Chapter shall not apply to daycare centers, nursing homes, general hospitals, special hospitals, prisons, or jails.

### **5.9.3 REGULATIONS.**

Any owner or operator of a Community Living Arrangement facility as defined in subsection (b) shall:

- (a) Obtain an occupancy certificate from the City of Glendale, and shall at all times the facility's building or structure is occupied under such occupancy certificate, and a community living arrangement operated or existent therein, comply with all City of Glendale code compliance requirements, building codes, and all other

City of Glendale occupancy requirements. Prior to the issuance of an occupancy permit, all permit applications, building plans, site plans, and operational plans of such facility shall be reviewed by the Plan Commission for its determination of compliance with the regulations as set forth herein. Plan Commission review of community living arrangement facilities shall be for the purpose of determining compliance with these provisions, and upon such determination of such compliance, approval shall be deemed ministerial, and a matter of discretion. This provision shall not apply to facilities occupied under an existent occupancy certificate at the time this provision took effect, nor shall a new occupancy certificate be required for a facility as to which state licensing requirements change merely based upon the number of residents. Nothing in this provision shall be deemed an exception to other building permit requirements which may be applicable under other provisions of law.

- (b) File an informational scope of business outline in care of the Director of Community Development, which shall identify the number of employees, number of residents, hours of operation, type of care provided, estimated volume of traffic generated by employees, medical providers, visitors, transport vehicles, vendors, and any other frequenters generally expected upon the premises. In addition, there shall be on file with the Director of Community Development an information statement providing the legally registered name of the owner or operator of the facility, the address, telephone number, and the type and license number of any state or federal license required to operate the community living arrangement facility, and the date operation of the facility is anticipated to commence. This provision shall not be construed to require disclosure of any personal or private information as to employees, or personal or medical information as to residents.
- (c) Comply with all City on-street parking regulations.
- (d) Comply with all City refuse and recycling regulations.
- (e) Comply with all state and local codes relating to cleanliness, sanitation, fire prevention, and safety, including but not limited to Disability Acts, the Wisconsin Safe Place statute, and State of Wisconsin Administrative Code Provisions Com 20.02, Com 61.02, Com 61.03, HFS 82, 83, 88, and 89, as applicable to the specific facility.
- (f) Provide off-street parking for all employees, visitors, transport pick-up and drop off vehicles, and designate off-street parking for handicapped individuals.
- (g) Maintain on file with the Glendale Police Department two emergency contacts including the name, telephone number, address, fax number, and e-mail contact information for each such contact.
- (h) Provide an audible/visual fire alarm system, and a plan of emergency ingress and egress, consistent with the requirements of subsection 5 above.

**5.9.4 REVIEW.**

The Common Council, subsequent to review by the Plan Commission and grant of an occupancy certificate, may, under authority of Section 62.23(7)(i)9, Wis. Stats., not less than 11 months nor more than 13 months after the licensure of the facility, make a determination as to the effect of the facility on the public health, safety, or welfare. Such review shall occur upon request of and statement by the City Administrator that there is probable cause to believe that such review is necessary for the health, welfare and safety of the Glendale public or the residents of such facility. If the Common Council, subject to the procedures as provided in Section 62.23(7)(i)10, Wis. Stats., determines that the facility poses a threat to the health, safety, or welfare of the residents of the facility or the City, may order the facility to cease operation unless and until special use permission is obtained.

**5.9.5 PENALTY.**

Any owner, operator, agent, or employee of any Community Living Arrangement facility who violates any of the foregoing provisions shall be subject to such penalties as provided in Section 1.1.7 of the Glendale Code. In addition, occupancy of the building or structure in which the Community Living Arrangement facility is operated shall be deemed conditioned upon compliance with the foregoing regulations, and the Common Council reserves the right, upon notice of hearing to the owner or applicant, to review and revoke any occupancy certificate issued in the event such violation of the foregoing provisions is determined by the Common Council to present an unreasonable risk to the health, welfare or safety of residents therein as hereinbefore set forth.

## **5.10 RETAIL ESTABLISHMENT SECURITY MEASURES**

<b>5.10.1</b>	FINDINGS.
<b>5.10.2</b>	DEFINITION.
<b>5.10.3</b>	PROCEDURE.
<b>5.10.4</b>	CAMERA STANDARDS.
<b>5.10.5</b>	APPEAL.
<b>5.10.6</b>	PENALTY.

### **5.10.1 FINDINGS.**

The Common Council finds that any retail establishment that has generated 3 or more calls for police service for criminal activities within a one-year period may be required to install a security camera to help insure the safety and welfare of the people of the city of Glendale.

### **5.10.2 DEFINITION.**

For the purposes of this section, "retail establishment" means an establishment providing retail sale of new or used products to the public and rendering services incidental to the sale of such products and includes hotels.

### **5.10.3 PROCEDURE.**

Whenever the Chief of Police determines 3 or more crimes, as defined in s. 939.12, Wis. Stats., have occurred at a retail establishment on separate days within a one-year period, the Chief of Police may notify the premises owner in writing that the owner is required to install a security camera to the standard set forth in sub. (d). The premises owner shall have 60 days from the date of notification to install a security camera. This notice shall be deemed to be properly delivered if sent either by first class mail to the premises owner's last known address or if delivered in person to the premises owner. If the premises owner cannot be located, the notice shall be deemed to be properly delivered if a copy of it is left at the premises owner's usual place of abode in the presence of some competent member of the family at least 14 years of age or a competent adult currently residing there and who shall be informed of the contents of the notice. If a current address cannot be located, it shall be deemed sufficient if a copy of the notice is sent by first class mail to the last known address of the owner. This notice shall contain:

- (a) The street address or legal description sufficient for identification of the premises.
- (b) A description of the crimes that have occurred at the premises.
- (c) A statement that the premises owner may within 10 days of the date of the service of the notice appeal to the chief of police.
- (d) A notice of the premises owner's further right to appeal pursuant to sub. (e).

**5.10.4 CAMERA STANDARDS.**

- (a) Install, maintain in proper working order and operate during all hours the store is open to customers a security camera which can produce reproducible digital color images.
- (b) The camera shall be placed to provide a clear and identifiable full frame of the filmed individual's face, either entering, exiting or at the cash register. Hanging displays shall not obstruct views of the individual's face.
- (c) If a time-lapse digital video recorder is operated, recorded images shall not be recorded at a slower speed than 24 hours.
- (d) Recorded digital image files shall be kept for a minimum of 72 hours.

**5.10.5 APPEAL.**

Appeal of the determination of the Chief of Police pursuant to sub. (c) may be submitted to the Board of Appeals. The Board may extend the installation period beyond 60 days in the case of a financial hardship.

**5.10.6 PENALTIES.**

Any premises owner who violates any of the provisions of this ordinance shall be subject to the penalties and remedies as set forth in Section 1.1.7 of the Glendale Code.