

## CHAPTER 9

### PUBLIC SAFETY & PROTECTION and FIRE REGULATIONS

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#### 9.01 POLICE DEPARTMENT

(1) Establishing and Composition of the Police Department. The City of Wisconsin Dells shall have a Police Department commanded by the Chief of Police under the direction of the Mayor. The Chief shall have such subordinate officers as designated by the Common Council.

(2) Disciplinary Actions.

(a) Disciplinary action against the Chief of Police and subordinates shall be subject to Wis. Stat. sec. 62.13(6m).

(b) The city, by resolution, shall appoint a person, who is not an elected or appointed official of the city and who is not employed by the city, to act in disciplinary actions.

(3) Chief of Police; Duties and Powers The Chief of Police shall possess the powers, enjoy the privileges and be subject to the liabilities conferred and imposed by law upon marshals and constables.

(a) They shall obey all lawful written orders of the Mayor and Common Council.

(b) They shall cause the public peace to be preserved and see that all laws and ordinances of the City and State are enforced, and whenever any violation thereof shall come to his knowledge, they shall cause the requisite complaint to be made and see that the evidence is procured for the successful prosecution of the offender or offenders.

(c) They shall exercise supervisory control over all the personnel of his Department, and may adopt, subject to the approval of the Council, rules and regulations for the government, discipline, equipment and uniforms of police officers.

(d) They shall be responsible for the care and condition of the equipment used by his Department.

(e) They shall keep an accurate and complete record of all complaints, arrests, traffic violations, convictions and dispositions of the Department.

(4) Police Officers; General Powers and Duties Each officer of the Department shall possess the powers conferred on marshals and constables by law and shall preserve the public peace and enforce the laws and ordinances of the State and City subject to the orders, rules and regulations of the Chief, the Mayor and Common Council.

(5) Arrest, Search and Seizure The Chief of Police and any other officers of the Police Department shall have arrest powers specified at Wis. Stat. sec 968.07 and the search and seizure powers specified at Wis. Stat. sec. 968.11.

## **9.02 FIRE DEPARTMENT**

(1) Establishment; Name and Composition. The City of Wisconsin Dells shall have a volunteer fire department to be known as the "Kilbourn Fire Department". The department shall consist of the Fire Chief and such subordinates as authorized by the Common Council.

(2) Bylaws and Policies.

(a) The Department shall adopt bylaws for the governance of the department.

(b) The Fire Chief may promulgate policies for the management and administration of the Department. Such policies shall take effect upon approval by the Public Safety Committee of the Common Council; and shall take precedence over any bylaws of the department.

(3) Appointment of Chief. The Fire Chief shall be appointed pursuant to Wisconsin Dells Code sec. 1.03(3)(b).

(4) Election of Subordinates The members of the Kilbourn Fire Department shall be elected by the members of the department subject to their bylaws existing at that time.

(5) Disciplinary Actions. Disciplinary actions against the chief and subordinates shall be subject to Wis. Stat. sec. 62.13(5).

(6) Powers and Duties of Chief. The Fire Chief shall have the following powers and duties:

(a) General supervision of the department, subject to this section and the bylaws of the department.

(b) Responsible for the personnel and general efficiency of the department.

(c) Preside at all meetings of the department, call special meetings, preserve order, decide all points of order that may arise and enforce a rigid observance of this section and the bylaws.

(d) Complete command of and entire responsibility for all fire fighting operations, shall plan the control of the same, shall direct the action of the department when at a fire, shall grant leaves of absence at a fire when deemed proper and shall see that fire apparatus is kept in proper condition at all times.

(e) Not later than October 15 of each year the Chief shall file with the Clerk/Treasurer a detailed estimate of the appropriations needed for the conduct of the department during the ensuing fiscal year.

(7) Apparatus and Equipment.

(a) The Chief shall have control of all apparatus used by the department and shall be responsible for its proper maintenance. Emergency repairs may be authorized by the Chief.

(b) No apparatus shall be used for any purpose except for fire fighting within the City limits, or in training therefor, except pursuant to an agreement approved by the Mayor after the Chief has given a recommendation on such use.

(c) No person shall willfully injure, in any manner, any hose, hydrant, or fire apparatus belonging to the City.

(8) Police Power of the Department.

(a) The Chief and assistants or officers in command at any fire are vested with 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 may prescribe certain limits in the vicinity of any fire within which no person, except fire and police personnel and those admitted by order of any officer of the department shall be permitted to come. The Chief may 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, the Chief may order the removal or destruction of any property necessary to prevent the further spread of the fire. The Chief may also 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 the fire.

(c) Any fire personnel, while acting under the direction of the Fire Chief or other officer in command, may enter upon the premises adjacent to or in the vicinity of any building or other property then on fire for the purpose of extinguishing such fire and no person shall hinder, resist or obstruct any fire personnel in the discharge of their duty.

(d) 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 may cause the arrest of any person or persons refusing to obey said orders.

(e) The following are adopted and incorporated by reference as the City Fire Code to be enforced by the City as an exercise of its public power;

1. NFPA 1 Fire Code, current edition, as adopted by the state, published by the National Fire Protection Association; and
2. Wis. Admin. Code chapter SPS 314 Fire Protection.

(9) Fire Inspector; Duties

- (a) Fire Chief to appoint Fire Inspector(s). Pursuant to Wis. Stat. sec. 101.14(2), the Fire Chief is constituted Fire Inspector and deputy of the State of Wisconsin Department of Safety & Professional Services for the purpose of providing fire inspections of every public building and place of employment. The Fire Chief may appoint one or more Deputy Fire Inspectors and delegate powers and duties.

- (b) Duties and powers of the Fire Inspector(s).
  1. The Fire Inspector(s) shall inspect every public building and place of employment within the fire limits as provided by Wis. Stat. Sec. 101.14(2), to determine and cause to be eliminated any fire hazard or any violation of any law relating to fire hazards or the prevention of fires.
  2. The Fire Inspector(s) may, at reasonable hours, enter into and upon all buildings, premises and public thoroughfares, excepting only the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any condition liable to cause fire, or any violation of any law or order relating to the fire hazard or to the prevention of fire, pursuant to Wis. Stat. sec. 101.14(1)(b)
  3. The Fire Inspector(s) may, at reasonable hours, enter the interior of private dwellings at the request of the owner or renter pursuant to Wis. Stat. sec. 101.14(1)(bm) (smoke detectors).
  4. The Fire Inspector(s) may establish a schedule of fire violations and deadlines for remedial actions.
  
- (c) Reports. The Fire Inspector(s) shall keep records of each property inspected which shall conform to the requirements of the state.
  
- (d) Removal of fire hazards.
  1. Whenever or wherever any inspection of the Fire Chief or deputies reveals a fire hazard, the Chief and deputies are hereby vested with authority to serve a notice in writing upon the owner/occupant of the property giving the owner a reasonable time in which to remove the hazard.
  2. Repairs or alteration necessary to remove the hazardous conditions within such reasonable times as stated shall be at the expense of the owner/occupant.
  3. If the fire hazard is not removed within the time allowed, it shall be deemed a nuisance and the Fire Chief and deputies are authorized to have the hazard removed or remedied by the City at the expense of the owner and the cost of such removal may be assessed as a charge for current services pursuant to Wis. Stat. sec. 66.0627. In addition, the presence of a fire hazard shall be deemed a violation of the fire code and shall subject the owner/occupant of the property to a penalty as provided at City Code sec. 30.04 and/or 9.02(12).
  
- (e) Access to premises.
  1. No person shall deny the Chief or deputies free access to any

property within the City at any reasonable time for the purpose of making fire inspection.

2. No person shall hinder or obstruct the Fire Inspector or deputies in the performance of duties or refuse to observe any law or direction given.

(f) **Inspection Frequency.** Inspections of all public buildings and places of employment in the City shall be conducted at least once per calendar year or more often as is ordered by the fire department; provided, however, the interval between each such inspection shall not exceed fifteen (15) months.

(g) **Disclaimer on inspections.** The purpose of inspections under this section is to comply with the fire inspection requirement of state codes. The inspections and the reports, findings and orders issued after such inspections are not intended as, nor are they to be construed as, a guarantee. The findings of the inspections are intended to report conditions of non-compliance with Code provisions that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems of the closed premises. The City makes no warranty or representation, expressed or implied, that its inspection of the property has discovered all fire code violations or all fire hazards or that this report contains a complete list of all fire code violations existing on the property inspected herein.

(10) **False Fire Alarm Prohibited.** No person shall give or cause to be given a false fire alarm.

(11) **Mutual Fire Aid.** The Chief of the Fire Department may authorize and permit fire companies of the City to go to aid another City, Village, Town or fire district in extinguishing a fire or fires therein.

(12) **Violation and Penalty.** Any person who violates, disobeys, neglects, omits or refuses to comply with, or resists the enforcement of any of the provisions of this section shall be fined not less than \$10.00 and not more than \$100.00 for each separate violation. Every day a violation continues shall constitute a separate violation.

### 9.03 FIRE LANES AND FIRE HYDRANTS

(1) Fire Lanes and Fire Hydrants Required. Fire lanes and fire hydrants shall be required in accordance with this section on public or private property used for assembly, commercial, educational, industrial, institutional, or multi-family dwelling purposes and on private property containing residential developments consisting of three or more dwelling units to which access is provided from public street by a private road or driveway where any dwelling unit is set back more than 50 feet from the paved portion of the public street. Fire lanes may also be designated on those private roads where it is found by the Fire Chief that such access is necessary for fire fighting equipment and apparatus. No building permit shall be issued without compliance with the terms of this section if any part of the area being developed contains any of the uses or conditions described in this subsection.

(2) Definitions.

(a) "Fire Chief" means the Fire Chief of the City of Wisconsin Dells.

(b) "Fire Lane" means a part of a public or private parking lot or private driveway or private road which is designated as a fire lane and designated to provide access for fire trucks to any building or location and which lanes meet the following minimum specifications:

(1) Not less than 24 feet wide at any point.

(2) Curves and turnarounds shall be designed for a 40 foot radius.

(3) Dead end lanes more than 300 feet long shall provide for a turnaround that is T-type, hammerhead, cul-de-sac, or curved driveway at the closed end of the lane.

(4) The surface shall be paved with bituminous or concrete or other approved similar all-weather material and shall be of sufficient strength to support City fire fighting equipment.

(3) Location and Maintenance of Fire Lanes and Fire Hydrants. Fire lanes and fire hydrants shall be located where necessary to provide fire protection to all buildings and the premises. A fire hydrant shall be located not more than 600 feet from each building to be served by the hydrant and all hydrants shall be accessible to fire lanes. All fire hydrants shall satisfy the minimum performance requirements established by the Public Works Department and Fire Department for city fire hydrants. Public Works Department and Fire Department personnel shall have free access to any property within the City at any reasonable time for the purpose of inspecting, repairing and maintaining fire hydrants. Each owner and/or each occupant of any

premises where a fire lane and/or a fire hydrant is required shall be responsible for the prompt removal of snow and ice from a fire lane and for prompt removal of all snow surrounding each fire hydrant.

(4) Duties and Power of Fire Chief. All building and project development plans for projects covered by this section shall be referred to the fire chief for examination and approval. If the fire chief finds that a proposed fire lane or fire hydrant in a development project does not comply with this section, the fire chief shall be authorized to specify the changes necessary to bring the proposal into compliance. Appeals from orders of the fire chief shall be to the Zoning Board of Appeals. The fire chief shall inspect the construction of any fire lanes and the placement and specifications of any fire hydrants required by this section and no occupancy permit shall be issued for any project covered by this section until the fire chief has inspected and approved the fire lanes and fire hydrants.

(5) Designation and Signage of Fire Lanes. The owner or occupant of any premises where a fire lane is required under this section shall designate all fire lanes and shall post appropriate signs indicating the existence of all fire lanes and indicating that no parking is permitted on fire lanes, as specified and approved by the fire chief. Signs shall be used in such locations and in such a manner as in the judgment of the fire chief will carry out the purposes of this section and give adequate warning to users of the premises where the fire lanes and fire hydrants are located. Signage shall meet the following minimum standards:

(a) Where reasonably feasible, signs shall be erected within 5 feet of the beginning and within 5 feet of the end of the fire lane with spacing between signs not exceeding 75 feet. Each sign shall face in the direction of oncoming traffic and shall be affixed to a stationary pole or object.

(b) repealed.

(6) Penalty. Any person who violates, disobeys, neglects, omits or refuses to comply with, or who resists the enforcement of any of the provisions of this section shall be fined not less than \$10.00 nor more than \$100.00 for each separate violation. Every day a violation shall continue shall constitute a separate violation. In addition to the payment of forfeiture, the City Attorney shall be authorized to bring an action to enjoin the erection, enlargement, alteration, repair, moving or occupancy of any building or structure located on any premises in violation of this section. In any such action, the fact that a permit was issued shall not constitute a defense.

## 9.04 OUTDOOR FIRES

(1) Except as provided in this code section, no person shall cause or allow the outdoor burning of any materials with the exception of the following:

(a) Open fires kindled and maintained by the fire department for training purposes.

(b) Leaves, grass, clippings, lawn rakings, and brush provided the fire is attended by a responsible person with an extinguishing agent on the scene, such as a fire extinguisher or water hose.

(c) Burning permitted herein may be conducted between the hours of 6:00 p.m. and 10:00 p.m., Monday through Saturday, during the months of April through October, and between the hours of 4:00 p.m. and 10:00 p.m., Monday through Saturday, during the months of November through March. Burning shall be banned at any time on Sunday.

(d) Exception. This section does not apply to campgrounds.

(2) No burning of any kind shall be done when atmospheric conditions or local circumstances make such fires hazardous and/or a nuisance.

(3) Except as provided in subsection (2) above, this ordinance does not apply, restrict, or regulate outdoor cooking at single family dwellings done in permanent fire places, portable braziers grills, and other similar appliances that may be used in the preparation of food.

(4) Outdoor cooking on multi-family premises:

(a) Outdoor cooking is permitted on the ground floor level provided that the outdoor cooking device must be at least 15 feet from the dwelling unit.

(b) Outdoor cooking is prohibited above the ground floor unless the outdoor cooking device is an electric grill.

(c) LP-gas containers that have water capacities greater than 2.5 pounds (nominal one pound LP-gas capacity) shall not be located on balconies above the ground floor level when living units are located one above the other, except when such balconies are served by outside stairways and only those outside stairways are used to transport the container. Reference NFPA 58 3-4.9.2.

- (5) Either the Fire Chief or Chief of Police may permit controlled burning in the city upon written application and written permit which specifies the hours and location and objects to be burned.
- (6) Penalty. Any person, firm or corporation failing to comply with the provisions of this section shall, upon conviction thereof, forfeit and pay not less than \$10.00 nor more than \$100.00 for every violation thereof, together with the cost of prosecution, and in default of payment of said forfeiture and costs may be confined in the county jail not to exceed 10 days. Each separate day upon which a violation occurs shall constitute a separate offense.

## **9.05 REGULATION OF ALARM SYSTEMS**

### (1) Definitions

(a) "Alarm Business". Any business in which the owners or employees engage in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, or servicing alarm systems.

(b) "Alarm System". An assembly of equipment and devices or single device such as a solid state unit which plugs directly into 110-volt AC line or otherwise receives electrical energy arranged to signal the presence of a hazard requiring urgent attention and to which the Police or Fire Department is expected to respond. In this section, 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 section are alarm systems used to alert or signal persons within the premises in which the alarm system is located of an attempted, unauthorized intrusion or holdup attempt or fire.

(c) "Annunciator". The instrumentation of an alarm console at the receiving terminal of a signal line through which both visual and audible signals show when an alarm device at a particular location has been activated or which, in the event of malfunction, may also indicate line trouble.

(d) "Answering Service". A telephone answering service providing among its services the service of receiving on a continuous basis through trained employees emergency signals from alarm systems, and thereafter immediately relaying the message by live voice to the dispatch center of the Police or Fire Department.

(e) "Automatic Dialing Device". An alarm system which automatically sends over regular telephone lines by direct connection or otherwise a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.

(f) "Automatic Holdup Alarm System". An alarm system in which the signal transmission is initiated by the action of the robber.

(g) "Manual Holdup Alarm System". An alarm system in which the signal transmission is initiated by the direct action of the person attacked or by an observer thereof.

(h) "Burglar Alarm System". An alarm system which signals an entry or attempted entry into the area protected by the system.

(i) "Direct Connect". An alarm system which has the capability of transmitting system signals to the Police or Fire Department.

(j) "False Alarm". The activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner or lessee of an alarm system or of his employees or agents or other undetermined cause. False alarm does not include alarms caused by tornadoes or other violent climatic conditions.

(k) "Interconnect". To connect an alarm system to a voice grade telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.

(l) "Central Station". An office to which remote alarm and supervisory signaling devices are connected, where operators supervise the circuits.

(m) "Primary Trunk Line". A telephone line leading directly into the dispatch center of the Police or Fire Department that is for the purpose of handling emergency calls on a person-to-person basis and which is identified as such by a specific number included among the emergency numbers listed in the telephone directory or numbers in sequence therewith.

(n) "Subscriber". A person who buys or leases or otherwise obtains an alarm system and thereafter contracts with or hires an alarm business to monitor and/or service the alarm system.

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

(3) 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 section 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 by the Police or Fire Department shall only be done person to person on the telephone line.

(4) 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. If a direct connection is permitted, an annual connection charge as established by resolution pursuant to section 2.05 shall be imposed.

(5) 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 may 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.

(6) 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.

(7) Fee for Answering Alarms

(a) Generally. Each false alarm requires response of public safety personnel, involves unnecessary expense to the City, increases the risk of injury to persons or

damage to property and dilutes the overall public safety protection to the City. Such false alarms constitute a public nuisance and must be abated.

(b) Intentional. No person shall intentionally cause the activation of a burglar/fire alarm device knowing that no criminal activity, fire or other emergency exists.

(c) False Alarms; Administrative Charges. Any person, business, corporation or other entity having permissible alarm system with alarm device(s) at one or more locations in accordance with this Chapter shall pay to the City a charge for false alarms responded to by the Police or Fire Department according to the fee schedule established by resolution adopted pursuant to Section 2.05 for each calendar year for each location connected, separate accounts to be kept for false alarms as to criminal activity and false alarms for fire and other emergencies:

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

(e) Other Violations. Any person, corporation or other entity violating this section in any manner, other than for collection of unpaid administrative charges treated in the preceding subsec. (c) of this section, shall be fined not less than \$50.00 and not more than \$500.00 for each separate violation. Every day a violation continues shall constitute a separate violation. 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 maybe 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 subsec. (c) and/or (e), 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 fee, the amount due may be placed on the tax roll as a special charge pursuant to Wis. Stat. sec 66.60(16).

(8) City Liability. The City of Wisconsin Dells 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.

(9) Permits for Private Alarm Systems.

(a) Permit Required. A permit is required for each private alarm system on premises within the City. There shall be an annual Five (\$5.00) Dollar permit fee.

(b) Interior Alarms. A permit under this chapter is not required for an alarm system which gives a signal, visual or audible or both, solely within the interior of the building in which it is located.

(c) Issuing Authority. The Chief of Police shall issue the permits and collect the fees.

(d) Application. Application for permit required under this chapter shall be filed with the Chief of Police. The Chief of Police shall prescribe the form of the application and request such information as is necessary to evaluate and act upon the permit application. The Chief of Police shall deny a permit if the alarm system for which it is sought does not comply with this chapter.

(e) Appeal. Any person required by this chapter to have a permit who has been denied such a permit by the Chief of Police shall have a right to appeal that decision to the Common Council.

(10) 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/Treasurer within ten (10) days after the decision. Such appeal shall be heard by the Common Council within thirty (30) days after filing the appeal. The Common Council may affirm, amend or reverse the decision or take other action deemed appropriate. An appeal timely taken suspends the revocation until the Common Council gives its decision. The City Clerk/Treasurer shall give written notice of the time and place of the hearing to the appellant by certified mail or personal delivery not less than seven (7) days before the hearing. In conducting the hearing, the Common Council shall not be limited to the technical rules of evidence.

## **9.06 SAFETY, TRAINING & EMS (Repealed 12/25/02 by Ord. A-516)**

## **9.07 EMERGENCY MANAGEMENT**

(1) Definition. "Emergency Management" shall mean the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to minimize and repair injury and damage resulting from disaster caused by enemy attack, sabotage, or other hostile action, or by flood, or other natural causes.

(2) Findings. By reason of the increasing possibility of disasters of unprecedented size and destructiveness, and to insure that preparations will be adequate to cope with such disasters, and to provide for the common defense, to protect the public peace, health, safety, and general welfare, and to preserve the lives and property of the people, it is hereby declared necessary to:

- (a) establish a local emergency management organization;
- (b) provide for the exercise of necessary powers during emergencies;
- (c) provide for the rendering of cooperation and mutual aid between the City of Wisconsin Dells and other political subdivisions.

(3) Declaration of Purposes. It is further declared to be the purpose of this ordinance and the policy of the City of Wisconsin Dells that all Emergency Management functions of the City be coordinated to the maximum extent practicable with existing services and facilities of the City and with comparable functions of the federal, state and county governments and other political subdivisions, and of various private agencies to the end that the most effective preparation and use may be made of manpower, resources, and facilities for dealing with any disasters that may occur.

(4) Repealed 12/25/02

(5) Duties and Authority of the Mayor of the City of Wisconsin Dells.

(a) The Mayor shall have the authority to declare emergencies pursuant to this section and the City of Wisconsin Dells Emergency Response Plan.

(b) The Mayor shall have the authority under this section to waive any and all building and zoning ordinances in response to an emergency declaration. This will facilitate the use of temporary housing or buildings on sites that may have been affected.

(c) The Mayor shall have the authority under this section to expend public funds as necessary in carrying out emergency management duties under a declaration. This authority shall be granted for a period of 30 days or until such time as expenditures can be authorized by the Common Council.

(6) Utilization of Existing Services and Facilities. In preparing and executing the Emergency Management Plan, the Mayor or Mayor's designee shall utilize the services, equipment, supplies and facilities of the existing departments and agencies of the City to the maximum extent practicable; and the officers and personnel of all such departments and agencies are directed to cooperate.

(7) Emergency Regulations. Whenever necessary to meet an Emergency Management situation for which adequate resolutions have not been adopted by the Common Council, the Mayor, or Mayor's designee, may by proclamation promulgate and enforce such orders, rules, and regulations relating to the conduct of persons and the use of property as shall be necessary to protect the public peace, health and safety, and preserve lives and property and to insure the cooperation necessary in Emergency Management activities. Such proclamations shall be posted in five (5) public places in the City and may be rescinded at any time.

(8) Mutual Aid Agreements. The Mayor, subject to the approval of the Common Council, may enter into mutual aid agreements with other political subdivisions. Copies of such

agreements shall be filed with the City Clerk/Treasurer and the State Director of Emergency Management.

(9) Expenses of Emergency Management. No person shall have the right to expend any public funds of the City in carrying out any Emergency Management activity authorized by this ordinance without prior approval by the Common Council, nor shall any person have any right to bind the City by contract, agreement or otherwise without prior and specific approval of the Common Council, except as provided in sec. 9.07(c).

## **9.08 OUTDOOR SOLID FUEL HEATING DEVICE**

(1) Definitions:

(a) “Outdoor Solid Fuel Heating Device” means a free-standing solid fuel unit, apparatus or equipment installed, affixed or situated outdoors, the primary purpose of which is for combustion of solid fuel to heat interior building space and/or water source.

(b) “Chimney” means a vertical structure or stack enclosing a flue or flues that carry off smoke or exhaust from an Outdoor Solid Fuel Heating Device.

(2) Regulation of Outdoor Solid Fuel Heating Devices:

Except as provided herein, no person, firm, business or other entity shall use or maintain an Outdoor Solid Fuel Heating Device within the City of Wisconsin Dells.

(3) Pre-existing Outdoor Solid Fuel Heating Devices. Within 90 days of enactment of this Ordinance, any preexisting Outdoor Solid Fuel Heating Device within the City shall meet the following requirements:

(a) The chimney for such device shall be 20 feet above the top of the Outdoor Solid Fuel Heating Device or three (3) feet above the roof line of any roof line within 100 feet of the chimney. All chimneys shall be constructed to withstand high winds.

(b) The Outdoor Solid Fuel Heating Device shall comply with all applicable standards of the United States Environmental Protection Agency (EPA) and the Wisconsin Department of Commerce (WDC) governing air quality and emissions, as amended from time to time, which standards are hereby adopted by reference.

(c) The Outdoor Solid Fuel Heating Device shall have a child proof locking device on the fire door or shall be in an enclosure with the access door having such a locking device.

(4) Solid Fuel Types Prohibited. The use of the following solid fuel types as combustible materials for an Outdoor Solid Fuel Heating Device are prohibited:

(a) Rubbish or garbage, including, but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business waste.

(b) Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 590 of the Wisconsin Administrative Code.

(c) Asphalt and products containing asphalt.

(d) 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.

(e) Any plastic material, including, but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic films, and plastic containers.

(f) Rubber, tires, and synthetic rubber-like products.

(g) Newspaper, corrugated cardboard, container board, office paper, and other materials that must be recycled in accordance with the City's recycling ordinance, except that paper and cardboard products may be used as starter fuel.

(5) New Outdoor Solid Fuel Heating Devices. An Outdoor Solid Fuel Heating Device installed after the effective date of this ordinance shall meet the following:

(a) Comply with the provisions of Code sec. 9.08(3);

- (b) Be located at least 500 feet from the nearest building which is not on the same property as the outdoor solid fuel heating device; and
  - (c) Be installed only after the owner/installer has obtained a building permit for the Outdoor Solid Fuel Heating Device and chimney and paid a fee as established by resolution.
- (6) Enforcement and Penalties.
- (a) The Chief of Police, Fire Chief, and City Engineer are authorized to enforce the provisions of this Ordinance.
  - (b) Any person, firm, business or other entity violating the provisions of this Ordinance is subject to the penalty provisions of sec.19.22 of the City's Code of Ordinances. Additionally, any such violation is hereby declared to be a public nuisance which may be abated through injunction or other equitable relief as may be allowed by law, which shall be in addition to the penalties that may be imposed under sec. 19.22.

**9.09 RAPID ENTRY KEY LOCK BOX**

- (1) All structures constructed after the adoption of this ordinance that fall into the following categories shall be equipped with a rapid entry key lock box at or near the main entrance or such other location required by the Fire Chief or designee:
  - (a) Commercial or industrial structures protected by an automatic alarm system or automatic suppression system, or such structures that are secured in a manner that restricts access during an emergency;
  - (b) Multi-family residential structures including senior citizen apartment/condo complexes that have restricted access through locked doors and have a common corridor for access to the living units; and
  - (c) Commercial and industrial buildings identified by fire officials as difficult to access during emergencies.
  - (d) Any building or structure having on-site 24 hour security personnel may be exempt from the requirement of this section at the discretion of the Fire Chief.

- (2) All newly constructed structures subject to this section shall have the key lock box installed and operational prior to the issuance of any occupancy permit.
- (3) The Fire Chief shall designate the type of key lock box system to be implemented within the City or fire service area and shall have the authority to require all structures to use the designated system.
- (4) The owner or operator of a structure required to have a key lock box shall keep the following keys in the lock box. All keys shall be clearly identified as to what they open.
  - (a) Locked points of access in the exterior of the buildings or facility.
  - (b) Locked points of access to common areas, such as hallways or utility rooms, contained within such buildings or facilities.
  - (c) Locked mechanical rooms.
  - (d) Locked electrical rooms.
  - (e) All other locked areas, other than individual apartments or rented rooms, as directed by the Fire Chief.
  - (f) Lock box shall contain an index card with contact names and telephone numbers.
- (5) The fire chief is authorized to promulgate rules and regulations for the implementation of the lock box system.

## **9.10 SEX OFFENDER RESIDENCY RESTRICTIONS; CHILD SAFETY ZONES**

- (1) Definitions. As used in this section and unless the context otherwise requires:
  - (a) *Crime against children* means any of the following offenses set forth in the Wisconsin Statutes, as amended, or the laws of this or any other state or the federal government, having like elements necessary for conviction and involving a person under the age of 18 years, respectively.

### **Wisconsin Statute Sections**

§940.225(1) First Degree Sexual Assault;

§940.225(2) Second Degree Sexual Assault;  
 §940.225(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;  
 §940.31 Kidnapping - victim was minor and not the offender's child;  
 §944.01 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;  
 §948.05 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;  
 §948.08 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;  
 §975.06 Sex Crimes Law Commitment.

- (b) *Facility for children* means a public or private school, a *group home*, as defined in Wis. Stat. § 48.02(7); a *residential care center for children and youth*, as defined in Wis. Stat. § 48.02(15d); a *shelter care facility*, as defined in Wis. Stat. § 48.02(6); a *treatment foster home*, as defined in Wis. Stat. § 48.02(17q); a *day care center licensed under Wis. Stat. § 48.65*; a *day care program established under Wis. Stat. § 120.13(14)*; a *day care provider certified under Wis. Stat. § 48.651(m)*; or, a *youth center*, as defined in Wis. Stat. § 961.01(22).
- (c) *Offender* 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.
- (d) *Permanent residence* means a place where the person sleeps, abides, lodges or resides for 14 or more consecutive days.

- (e) *Sexually violent offense* shall have the meaning as set forth in Wis. Stat. § 980.01(6) as amended from time to time.
- (f) *Temporary residence* means a residence or premises meeting either of the following criteria:
  1. A place where the person sleeps, abides, lodges or resides for a period of 14 or more days in the aggregate during any calendar year and which is not that person's permanent residence as defined in (1)(d) above; or,
  2. A place where the person routinely sleeps, abides, lodges or resides for a period of four or more consecutive or non-consecutive days in any month and which is not that person's permanent residence as defined in (1)(d) above.

(2) Residency restrictions.

An offender shall not reside within 1,000 feet of real property that supports upon which there exists any of the following uses:

- (a) Any facility for children;
- (b) A public park, parkway, parkland, park facility;
- (c) A public swimming pool;
- (d) A public library;
- (e) A recreational trail;
- (f) A public playground;
- (g) A school for children;
- (h) Athletic fields used by children;
- (i) A daycare center;
- (j) Any specialized school for children, including, but not limited to, a gymnastics academy, dance academy or music school; or,
- (k) Aquatic facilities open to the public.

(3) Measurement of distance. The distance shall be measured from the closest boundary line of the real property supporting the residence of an offender to the closest boundary line of the real property that supports or upon which there exists any of the uses enumerated in (2) above.

(4) Residency restriction exceptions. An offender residing within 1,000 feet of real property that supports or upon which there exists any of the uses enumerated in (2) above does not commit a violation of this section if any of the following apply:

- (a) The offender is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility.

- (b) The offender has established a permanent or temporary residence and reported and registered that residence pursuant to Wis. Stat. § 301.45 prior to the effective date of this section.
  - (c) The use enumerated in (2) above began after the offender established a permanent or temporary residence and reported and registered that residence pursuant to Wis. Stat. § 301.45.
  - (d) The offender is a minor or ward under guardianship.
- (5) Original domicile restriction. Subject to (4) above, no offender shall be permitted to reside in the City of Wisconsin Dells, unless that person was domiciled in the City of Wisconsin Dells at the time of the most recent offense giving rise to that person's status as an offender.
- (6) Child Safety Zones.

No offender shall enter or be present upon any real property that supports or upon which there exists any facility used for or that supports any one or more of the following uses:

- (a) Any facility for children;
  - (b) A public park, parkway, parkland, park facility;
  - (c) A public swimming pool;
  - (d) A public library;
  - (e) A recreational trail;
  - (f) A public playground;
  - (g) A school for children;
  - (h) Athletic fields used by children;
  - (i) A daycare center;
  - (j) Any specialized school for children, including, but not limited to, a gymnastics academy, dance academy or music school; or,
  - (k) Aquatic facilities open to the public.
- (7) Child safety zone exceptions. An offender does not commit a violation of (6) above, and may be allowed on the property used for or supporting a use enumerated in (6) above if any of the following apply:
- (a) The property used for or supporting a use enumerated in (6) above also supports a church, synagogue, mosque, temple or other house of religious worship (collectively "church"), subject to all of the following conditions:
    - 1. The offender's entrance and presence upon the property occurs only during hours of worship or other religious program/service as posted to the public; and,

2. The offender sends advance written notice to an individual designated by the church to be in charge and receives advance approval from that individual allowing the offender's attendance; and,
  3. The offender shall not participate in any religious education programs which include individuals under the age of 18.
- (b) The property used for or supporting a use enumerated in (6) above also supports a use lawfully attended by an offender's natural or adopted child, which child's use reasonably requires the attendance of the offender as the child's parent upon the property, subject to all of the following conditions:
1. The offender's entrance and presence by the offender upon the property occurs only during hours of activity related to the use as posted to the public; and,
  2. The offender sends advance written notice to an individual designated by the property owner to be in charge of the property's enumerated use, and receives advance approval from that individual allowing the offender's attendance.
- (c) The property used for or supporting a use enumerated in (6) above also supports a polling location in a local, state or federal election; subject to all of the following conditions:
1. The offender is eligible to vote;
  2. The designated polling place for the person is an enumerated use; and,
  3. The offender enters the polling place, proceeds to cast a ballot with whatever usual and customary assistance is provided to any member of the electorate, and vacates the property immediately after voting.
- (d) The property used for or supporting a use enumerated in (6) above also supports an elementary or secondary school lawfully attend by an offender as a student, subject to the condition that the offender may only enter upon the property supporting the school at which the person is enrolled for such purposes and at such times as are reasonably required for the educational purposes of the school.
- (8) Penalties and Remedies.
- (a) *Forfeitures.* Any person found guilty of violating this section shall be subject to a forfeiture as provided in section 30.04 of this code. Each violation and each day a violation continues or occurs shall constitute a separate offence. Neither the issuance of a citation nor the imposition of forfeiture hereunder shall preclude the City from seeking or obtaining any or all other legal and equitable remedies to prevent or remove a violation of this section.

(b) *Injunction.*

1. *Violation of residency restrictions.* If an offender establishes a permanent or temporary residence in violation of subsection (2) above, the Chief of Police may refer the matter to the City attorney. The referral shall include a written determination by the Chief of Police that, upon all of the facts and circumstances and the purpose and intent of this section, such violation interferes substantially with the comfortable enjoyment of life, health, safety of another or others. Upon such referral, the City attorney may bring an action in the name of the City to permanently enjoin such residency as a public nuisance.
2. *Violation of child safety zones.* If an offender violates subsection (6) above, more than once in any twelve-month period, the Chief of Police may refer the matter to the City attorney. The referral shall include written determination by the Chief of Police that, upon all of the facts and circumstances and the purpose and intent of this section, such violation interferes substantially with the comfortable enjoyment of life, health, safety of another or others. Upon such referral, the City attorney may bring an action in the name of the City to permanently enjoin such residency as a public nuisance.

**9.11 FIRE WORK DISPLAYS**

- (1) There shall be no display of fireworks within the City without: (a) a permit issued by the Fire Chief requiring without limitation, compliance with NFPA 1123; and, (b) payment of the administrative fee established pursuant to code sec. 2.05.
- (2) Permits may be issued only to entities specified in Wis. Stat. § 167.10(3)(c) 1-7.
- (3) Permits may only be issued to persons who are at least twenty-one (21) years of age and who has provided written proof of completion of training by a qualified pyrotechnics instructor.
- (4) A permit may not be issued unless the applicant provides written proof of liability insurance coverage from an insurer licensed in Wisconsin in an amount not less than \$1,000,000. The City shall be named as an insured on such coverage.
- (5) This ordinance does not apply to products specified at Wis. Stat. § 167.10(1)(a)-(p).

## **9.12 DISPLAY OF ADDRESS**

### **1. Requirement to Display Address.**

(A) Every owner of a business or residential property located in the City of Wisconsin Dells shall affix to, at or near the main entrance to that building the correct street number for that building. Said number shall also be located so as to be easily visible from the street the building is located on. Numbers shall be from 4 to 6 inches in size and of contrasting color from the building they are on. Numbers shall be located at a height not to be less than five (5) feet from ground level or more than twelve (12) feet above ground level. Locations with entrances that are not at grade level may display the numbers at a different height with Fire and/or Police Chief approval.

(B) Whenever any building is located more than 100 feet from the street line, the number shall be displayed conspicuously 10-15 feet from the street line, near the driveway or common entrance thereto, upon a gate, post or other appropriate place so as not to obstruct the vision of motor vehicle operators. In the case of a common driveway, the number shall also be displayed on each business/residence that shares the common driveway.

(C) Owners of those business properties located along Broadway, in the C-2 downtown business district, from the Wisconsin River Bridge east to Capital Street, shall also affix the correct street number and business name to the rear alleyway entrance to their building/business. These numbers and letters shall conform to the same requirements stated above. This mandated display of the business name only, with letters 6 inches or less and no logo or other advertisement, shall not require a sign permit.

### **2. Maintenance Requirement.**

All such street numbers shall be maintained by the property owner so as to remain in conformance with this ordinance in regards to the standards set forth above.

### **3. Enforcement**

If the owner of any building shall neglect to display or maintain the street number/business name as required, the Police Department shall send a letter to the owner informing the owner of the provisions of City Ordinance 9.09 and requiring the owner to display or maintain their required street number/business name within 10 days of receipt of the letter. The Chief of Police shall make the determination, at his/her sole discretion, if address numbers are of an acceptable contrasting color or state of maintenance.

### **4. Penalties**

Any person who shall violate any provision of this chapter shall, upon conviction, forfeit not less than \$50.00 nor more than \$200, together with the costs of prosecution. Each day a violation continues or occurs shall constitute a separate offense.

## CHAPTER 9 REVISIONS

- 07-29-98 A-431 Recodification of entire Chapter 9 (Also repeals Chapter 11)
- 04-26-00 A-457 Modifies Outdoor Cooking Ordinance. 9.04(3) and 9.04(4)(a) & (b)
- 08-28-02 A-508 Add penalty section to outdoor fires. 9.04(5)
- 12-25-02 A-516 Eliminates Health & Safety Dept. 9.06 and 9.07(4),(7),(8)
- 08-27-03 A-533 Director amended to Mayor or Mayor's designee in 9.07(6)
- 03-25-06 A-593 Regulates outdoor solid fuel heating devices. 9.08
- 12-20-08 A-649 Amends Outdoor Fires 9.04(2) to include "Nuisance".
- 06-20-09 A-658 Amends regulations on Outdoor fires. 9.04(1) and (5)
- 03-20-10 A-677 Firelanes no longer need to be painted yellow. Gender neutral chpt. 9.03(5)(a-b)
- 05-22-10 A-680 Designates alternate forum for police disciplinary actions. 9.01(2)
- 09-25-10 A-690 Fire Insp done annually instead of semi-annually. 9.02(9)(b) and (f)
- 02-26-11 A-697 Outdoor burning exception for campgrounds. 9.04(d)
- 08-27-11 A-707 Fire Chief to promulgate mngmt and admin. policies over dept by-laws. 9.02(2).
- 01-25-12 A-714 Sex Offender Residency Restrictions, Child Safety Zones. 9.10
- 01-25-12 A-716 Rapid Entry Key Lock Boxes req. for certain buildings. 9.09
- 04-25-12 A-718 Fire Chief authorized to issue Fire Work Display Permit. 9.11
- 05-30-12 A-720 Required Display of Address on buildings. 9.12
- 05-24-14 A-748 Creates 9.02(8)(e) and recreates 9.02(9).