

TITLE 5

Public Safety

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CHAPTER 1

Law Enforcement

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SEC 5-1-1 ORGANIZATION OF POLICE DEPARTMENT.

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 by the Police and Fire Commission, pursuant to the provisions of the Wisconsin Statutes.

SEC. 5-1-2 RECORDS AND REPORTS.

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

SEC. 5-1-3 GENERAL POWERS OF POLICE OFFICERS.

Every member of the Police Department shall:

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

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

- (a) **Duties.** In addition to the duties imposed upon him elsewhere in this Code of Ordinances, the Chief of Police shall:
- (1) Have command of the Police Department on administrative matters, subject to the general direction of the Police and Fire Commission.
 - (2) Cause to be maintained accurate records of complaints, crimes, traffic accidents, ordinance violations, arrests, summons, incidents, and calls for police service and shall provide a system of periodic summary and analysis to ensure the most efficient and effective deployment and use of the Department's resources. He shall submit or cause to be submitted to the various agencies such reports and summaries as are required by State Statutes or ordinances and shall participate in voluntary programs designed to improve law enforcement and public safety.
 - (3) Submit such reports and/or information and comply with such policies as may be prescribed by the Police and Fire Commission.
 - (4) Have exclusive control of the assignment, hours of duty, and transfer of all members of the Department.
 - (5) Plan, organize, staff, direct, and control all of the human and material resources of the Department for the most effective and efficient discharge of its duty to protect persons and property, preserve the peace, protect the rights of citizens and enforce the Wisconsin Statutes and the ordinances of the City as are within its jurisdiction. He shall supervise the preparation and presentation of annual reports and budgets for the Police Department. He shall be required to certify to the correctness of all bills incurred by the Department.
 - (6) Strive to maintain suitable, productive relationships with other City departments and with other governmental agencies and private organizations concerned with law enforcement, crime prevention, administration of justice and public safety. He shall cooperate and exchange information with other City departments in matters relating to their various functions.
 - (7) Plan and execute programs designed to prevent and repress crime, apprehend and prosecute offenders, recover property, and regulate non-criminal conduct, giving highest priority in the allocation of resources to crime and other offenses most hazardous to life and property.
- (b) **Custody of Department Equipment.** The Chief of Police shall be the custodian of all City property, equipment and supplies under the control of, or used by, the Police Department and shall be responsible for the care, maintenance, safeguarding and accurate records of such property, equipment, and supplies.
- (c) **Custody of Department Property.** The Chief of Police shall be the custodian of all property and be responsible for the safekeeping, lawful disposition and accurate record of the same. He shall see that all property is returned to its lawful owner or otherwise disposed of according to the applicable statutes.

SEC. 5-1-5 MAINTENANCE OF PERSONNEL RECORDS AND PERFORMANCE EVALUATIONS.

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

SEC. 5-1-6 ADMINISTRATION OF DEPARTMENT.

- (a) The Police and Fire Commission, having those duties and responsibilities prescribed by [Sec. 62.13, Wis. Stats.](#), including the optional powers defined in [Sec. 62.13\(6\), Wis. Stats.](#), shall have administrative oversight responsibility over the Police Department. The Chief of Police shall have day-to-day responsibility for the operation and administration of the Department and shall report to the Police and Fire Commission. The Common Council shall determine the Department's budget.
- (b) 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, independent readings and specialized training seminars.

SEC. 5-1-7 CIVILIANS TO ASSIST.

Any person in the City, when called upon by any police officer or peace officer, shall promptly aid and assist him in the execution of his duties and whoever shall neglect or refuse to give such aid or assistance shall be subject to the general penalty as provided in Title 1 of this Code of Ordinances.

SEC. 5-1-8 SCHOOL CROSSING GUARDS.

There is hereby established a voluntary school crossing guard program to provide for the appointment of adult school crossing guards for the protection of persons who are crossing a highway in the vicinity of a school. These crossing guards shall wear insignia or uniforms which designate them as school crossing guards and shall be equipped with signals or signs to direct traffic to stop at school crossings. School crossing guards shall be appointments and removed, as needed, by the Police and Fire Commission. *Ord. #2004-08 adopted 09-13-04.*

CHAPTER 2

Fire Prevention

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

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

- (a) **Fire Department Established.** The Ladysmith Fire Department shall be responsible for the program of fire defense and fire suppression for the citizens and property within the City of Ladysmith.
- (b) **Goals of the Fire Defense Program.**
 - (1) The primary objective of the fire defense program is to serve all citizens, without prejudice or favoritism, by safeguarding, collectively and individually, their lives against the effects of fires and explosions.
 - (2) The second objective of the fire defense program is to safeguard the general economy and welfare of the community by preventing major conflagrations and the destruction by fire of industries and businesses.
 - (3) The third objective of the fire defense program is to protect the property of all citizens against the effects of fire and explosions. All property deserves equal protection, regardless of location or monetary value.
- (c) **Organization.** The Ladysmith Fire Department is authorized and directed to adopt a constitution and bylaws for the control, management, government and regulation of its business and proceedings.
- (d) The Ladysmith Fire Department is hereby authorized to have the following listed checking or savings accounts, expenditures from which shall be exclusively at the discretion of the Department itself and not by the Police and Fire Commission or City Council or its committees. Monies deposited into these accounts shall come from Department fundraisers or donations to the Department and shall not include revenue from sale of any departmental equipment purchased from City general revenues, but may include revenue from sale of equipment bought from donations provided, however, that a detailed biannual report of all deposits and withdrawals for each account shall be given to the Comptroller and be subject to the city's annual audit. The reports will contain detailed information about the deposits (list of payors) and withdrawals (check number, payee name, description of purpose). Bank statements will also be provided to the Comptroller for auditing purposes. The Department will also provide a detailed schedule of donated equipment to the Comptroller.

The Chief, Assistant Chief or Secretary-Treasurer of the Ladysmith Fire Department are authorized to deposit monies into and withdraw monies from these accounts. The Department shall keep records of any Department meetings where decisions are made on expenditures from such accounts and the Chief, Assistant Chief or Secretary-Treasurer shall keep record of any decisions they make on items such as funeral recognitions, scholarships or awards. Such deposits and withdrawals shall be subject to the City's annual audits.

- A fundraising checking account and savings account are capitalized from a fireman's ball or raffle in the spring and a pancake feed and water fights during the annual Northland Mardi Gras. These revenues are used to pay for such items as a spouse's banquet, a firefighter's family picnic, an open house during Fire Prevention Week, flags, a firefighter's memorial maintenance,

clothing articles for firefighters, food and beverages for large fire calls and meals during practices.

- A grants and donations fund; the proceeds of which are used to purchase items such as needed firefighting equipment.
- A memorial account used to purchase items and services such as flags, lights and to engrave names on the firefighter's memorial.
- A pancake griddle maintenance account, also financed by the aforementioned fundraisers, is used for purposes such as to repair and purchase replacement parts for this machine, for trailer upkeep to move and transport the machine and related maintenance costs. *Ord. 2018-06 adopted 10/8/2018.*

SEC. 5-2-2 IMPEDING FIRE EQUIPMENT PROHIBITED.

No person shall impede the progress of a fire engine, fire truck or other fire apparatus of the Ladysmith Fire Department along the streets or alleys of such City at the time of a fire or when the Fire Department of the City is using such streets or alleys in response to a fire alarm or for practice.

SEC. 5-2-3 POLICE POWER OF THE DEPARTMENT; INVESTIGATION OF FIRES.

(a) Police Authority at Fires.

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

(b) Fire Inspection Duties.

- (1) The Fire Chief shall be the Fire Inspector of the City of Ladysmith and shall have the power to appoint one or more deputy Fire Inspectors and shall perform all duties required of the Fire Inspectors by the laws of the State and rules of the Department of Industry, Labor and Human Relations, particularly [Section 101.14, Wis. Stats.](#)
- (2) While acting as Fire Inspector pursuant to [Sec. 101.14\(2\), Wis. Stats.](#), the Fire Chief, or any officer of the Fire Department designated by the Fire Chief, shall have the right and authority to enter any building or upon any premises in the City of Ladysmith at all reasonable hours for the purpose of making inspections or investigations which, under the provisions of this Code of Ordinances, he may deem necessary. Should the Fire Inspector find that any provisions of this Code relating to fire hazards and prevention of fires are being violated, or that a fire hazard exists which should be eliminated, it shall be his duty to give such directions for the abatement of such conditions as he shall deem necessary and, if such directions be not complied with, to report such noncompliance to the Common Council for further action.
- (3) The Chief of the Fire Department is required, by himself or by officers or members of the Fire Department designated by him as fire inspectors, to inspect all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of any law or ordinance relating to the fire hazard or to the prevention of fires. Such inspections shall be made at least once in six (6) months in all of the territory served by the Fire Department or more often as the Chief of the Fire Department orders. Each six (6) month period shall begin on January 1 and July 1 of each year.

- (4) Written reports of inspections shall be made and kept on file in the office of the Chief of the Fire Department in the manner and form required by the Department of Industry, Labor and Human Relations. A copy of such reports shall be filed with the Fire Chief.

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

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

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

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

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

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

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

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

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

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

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

SEC. 5-2-9 OPEN BURNING.

- (a) **Open Burning Prohibited.** No person, firm or corporation shall build any outdoor fire, including camp fires, within corporate limits of the City of Ladysmith unless they have first obtained a written

annual permit from a duly appointed person designated by the Common Council. *Ord. 2017-08 adopted 12/14/2017.*

- (b) **Permit Issuance.** Permits shall be issued under this section only after consideration of the following conditions and a determination by the issuing authority that the danger to life, property or resources will be minimized by allowing a permittee to burn if he/she complies with the conditions of the permit and takes all reasonable precautions to prevent escape of the fire:
- (1) Weather;
 - (2) Fuels;
 - (3) Day of week;
 - (4) Applicant must be at least 18 years of age. *Ord. 2017-08 adopted 12/14/2017.*
 - (5) Time of day;
 - (6) Whenever approval and special permit are granted by the Chief of Police or a fire warden under Subsection (b)(2), (3) and (5) of this Section, the permit may specify and be conditioned on observance of safety restrictions and insurance requirements set forth therein, and subject to the Fire Chief's concurrence. *Ord. #2016-13 adopted 11/14/2016.*
 - (7) Assistance available;
 - (8) No permit may be issued to burn materials that violate the Wisconsin air pollution standards in [NR 429.04](#), which are incorporated into this ordinance by reference.
- (c) **Permit Conditions.** Permits issued pursuant to this section shall include, but not be limited to, restrictions concerning:
- (1) Time of day;
 - (2) Location;
 - (3) Minimum required precautionary measures;
 - (4) Length of permit;
 - (5) All fires must be monitored by a responsible person until the fire has extinguished itself completely;
 - (6) Burning must be conducted on days when excessive wind or atmospheric conditions will not result in danger to public health and safety;
 - (7) Burning must be conducted off the public street pavement or street gutter;
 - (8) Burning must be located at least thirty (30) feet from any neighboring residence or structure;
 - (9) Burning may not be used for disposal of leaves or needles, or for covert incineration of other offensive substances or materials, or for materials that are recyclable; *Ord. 2017-08 adopted 12/14/2017.*
 - (10) Insurance requirements as set forth on the permit.
- (d) **Special Permits Required.** No person, firm, or corporation shall build any outdoor fire within the corporate limits of the City of Ladysmith for the following purposes unless they have first obtained a special permit from the designated City of Ladysmith official.
- (1) Controlled burning of grass or similar vegetation for environmental management purposes shall require a written permit issued by the Fire Chief.
 - (2) Ceremonial campfires or bonfires shall require a written permit issued by the Chief of Police.
 - (3) Other occasions of desirable outdoor burning not specified by this subsection, **but not as an alternative to refuse removal or disposal of which other methods are available**, shall require a written permit issued by the Fire Chief or Chief of Police.
- (e) **Chief May Prohibit.** The Fire Chief or Chief of Police is permitted to prohibit any or all bonfires and outdoor fires when atmospheric conditions or local circumstances make such fires hazardous, except on written permit from the Chief of Police or any fire warden for said City, which permit shall designate the time and place for such burning. Notice of designation of a fire danger emergency period shall be made by publication of an appropriate order, once in the official newspaper, to be effective forthwith.
- (f) **Burning on Streets Prohibited.** No materials may be burned upon any street, curb, gutter or sidewalk.
- (g) **Liability.** Persons, firms or corporations utilizing and maintaining outdoor fires shall be responsible for any liability resulting from damage caused by his or her fire.

- (h) **Penalty.** Except where a penalty is provided elsewhere in this Code, any person who shall violate any of the provisions of this ordinance shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:
- (1) **First Offense – Penalty.** Any person who shall violate any provision of this ordinance shall, upon conviction thereof, forfeit not less than Thirty Dollars (\$30.00) nor more than Five Hundred Dollars (\$500.00), together with the costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding six (6) months.
 - (2) **Second and Subsequent Offenses – Penalty.** Any person found guilty of violating this ordinance or part of this ordinance who shall previously have been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than Sixty Dollars (\$60.00) nor more than One Thousand Dollars (\$1,000.00) for each such offense, together with costs of prosecution and, in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until such forfeiture and costs of prosecution are paid, but not exceeding six (6) months. *Ord. #98-09 adopted August 10, 1998.*

CHAPTER 3

Fire Prevention Code; Hazardous Materials

- 5-3-1 Adoption of State Codes
- 5-3-2 Disclosure of Hazardous Materials and Infectious Agents; Reimbursement for Clean-up of Spills
- 5-3-3 Recovery of Costs of Extinguishing and Cleaning Up Fires Involving Hazardous Materials
- 5-3-4 Removal of Abandoned Underground Flammable Liquid Storage Tanks

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

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

- (a) Wis. Adm. Code Ch. Comm 7 Explosive Materials
- (b) Wis. Adm. Code Ch. Comm 10 Flammable and Combustible Liquids
- (c) Wis. Adm. Code Ch. Comm 14 Fire Prevention
- (d) Wis. Adm. Code Ch. Comm 15 Cleaning and Dying
- (e) Wis. Adm. Code Ch. Comm 16 Electrical
- (f) Wis. Adm. Code Ch. Comm 32 Public Employee Safety and Health
- (g) Wis. Adm. Code Ch. Comm 40 Gas Systems
- (h) Wis. Adm. Code Ch. Comm 43 Anhydrous Ammonia Code
- (i) Wis. Adm. Code Ch. Comm 50 Administration and Enforcement
- (j) Wis. Adm. Code Ch. Comm 51 Definitions and Standards
- (k) Wis. Adm. Code Ch. Comm 52 General Requirements
- (l) Wis. Adm. Code Ch. Comm 53 Structural Requirements
- (m) Wis. Adm. Code Ch. Comm 54 Factories, Office and Mercantile Buildings
- (n) Wis. Adm. Code Ch. Comm 55 Theatres and Assembly Halls
- (o) Wis. Adm. Code Ch. Comm 56 Schools and Other Places of Instruction
- (p) Wis. Adm. Code Ch. Comm 57 Residential Occupancies
- (q) Wis. Adm. Code Ch. Comm 58 Health Care, Detention and Correctional Facilities
- (r) Wis. Adm. Code Ch. Comm 59 Hazardous Occupancies
- (s) Wis. Adm. Code Ch. Comm 60 Child Day Care Facilities
- (t) Wis. Adm. Code Ch. Comm 61 CBRF
- (u) Wis. Adm. Code Ch. Comm 62 Specialty Occupancies
- (v) Wis. Adm. Code Ch. Comm 63 Energy Conservation
- (w) Wis. Adm. Code Ch. Comm 64 Heating, Ventilating and Air Conditioning

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

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

(b) Definitions.

- (1) "Infectious agent" is a bacterial, mycoplasmal, fungal, parasitic or viral agent known to cause illness in humans, which is used, researched, produced or stored within or on premises.
 - (2) "Hazardous materials" are those materials that can cause death or disabling injury from brief exposure; those materials that could cause a lost-time injury from exposure; and those materials that could cause temporary disability or injury without permanent effects which are used, researched, produced or stored within or on premises except those household consumer products used at the point of consumption and not used for commercial or experimental purposes. This definition of hazardous materials shall include radioactive materials.
- (c) **Information Required.**
- (1) Any person, firm or organization using, researching, producing and/or storing any hazardous materials shall provide in writing to the Fire Department the following information:
 - a. Address or location of where hazardous materials are used, researched, stored or produced;
 - b. The trade name of the hazardous material;
 - c. The chemical name and any commonly used synonym for the hazardous material and the chemical name and any commonly used synonym for its major components;
 - d. The exact locations on the premises where materials are used, researched, stored and/or produced;
 - e. Amounts of hazardous materials on premises per exact location;
 - f. The boiling point, vapor pressure, vapor density, solubility in water, specific gravity, percentage volatile by volume, evaporation rate for liquids and appearance and odor of the hazardous material;
 - g. The flashpoint and flammable limits of the hazardous substance
 - h. Any permissible exposure level, threshold limit value or other established limit value for exposure to a hazardous material;
 - i. The stability of the hazardous substance;
 - j. Recommended fire extinguishing media, special firefighting procedures, fire and explosion hazard information for the hazardous material;
 - k. Any effect of over-exposure to the hazardous material, emergency and first aid procedures and telephone numbers to call in an emergency;
 - l. Any condition or material which is incompatible with the hazardous material and must be avoided.
 - m. Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming into contact with the hazardous materials;
 - n. Procedures for handling or coming into contact with the hazardous materials.
 - (2) Any person, firm or organization or other entity using, researching, producing and/or storing infectious agents and/or a carrier of infectious agents shall provide in writing to the Fire Department the following:
 - a. The name and any commonly used synonym of the infectious agent;
 - b. Address or location of where infectious agents are used, researched, stored and/or produced;
 - c. The exact locations where infectious agents are used, researched, stored and/or produced;
 - d. Amount of infectious agent on premises per exact locations;
 - e. Any methods of route of transmission of the infectious agents;
 - f. Any symptoms of effect of infection, emergency and first aid procedure and a telephone number to be called in an emergency;
 - g. Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming in contact with the infectious agent;
 - h. Procedure for handling, clean-up and disposal of infectious agents, leaked or spilled.
- (d) **Reimbursement for Cleanup of Spills.** Any person who possesses or controls a hazardous material or infectious agent which was discharged or caused the discharge of a hazardous material or infectious agent shall reimburse the City for actual and necessary expenses incurred by the City or its agent to contain, remove or dispose of the hazardous substance or infectious agent or to take any other appropriate action which is deemed appropriate under the circumstance.

SEC. 5-3-3 RECOVERY OF COSTS.

- (a) Every person, firm or corporation using, storing, handling or transporting flammable or combustible liquids, chemicals, gasses or other hazardous materials shall comply with the requirements of Comm 10 Wis. Adm. Code, as the same is now in force and may hereafter, from time to time, be amended.
- (b) Every person, firm or corporation using, storing, handling or transporting (whether by rail or on the highways) flammable or combustible liquids, chemicals, gasses or other hazardous materials shall be liable to the City for the actual cost of labor and materials associated with the use of any specialized extinguishing agent, chemical, neutralizer or similar material or equipment employed to extinguish, confine or clean up any such hazardous material which is involved in any accidental spill or in threat of any fire or accidental spill.
- (c) The Ladysmith Fire Department may, in its sole discretion, charge for non-fire response services provided in its service area, when it deems that the necessity of providing such services was within the control of the party to which the services were rendered. Such services could include, but are not limited to, the following examples:
 - Removal of a cat from a tree, as cats are not permitted to roam unleashed in the City so should have been under the owner's control.
 - Filling a swimming pool with water or filling water storage tanks, which are elective acts.
 - Pumping storm water from private property when the property owner is aware of the property's tendency to flood but did not take reasonable action to install such holding tanks or pumps as would be capable of dealing with the issue without necessity of Department assistance. *Ord. 2018-05 adopted on 10/08/2018.*

SEC. 5-3-4 REMOVAL OF ABANDONED UNDERGROUND FLAMMABLE LIQUID STORAGE TANKS.

Underground flammable liquid storage tanks which are abandoned, as defined in [Section Comm 10, Wis. Adm. Code](#), shall not be abandoned in place. Such tanks shall be removed within ninety (90) days from the date they become abandoned and the excavation filled with clean, well-compacted fill to the surface of the adjacent grade.

CHAPTER 4

Regulation of Alarm System

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

SEC. 5-4-1 TITLE.

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

SEC. 5-4-2 DECLARATION OF PURPOSE.

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

SEC. 5-4-3 DEFINITIONS.

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

- (a) The term "alarm business" means any business in which the owners or employees engage in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, or servicing alarm systems.
- (b) The term "alarm system" means an assembly of equipment and devices or single device such as a solid state unit which plugs directly into 110-volt AC line or otherwise receives electrical energy arranged to signal the presence of a hazard requiring urgent attention and to which the Police or Fire Department is expected to respond. In this Chapter, the term "alarm system" shall include the terms "automatic holdup alarm systems," "burglar alarm systems," "holdup alarm systems" and "manual holdup alarm systems" as those terms are hereinafter defined, and fire alarm systems which monitor temperature, humidity or any other condition directly related to the detection of fire. Excluded from this definition and from the coverage of this Chapter are alarm systems used to alert or signal persons, within the premises in which the alarm system is located of an attempted, unauthorized intrusion, holdup attempt or fire.
- (c) The term "annunciator" means the instrumentation of an alarm console at the receiving terminal of a signal line through which both visual and audible signals show when an alarm device at a particular location has been activated or which, in the event of malfunction, may also indicate line trouble.
- (d) The term "answering service" refers to a telephone answering service providing among its services, the service of receiving on a continuous basis through trained employees, emergency signals from alarm systems, and thereafter immediately relaying the message by live voice to the dispatch center of the Police or Fire Department.

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

SEC. 5-4-4 ADMINISTRATIVE RULES.

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

SEC. 5-4-5 AUTOMATIC DIALING DEVICES.

No person shall interconnect any automatic dialing device to a Police or Fire Department primary trunk line. No person shall permit such devices, which were installed prior to the effective date of this Chapter, to remain interconnected from any property owned or controlled by that person. Such devices may be connected to a central station or an answering service. Relaying messages so received to the Police or Fire Department shall only be done person to person on the telephone line.

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

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

SEC. 5-4-7 TESTING.

- (a) No alarm business or alarm system designed to transmit emergency messages to the Police Department shall be tested or demonstrated without prior notification and approval of the Police Department dispatcher. Alarm businesses or alarm system owners or lessors will be advised on proper test procedure.
- (b) No alarm system relayed through intermediate services to the Police Department will be tested to determine the Police Department's response without first notifying the appropriate authority.

However, the Police Department may inspect or test on-site alarm systems authorized under this Chapter.

- (c) Alarm systems shall be in compliance with all pertinent response policies of the Police Department.

SEC. 5-4-8 NOTIFICATION.

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

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

- (a) **Generally.** Each false alarm requires a response from public safety personnel, involves unnecessary expense to the City, increases the risk of injury to persons or damage to property and dilutes the overall public safety protection to the City. Such false alarms constitute a public nuisance and must be abated.
- (b) **Intentional.** No person shall intentionally cause the activation of a burglar/fire alarm device knowing that no criminal activity, fire or other emergency exists.
- (c) **False Alarms; Administrative Charges.** Any person, business, corporation or other entity having a permissible alarm system with alarm device(s) at one or more locations in accordance with this Chapter shall pay to the City a charge for false alarms responded to by the Police or Fire Department following the schedule for each calendar year for each location connected. The fee schedule for responding to false alarms is established by the City of Ladysmith, which fee schedule is permanently on file in the Clerk's office and will be made available for inspection upon request. *Ord 2010-10 adopted 5/6/2010.* Separate accounts are to be kept for false alarms as to criminal activity and false alarms for fire or other emergencies.

All false alarms responded to by Fire Department firefighting personnel and apparatus, in addition to a police response, shall also follow the fee schedule established by the City of Ladysmith, which fee schedule is permanently on file in the Clerk's office and will be made available for inspection upon request. *Ord 2010-10 adopted 5/6/2010.*

This subsection is intended to impose a strict liability on the person, business, corporation or other entity responsible for alarm connection to either the police alarm panel or to alarm receiving firm to which the Police or Fire Department have responded and shall be applied regardless of the cause of the false alarm excepting those alarms excluded from the definition of "False Alarm." Failure to pay such administrative charge in and of itself shall constitute a violation of this Section. Such charge shall be collectible as a forfeiture upon prosecution and conviction thereof, together with an additional forfeiture which may be imposed under the next Subsection (d) hereof for violation of this Section for allowing or maintaining condition(s) or act(s) violative of the intent of this Section of eliminating and minimizing the occurrence of false alarms, together with costs of prosecution.

- (d) **Waiver of Fee.** If a possessor of the alarm shows to the satisfaction of the Chief of Police or the Fire Chief, as applicable, that such false alarm was not the result of negligence or improper maintenance, or other good and sufficient cause beyond the reasonable control of the possessor of the alarm, such fee may be waived and the response shall not count as a false alarm in computing the fee established under Subsection (c).
- (e) **Other Violations.** Any person, corporation or other entity violating this Chapter in any manner, other than for collection of unpaid administrative charges treated in the preceding Subsection (a) of this Section, shall be subject to forfeiture as provided in Sec. 1-1-7 of this Code. When any premises located in the City is owned, leased or occupied by two (2) or more persons as joint tenants, tenants in common, joint lessees, or in any other manner, each person shall see that the provisions of this Chapter are complied with, and each person may be subjected to a penalty on violation of this Section.

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

SEC. 5-4-10 CITY LIABILITY.

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

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

- (a) **Permit Required.** A permit is required for each private alarm system on premises within the City. The City of Ladysmith has established a fee for processing the specified permit, which fee schedule is permanently on file in the Clerk's office and will be made available for inspection upon request. *Ord 2010-10 adopted 5/6/2010.*
- (b) **Interior Alarms.** A permit under this Chapter is not required for an alarm system which gives a signal, visual or audible or both, solely within the interior of the building in which it is located.
- (c) **Issuing Authority.** The Chief of Police shall issue the permits and collect the fees.
- (d) **Application.** Application for permit required under this Chapter shall be filed with the Chief of Police. The Chief of Police shall prescribe the form of the application and request such information as is necessary to evaluate and act upon the permit application. The Chief of Police shall deny a permit if the alarm system for which it is sought does not comply with this Chapter.
- (e) **Appeal.** Any person required by this Chapter to have a permit who has been denied such a permit by the Chief of Police shall have a right to appeal that decision to the Police and Fire Commission. The procedure for this appeal shall be as set forth in Section 5-4-12.

SEC. 5-4-12 REVOCATION OF PERMITS.

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

CHAPTER 5

Emergency Government

5-5-1 Joint Action System

SEC. 5-5-1 JOINT ACTION SYSTEM.

- (a) (1) A Joint Action Ordinance of the Board of Supervisors of Rusk County, numbered County Ordinance 73.3, providing for a county-municipal joint action emergency government plan of organization was adopted by said County Board on March 1, 1973. A copy of said County Ordinance is on file with the City Clerk, is made a part herein by reference, and is hereby ratified and accepted by the municipality of the City of Ladysmith, County of Rusk.
- (2) This ratification and acceptance of the Joint Action Ordinance shall constitute a mutual agreement between the City of Ladysmith and the County of Rusk.
- (b) The County-Municipal Emergency Government Coordinator, appointed and employed by the Rusk County Board as provided in Ordinance 73.3 is hereby designated and appointed Emergency Government Coordinator for the City of Ladysmith, subject to the conditions and provisions as set forth in the Wisconsin Statutes and the Rusk County Joint Action Ordinance. Notwithstanding the requirements of Subsections (a) and (b) above, [Sec. 166.23, Wis. Stats.](#), is made a part hereof in its entirety.