

## TITLE 5

### Public Safety

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## CHAPTER 1

### Law Enforcement

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### SEC. 5-1-1 ORGANIZATION OF POLICE DEPARTMENT.

- (a) **Organization.** The Police Department shall consist of a Chief of Police and such other officers, assistants, and patrolmen as from time to time may be appointed, pursuant to the provisions of the Wisconsin Statutes, the ordinances, and resolutions of the Common Council, and the rules and regulations of the Board of Police and Fire Commissioners.
- (b) **Special Officers.** The Chief of Police subject to Council approval, may appoint from time to time such clerical or technical employees as may be necessary, such employees to serve either with or without compensation, as the Common Council shall direct.

### SEC. 5-1-2 RECORDS AND REPORTS.

- (a) **Monthly Reports.** The Chief of Police shall submit a written monthly general report to the Common Council of all activities of the Department during the 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.

- (c) **Disposition of Obsolete Police Department Records.** City officers are empowered to destroy the following police department or municipal court records as provided below: Police Dispatch Tapes. All police dispatch audio tapes shall be kept from creation plus one hundred twenty (120) days except those tapes that cover significant incidents. Tapes covering significant incidents will be retained for seven (7) years after the incident has been closed. (Ord. 92-44) (Ord. 94-31)

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

### **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 direction of the Mayor and the City Administrator, to the extent that the Council may delegate such authority or direction to him.
  - (2) Cause to be maintained accurate records of complaints, crimes, traffic accidents, ordinance violations, arrests, summons, incidents, and calls for police service and shall provide a system of periodic summary and analysis to ensure the most efficient and effective deployment and use of the Department's resources. He shall submit or cause to be submitted to the various agencies such reports and summaries as are required by State Statutes or ordinances and shall participate in voluntary programs designed to improve law enforcement and public safety.
  - (3) Submit such reports and comply with such administrative procedures as may be prescribed by the Common Council or City Administrator relative to fiscal and

- administrative matters.
- (4) Submit such reports and/or information and comply with such policies as may be prescribed by Common Council.
  - (5) Have exclusive control of the assignment, hours of duty, and transfer of all members of the Department.
  - (6) Plan, organize, staff, direct, and control all of the human and material resources of the Department for the most effective and efficient discharge of its duty to protect persons and property, preserve the peace, protect the rights of citizens and enforce the Wisconsin Statutes and the ordinances of the City as are within its jurisdiction. He shall supervise the preparation and presentation of annual reports and budgets for the Police Department. He shall be required to certify to the correctness of all bills incurred by the Department.
  - (7) Strive to maintain suitable, productive relationships with other City departments and with other governmental agencies and private organizations concerned with law enforcement, crime prevention, administration of justice and public safety. He shall cooperate and exchange information with other City departments in matters relating to their various functions.
  - (8) Plan and execute programs designed to prevent and repress crime, apprehend and prosecute offenders, recover property, and regulate non-criminal conduct, giving highest priority in the allocation of resources to crime and other offenses most hazardous to life and property.
- (b) **Custody of Department Equipment.** The Chief of Police shall be the custodian of all City property, equipment and supplies under the control of, or used by, the Police Department and shall be responsible for the care, maintenance, safeguarding and accurate records of such property, equipment, and supplies.
- (c) **Custody of Department Property.** The Chief of Police shall be the custodian of all property and shall be responsible for the safekeeping, lawful disposition and accurate record of the same. He shall see that all property is returned to its lawful owner or otherwise disposed of according to the applicable statutes.

#### **SEC. 5-1-5 RULES AND POLICIES FOR THE POLICE DEPARTMENT.**

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

#### **SEC. 5-1-6 MAINTENANCE OF PERSONNEL RECORDS AND PERFORMANCE EVALUATIONS.**

The Chief of Police shall cause to be maintained adequate personnel records of employment, assignment, promotions, attendance, performance and training for all members of the Department.

He shall also comply with all provisions of the Law Enforcement Standards Board in regard to background investigations. He shall keep himself adequately informed of the activities of the Department and be assured that the duties of his subordinates are properly discharged. He shall formulate procedures for recognizing outstanding performance by Department members for investigating complaints of misconduct by any Department member and for taking appropriate disciplinary action subject to the provisions of the applicable statutes and Rules of the Department.

**SEC. 5-1-7 POLICE CHIEF'S RESPONSIBILITY FOR TRAINING.**

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

**SEC. 5-1-8 CIVILIANS TO ASSIST.**

All persons 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.

**CHAPTER 2**  
**CITY OF CEDARBURG**  
**FIRE PREVENTION CODE (Ord. 91-02)**

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## ARTICLE A

### General Provisions; Adoption of Codes

#### **SEC. 5-2-1 FIRE PREVENTION CODE: GENERAL REQUIREMENTS.**

**Title.** This Chapter shall be known as the City of Cedarburg Fire Prevention Code. This Code adopts NFPA 1 - Fire Prevention Code of the National Fire Protection Association, as the same may from time to time be amended, and its incorporated standards and codes as published in the National Fire Codes of the National Fire Protection Association, the State of Wisconsin Department of Industry, Labor and Human Relations and listed in Appendix A of the NFPA Fire Prevention Code, except those portions which are amended by Section 5-2-8 of this Chapter. At least one (1) current copy of NFPA 1 - Fire Prevention Code. of the National Fire Protection Association, and the provisions of the National Fire Codes shall be filed in the Office of the Fire Prevention Bureau.

#### **SEC. 5-2-2 SCOPE.**

The provisions of this Fire Prevention Code shall apply equally to both public and private property and shall apply to all locations, except as otherwise specified. This Chapter shall be deemed an exercise of the police powers of the City for the preservation and protection of public health, peace, safety and welfare and all provisions of this Fire Prevention Code shall be liberally construed for that purpose.

#### **SEC. 5-2-3 ENFORCEMENT OFFICIALS.**

- (a) The Fire Chief shall be responsible for the enforcement of the Fire Prevention Code. The Fire Chief may appoint inspectors or delegate authority to other Department members from time to time as necessary.
- (b) It shall be the duty of the Fire Chief or his designee to enforce all laws and ordinances of the Fire Code for the City of Cedarburg to include the following:
  - (1) The prevention of fires;
  - (2) The storage, sale and use of combustible, flammable or explosive materials;
  - (3) The installation and maintenance of automatic suppression, fire alarm and other fire extinguishing equipment;
  - (4) The means and adequacy of exits in case of fire from factories, schools, hotels, lodging houses, multiple-family dwellings, hospital, churches, halls, theaters, amphitheaters and all other places in which persons work, live, or congregate, from time to time, for any purpose;
  - (5) The investigation of the origin, cause and circumstances of fires;
  - (6) The maintenance of fire cause and loss records.

#### **SEC. 5-2-4 INSPECTIONS.** (Ord. 2003-28)

- (a) The Fire Chief or his designee shall have authority to inspect all premises on a periodic basis pursuant to Sec. 101.14, Wis. Stats. and shall enforce the applicable laws and ordinances.
- (b) The Chief of the Fire Department shall be responsible for having all public buildings and places of employment inspected for the purposes of ascertaining any conditions liable to cause fire, or any violations of any law or ordinance relating to fire hazards or the prevention of fires. The Fire Chief or designee may enter any building or premises within the jurisdiction for the purpose of making any inspection, or investigation which, under the provisions of this code, he or they may deem necessary to be made. Private dwellings shall not be entered without the consent or permission of an adult occupant.
- (c) Whenever any inspector finds any condition as described above, the inspector shall order the remedy of any of these conditions. Any such condition shall be considered a public nuisance and the owner or occupant shall be subject to the terms, penalty and abatement provisions of the City's nuisance ordinance (Chapter 11).
- (d) Before permits may be issued under this Chapter, the Fire Chief or his designee shall inspect and approve all locations, equipment and fixtures for such uses.
- (e) The Fire Chief or his designee shall keep a record of all inspections with all facts concerning the same.
- (f) Fire Inspection Fees.
  - (1) An annual Fire Prevention Inspection Fee shall be charged to the property owner for the required inspection of each building, structure and premises in the city. The fee for the required semi-annual fire inspection shall be as follows:

	Building Type	Fee per year
(a)	Residential, Multi-Family, Motel, Hotel: 4 or more units	\$5.00 per unit
(b)	Commercial & Institutional:	
	Under 1,000 square feet	\$ 10 per year
	1,001 – 5,000 sq. ft.	\$ 25/yr.
	5,001 – 25,000 sq. ft.	\$ 45/yr.
	25,001 – 100,000 sq. ft.	\$ 90/yr.
	100,001 – 250,000 sq. ft.	\$175/yr.
	250,001 – 500,000 sq. ft.	\$265/yr.
	500,001 – 1,000,000 sq. ft.	\$440/yr.
	Over 1,000,000 sq. ft.	\$670/yr.
(c)	Industrial:	
	Under 5,000 square feet	\$ 45 per year
	5,001 – 25,000 sq. ft.	\$ 80/yr.
	25,001 – 100,000 sq. ft.	\$ 125/yr.
	100,001 – 175,000 sq. ft.	\$ 210/yr.

175,001 – 350,000 sq. ft.	\$ 400/yr.
350,001 – 1,000,000 sq. ft.	\$ 600/yr.
Over 1,000,000 sq. ft.	\$1,000/yr.

- (d) Hospitals, schools, churches, nursing homes, community-based residential facilities, assisted living and day care facilities shall be assessed per Section (b) Commercial & Institutional
  - (e) All municipal buildings shall be exempt from this fire prevention inspection fee.
- (2) Fire prevention inspection fees shall constitute a special charge against the property under §66.60(16), Wis. Stats., and shall be invoiced to property owners in July of each year. Any fees remaining unpaid as of November 1 of each year shall be placed on the annual tax roll for collection as a special charge together with an administrative charge of \$15 per parcel. All proceedings related to the collection of real estate taxes shall apply.

**SEC. 5-2-5 PLAN REVIEWS AND APPROVALS.**

- (a) **Plan Review Requirements.** For any building construction or alterations, three (3) copies of complete plans and specifications, including site plans, shall be submitted to the Cedarburg Fire Department for review and approval. Plans will be conditionally approved and stamped, indicating the person reviewing the plans with the approval date. One copy shall be returned to the owner or contractor, one copy to the Building Inspection Office, and one to be retained by the Cedarburg Fire Department.
- (b) No automatic sprinkler, smoke/heat detection, alarm system or other fire equipment required by this Chapter or other provisions of applicable local or State codes shall be installed, altered, or relocated until plans have been reviewed and approved by the Cedarburg Fire Department.
  - (1) Plans. Plans shall contain all required equipment locations, floor plan, key vault location, sprinkler riser diagram, and complete electric schematic.
  - (2) Calculations. Calculations for all required equipment and sprinkler piping is needed. Also required is the method of calculation for flows, pipe sizing, area of coverage, equipment capabilities, and placement. These calculations shall be signed and sealed by the engineer, designer, or plumber responsible for the plans and calculations.
  - (3) The Fire Chief may require further information or calculations as necessary for approval.

**SEC. 5-2-6 INVESTIGATION OF FIRE INCIDENTS.**

- (a) The Fire Chief or his designee shall immediately investigate, or cause to be investigated, the origin, cause and circumstances of every fire incident occurring in the City of Cedarburg.

In this Section, "fire incident" is defined as any occurrence of destruction or uncontrolled burning, including an explosion of combustible solids, liquids or gases, which results in visible or measurable damage. Fire incidents do not include the following except where they cause a fire incident or occur as a consequence of a fire incident:

- (1) Lightning
  - (2) Explosion of steam boilers, hot water tanks or other pressure vessels due to internal pressure and not internal combustion
  - (3) Accidents involving aircrafts, motor vehicles or other vehicles
- (b) When the Fire Department has not responded or been summoned to a fire incident, the fire incident shall be reported by the property owner in writing to the Fire Chief or his designee within twenty-four (24) hours of its occurrence. Such written report shall be submitted as prescribed by the Fire Chief or his designee and shall contain a statement of all facts relating to the origin, cause and circumstances of such fire incident, the extent of damage and such other information as may be required by the Fire Chief or his designee.
  - (c) The Fire Chief or his designee shall keep a record of all fires with all facts concerning the same.

**SEC. 5-2-7 CODES ADOPTED.**

- (a) **National Codes Adopted.** The appendices of the NFPA 1 - Fire Prevention Code of National Fire Protection Association, as the same may be from time to time amended, are hereby included as a part of the City of Cedarburg Fire Prevention Code except those portions which are deleted, modified or amended by this Chapter. The same are hereby adopted and incorporated as fully as if set out in length. Each of the following codes and standards published by the National Fire Protection Association are adopted in their entirety as a supplement and addition to the text of this Fire Prevention Code:

<u>STANDARD</u>	<u>GENERAL SUBJECT</u>	<u>LATEST NFPA</u>
NFPA 1	Fire Prevention Code	1987
NFPA 10	Portable Fire Extinguishers	1988
NFPA 13	Installation of Sprinkler Systems	1989
NFPA 13A	Inspection, Testing, and Maintenance of Sprinkler Systems	1987
NFPA 13D	Installation of Sprinkler Systems in One- and Two- Family Dwellings and Mobile Homes	1989
NFPA 13R	Installation of Sprinkler Systems in Residential Occupancies up to Four Stories in Height	1989

NFPA 14	Standpipes and Hose Systems	1990	
NFPA 20	Installation of Centrifugal Fire Pumps	1990	
NFPA 22	Water Tanks for Private Fire Protection	1990	
NFPA 24	Installation of Private Fire Service Mains	1987	
NFPA 31	Installation of Oil Burning Equipment	1987	
NFPA 54	National Fuel Gas Code	1988	
NFPA 71	Installation, Maintenance, and Use of Signaling Systems for Central Station Service		1989
NFPA 72	Installation, Maintenance and Use of Local Protective Signaling Systems	1990	
NFPA 72E	Automatic Fire Detectors	1987	
NFPA 72G	Installation, Maintenance, and Use of Notification Appliances for Protective Signaling Systems		1989
NFPA 72H	Testing Procedures for Local, Auxiliary, Remote Station, and Proprietary Protective Signaling Systems	1988	
NFPA 74	Household Fire Warning Equipment	1989	
NFPA 90A	Installation of Air Conditioning and Ventilating Systems	1989	
NFPA 211	Chimneys, Fireplaces, Vents, and Solid Fuel Burning Appliances	1988	
NFPA 231	General Storage	1990	
NFPA 231C	Rack Storage of Materials	1986	

(b) **State Codes Adopted.**

- (1) The current issues of the following orders and codes of the Wisconsin Administrative Code, Rules of the Department of Industry, Labor and Human Relations, are hereby adopted by reference and made a part of the City of Cedarburg Fire Prevention Code:
  - a. Chapter ILHR 1 -- Safety (Wis.)
  - b. Chapter ILHR 5 -- Explosives and Blasting Agents (Wis.)
  - c. Chapter ILHR 7 -- Cleaning and Dyeing (Wis.)
  - d. Chapter ILHR 8 -- Flammable and Combustible Liquids (Wis.)
  - e. Chapter ILHR 9 -- Liquefied Petroleum Gases (Wis.)
  - f. Chapter ILHR 14 -- Fire Prevention Code (Wis.)
  - g. Chapter ILHR 16 -- Wisconsin State Electrical Code, Volumes 1 and 2.
  - h. Chapter ILHR 21 -- Spray Coating (Wis.)
  - i. Chapter ILHR 50-64 -- Building Code (including Heating Ventilating and Air Conditioning (Wis.))
  - j. Chapter ILHR 70 -- Wisconsin Historic Building Code.
- (2) Whenever the provisions of the aforementioned codes conflict, the stricter interpretation shall apply.

- (3) Copies of each of said codes shall be maintained on file in the office of the Fire Prevention Bureau of the Fire Department of the City of Cedarburg and shall remain so filed and be, at all reasonable times, open to inspection by any interested person.

**SEC. 5-2-8 NOT REQUIRED.**

The following permits required under NFPA 1 - Fire Prevention Code, shall be deleted from this Code:

- Combustible Dust - Producing Operations
- Compressed and Liquefied Gases
- Flammable and Combustible Liquids
- Flammable Finishing
- Pyroxylin Plastics
- Welding Cutting and Other Hot Work

**SEC. 5-2-9 ENFORCEMENT AND PENALTIES.**

It shall be unlawful for any person to violate the requirements set forth in this Chapter. Any person in violation of this Chapter are subject to the penalties as outlined in Section 1-1-7 and Section 1-2-1 of the Municipal Code.

**SEC. 5-2-10 APPEALS.**

- (a) The Board of Appeals of the City of Cedarburg is authorized to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination concerning the Fire Prevention Code and its enforcement as set forth in subsection (c).
- (b) Alleged violations of and issues pertaining to the State Building and Fire Prevention Code ILHR 50 - 64 shall be appealed to the State of Wisconsin Building and Safety Division.
- (c) The following decisions of the Fire Chief, his designee or the Fire Prevention Bureau may be appealed to the Board of Appeals:
  - (1) The rejection of an application for any required permit, certificate or approval.
  - (2) The revocation of any permit or certificate previously issued.
  - (3) Conditions for the approval of plans for construction or for the issuance of an occupancy permit.
  - (4) Any lawful order from the Fire Inspector.
- (d) The Board of Appeals may determine issues as to whether this Code has been correctly interpreted and applied. In those appeals in which the Board determines that this Code has not been correctly interpreted and applied, the matter shall be remanded to the Fire Prevention Bureau for reconsideration.

## ARTICLE B

### Automatic Fire Sprinkler Systems

#### SEC. 5-2-11 SCOPE.

The provisions set forth in this Article shall apply to all sprinkler systems, new and existing, within the City of Cedarburg. These requirements are in addition to the State and NFPA standards. The intent of this section is to provide a means for the automatic extinguishment of fires in buildings or parts of buildings which because of their size, construction or occupancy or lack of suitable protective equipment constitute a special fire hazard to life or property and an excessive burden upon the fire extinguishing facilities of the Fire Department.

#### SEC. 5-2-12 GENERAL REQUIREMENTS.

Automatic sprinkler systems shall be installed and maintained in operable condition set forth in this Article. The State Building Code ILHR 50 - 64 shall apply to all new buildings and existing buildings within the City of Cedarburg as it pertains to automatic fire sprinkler systems.

- (a) **Installation.** The installation of any automatic fire sprinkler systems shall be completed in accordance with NFPA 13 - Installation of Sprinkler Systems, as the same may be amended from time to time, and ILHR 51.23.
- (b) **Maintenance and Testing.** All sprinkler systems shall be maintained and tested in accordance with NFPA 13A and 13 Standard for the Care and Maintenance of Sprinkler Systems.
  - (1) Annual Test Requirements/Inspection. A licensed sprinkler technician shall test and inspect the automatic sprinkler system at least annually. A copy of the inspection report shall be forwarded to the office of the Fire Prevention Bureau to be kept on file. The provisions of NFPA 13A, Chapters 1-7, shall be used as the inspection criteria.

When existing sprinkler systems are to be tested or are temporarily taken out of service for repairs, the contractor or owner shall notify the Fire Department Dispatch Office and the Central Dispatch Monitoring Service prior to the sprinkler being taken out of service.

- (2) New Test Requirements. All new sprinkler systems shall be tested and inspected prior to the building being occupied. Testing and inspection shall conform to the requirements below:
  - a. The sprinkler system shall have a hydrostatic test performed in the presence of a Fire Department inspector.
  - b. The sprinkler system shall be tested by flows of the main drain and inspector's test valve. The acceptance test shall be conducted by the installer in the presence of a Fire Department inspector.

- c. The installer shall provide 48 hours advanced notice to the Fire Department prior to any test being conducted. Work shall not be covered or concealed prior to the required inspection.
  - d. A final inspection by the Fire Department shall be conducted prior to placing the system in service.
- (3) Inspections. The Fire Department shall be given 48 hours notice for all sprinkler system installation inspections.

**SEC. 5-2-13 INSTALLATION REQUIREMENTS FOR AUTOMATIC SPRINKLER SYSTEMS.**

**Requirements.** Automatic sprinkler systems shall meet all the requirements of ILHR 51.23 and in addition:

- (a) System drain: The automatic sprinkler system shall have a drain piped to the outside of the building or to a drain suitable to handle the required flows.
- (b) Inspector's test valve: The system shall have an inspector's test valve piped so as to discharge to the outside of the building.
- (c) Alarm bells or horns: Alarm bells or horns shall be installed on all systems. One (1) bell or horn shall be installed on the inside of the building and a second bell or horn installed on the outside of the building. The sprinkler alarm shall be connected to the building alarm system.

**SEC. 5-2-14 FIRE DEPARTMENT ACCESS.**

Buildings equipped with an automatic sprinkler system shall be provided with a standard key vault of a type approved by the Fire Department as further outlined in Section 5-2-77 of this Ordinance. Building owners shall provide keys for the key vault for all areas of the building, with the exception of security vaults.

**SEC. 5-2-15 OCCUPANCY PERMIT.**

A final inspection will be made by the Fire Prevention Bureau Inspector after notification by the Building Inspector. Any Occupancy Permit required under the Municipal Code of the City of Cedarburg must be approved by the Fire Prevention Bureau before issuance.

**SEC. 5-2-16 THROUGH SEC. 5-2-29 RESERVED FOR FUTURE USE.**

## ARTICLE C

### Standpipe and Hose Systems

#### SEC. 5-2-30 SCOPE.

Standpipe and hose systems shall be installed and maintained in operable condition in all occupancies and locations set forth in this Chapter.

#### SEC. 5-2-31 GENERAL REQUIREMENTS.

- (a) Standpipe and hose systems shall be installed in accordance with Wisconsin Administrative Code ILHR 51.21 and NFPA 14 - Standards for Installation of Standpipe and Hose Systems.
- (b) **Maintenance and Testing.** All standpipe and hose systems shall be maintained in accordance with NFPA 14 - Standards for Installation of Standpipe and Hose Systems.
  - (1) Annual Test Requirements/Inspections. A licensed sprinkler technician shall test and inspect the standpipe and hose system at least annually. A copy of the inspection report shall be forwarded to the Office of the Fire Prevention Bureau to be kept on file. Existing standpipe and hose systems that are under test or are taken out of service for repairs shall have the sprinkler tester/ installer notify the Fire Department prior to the standpipe or hose system being temporarily taken out of service.
  - (2) New Standpipe and Hose System Test Requirements. All new standpipe and hose systems shall be tested and inspected prior to the building being occupied. Testing and inspection shall conform to the requirements below:
    - a. The standpipe and hose system shall have a hydrostatic test performed in the presence of a Fire Department inspector.
    - b. The standpipe and hose system shall be tested in accordance with NFPA 14. The acceptance test shall be conducted by the installer in the presence of a Fire Department inspector.
    - c. The installer shall provide 48 hours advanced notice to the Fire Department prior to any test being conducted. Work shall not be covered or concealed prior to the required inspection.
    - d. A final inspection by the Fire Department shall be conducted prior to placing the system in service.

#### SEC. 5-2-32 THROUGH SEC. 5-2-39 RESERVED FOR FUTURE USE.

## ARTICLE D

### Automatic Fire Detection and Alarm Systems

#### **SEC. 5-2-40 SCOPE.**

To provide early warning in the event of fire, automatic fire detection systems shall be installed and maintained in operable condition in all occupancies and locations within the City of Cedarburg as set forth in this Article. These requirements are in addition to the minimum standards of the adopted Wisconsin State Building Codes and NFPA standards for their proper installation and use.

#### **SEC. 5-2-41 RESIDENTIAL OCCUPANCIES.**

Smoke detectors shall be UL listed for residential applications and be installed in accordance with NFPA 74, Standard for the Installation, Maintenance, and Use of Household Fire Warning Equipment, most current edition. Installation practices shall conform to all local and State of Wisconsin codes and to the National Electrical Code.

- (a) All new and existing one and two family dwelling units shall have smoke detectors installed per ILHR 21.09 or ILHR 28 and in accordance with the manufacturer's recommendations and specifications.
- (b) In new multi-family residential construction, smoke detectors shall be AC powered from a non-switched circuit, or from a battery operated source continuously charged from an unswitched AC circuit. A non-switched circuit is one which has no intervening switches between the circuit breaker panel or fuse box and the smoke detector.
- (c) Prior to a certificate of compliance being issued by the office of the Building Inspector, an inspection must be completed of the installation of a smoke detector in accordance with this Section. The Building Inspector or his designee shall assist the Fire Prevention Bureau in obtaining compliance in all one and two family dwellings.
- (d) For all existing dwelling units, the provisions of this Article shall be retroactive.

#### **SEC. 5-2-42 GENERAL REQUIREMENTS FOR ALL OTHER OCCUPANCIES.**

- (a) **NFPA Standards Compliance.** For all occupancies other than residential dwelling units, the term "Fire Alarm System" shall mean a Protective Signaling System installed in accordance with NFPA 72, Standard for the Installation, Maintenance, and Use of Protective Signaling Systems. The Fire Alarm System shall include Automatic Fire Detectors (smoke and heat detectors) installed in accordance with NFPA 72E, Standard on Automatic Fire Detectors. These detectors shall protect either selected areas or be installed throughout the building as specified in this Code.
- (b) **Requirements for Annunciator Panels.** In all new and existing buildings over 10,000 square feet or having more than one story, the fire alarm system shall be separated into zones with a minimum of one zone for each floor, the attic, the basement and a separate zone for all pullstations. Exemptions would be multi-family residential, Section 5-2-43(3)(a).

- (c) **Central Station Monitoring Service Compliance.** A central monitoring service shall comply with NFPA 71, Standard for Installation, Maintenance, and Use of Signaling Systems for Central Station Service. The central monitoring service is subject to prior approval by the Fire Prevention Bureau.
- (d) **Agency Listings.** All equipment shall bear the UL marking or other recognized listing and testing agency and shall be clearly marked on the equipment. All detectors shall be listed for commercial applications.
- (e) **Exception for Buildings with Sprinklers.** Any building in this classification (except hotels, motels, and bed and breakfast inns) which have a sprinkler system installed throughout in accordance with NFPA 13 shall be exempt from the requirements for a Fire Alarm System, unless required by State of Wisconsin Commercial Building Code ILHR 50-64.

In partially sprinklered buildings, any area not sprinklered in accordance with NFPA 13 shall have a Fire Alarm System installed in accordance with this Article.

#### **SEC. 5-2-43 WHERE FIRE ALARM SYSTEMS ARE REQUIRED.**

The requirements for this Section shall be retroactive for all buildings (**except** hotels, motels, bed and breakfast inns, child day care facilities, schools and residential units of three (3) or more which shall follow the requirements of the Wisconsin Commercial Building Code 50-64) with an effective date for compliance of June 1, 1993.

- (a) **Multi-Family Buildings of Three or More Dwellings.** This includes row houses, hotels, motels, bed and breakfast inns and any other places of residence with three or more units.
  - (1) Three to Four Units per Building. All new and existing buildings shall have a Fire Alarm System installed in all common areas on all floor levels including the basement. Heat detectors are required throughout the attic.
  - (2) Building of Five to Seven Units per Building, Including all Hotels and Motels.
    - a. All new and existing buildings shall have the same requirements as set forth in Section 5-2-43(a)(1).
    - b. In addition, for all new construction, heat detectors conforming to NFPA 72E shall be installed within the individual units and connected to the Fire Alarm System. Heat detectors are required in the following locations within each unit:
      - 1. At least one heat detector protecting each major room. Closets, hallways, bathrooms, storage areas and stairways do not require heat detectors unless required by subparagraph 5-2-43(a)(2)b immediately below.
      - 2. One heat detector protecting the area in which every furnace, boiler, gas-fired hot water heater, clothes dryer, and cooking range are located within the unit.
  - (3) Buildings of Eight Units or More, Including all Hotels and Motels.

- a. All new and existing buildings shall have the same requirements as set forth in Section 5-2-43(a)(2).
- b. The Fire Alarm System shall be separated into zones and each zone identified in the alarm panel. Separate zones are required for smoke detectors on each floor level, attic, basement and all pull stations. The minimum number of zones shall be reviewed and approved by the Fire Prevention Bureau.
- c. Pull Stations shall be required in accordance with IIHR 57.16 and ILHR 51.24.
- d. The Fire Alarm System shall be monitored twenty-four hours a day by a central monitoring service.

(b) **Office, Factory, and Mercantile Buildings.**

(1) New Construction.

- a. All new buildings over 2,500 square feet shall have a Fire Alarm System with smoke or heat detectors in hallways, stairways, exit paths, and in all hazardous locations as defined by ILHR 54.14 of the State Building Code.
- b. All new buildings over 5,000 square feet shall have a Fire Alarm System installed throughout.

(2) Existing Buildings.

- a. Existing buildings over 5,000 square feet total area shall have a Fire Alarm System with smoke and heat detectors in hallways, stairwells, exit paths, and hazardous locations as defined by Wisconsin Statute ILHR 54.14.
- b. If there are 20 or more persons regularly occupying or working above or below the exit floor, the building shall have a Fire Alarm System installed throughout.
- c. Existing buildings 10,000 square feet or more area shall have a Fire Alarm System installed throughout.
- d. For existing buildings, the effective date for compliance shall be June 1, 1993.

(c) **Schools.**

(1) New construction. All new schools regardless of size shall have a Fire Alarm System installed throughout.

(2) Existing construction. The requirements for existing construction shall follow ILHR 56 or its amendments as they apply to schools and places of instruction.

(d) **Theaters and Assembly Halls, including Churches.**

(1) New construction. All buildings, regardless of size, shall have a Fire Alarm System installed throughout.

(2) Existing construction. All buildings, regardless of size, shall have a Fire Alarm System installed throughout.

(3) Exemptions. Sanctuary and nave area of church buildings and similar places of worship shall be exempt.

(4) The effective date for existing buildings to be brought into compliance with this Section shall be June 1, 1993.

- (e) **Health Care Facilities.** Health Care facilities shall conform to the requirements of the Commercial Building Code, ILHR 58. In addition, smoke detectors shall be located in all sleeping rooms and corridors.
- (f) **Child Day Care Facilities.** Child Day Care facilities shall conform to the requirements of the Commercial Building Code, ILHR 60, and more specifically, a smoke detection system shall be installed.
- (g) **Hazard occupancy.** Any new high hazard occupancy determined to be a severe life or property hazard by the Fire Prevention Bureau shall have a Fire Alarm System installed with detectors located as specified by the Fire Prevention Bureau. Connection to a central monitoring service may also be required.

#### **SEC. 5-2-44 INSTALLATION REQUIREMENTS.**

- (a) **General Installation Requirements.** The entire alarm system installation shall conform to the applicable National Fire Protection Association (NFPA) Standards 71, 72, 72E, 72G, and 74, and to State of Wisconsin ILHR 57.16, 57.165, or 21.09 or ILHR 28. Electrical installations shall conform to all local and State of Wisconsin codes, ILHR 16 and to the National Electrical Code.
- (b) **Smoke and Heat Detector Locations.**
  - (1) Smoke and heat detectors shall be chosen and located in accordance with NFPA 72E, either throughout the building or in specific areas of the building as specified in this Code.
  - (2) For hazardous locations, the term "smoke and heat detectors" shall include flame detectors. Flame or heat detectors may be required at hazardous locations both inside and outside the building, including loading docks and other hazardous areas.

#### **SEC. 5-2-45 MAINTENANCE AND TESTING.**

- (a) **Installation Inspection.** An Acceptance Test conforming to NFPA 72 and 72H shall be performed before acceptance of the Fire Alarm System by the Fire Prevention Bureau. Arrangements shall be made with the Fire Prevention Bureau with at least 48 hours notice given.
- (b) **Periodic Testing.** Periodic testing of the Fire Alarm System and detectors is required with the frequency, procedures, and test methods specified in NFPA 72H, Guide for Testing Procedures for Local, Auxiliary, Remote Station, and Proprietary Protective Signaling Systems. Monthly tests are required for the Fire Alarm Control Panel.
- (c) **On-site Record of Testing.** The owner of each building which requires a fire alarm system shall post a record of periodic testing showing the date and person performing the test. This record shall be located at the fire alarm panel or other location approved by the Fire Prevention Bureau.
- (d) **Corrective Maintenance Requirements.** No Fire Alarm System may be allowed to remain in a non-functioning condition. Nonfunctioning panels, circuits, devices, or trouble

conditions indicated by the supervisory monitoring function of the fire alarm control panel shall be corrected immediately.

- (e) All existing and new one and two family dwellings shall have smoke detectors installed and inspected as further outlined under 5-2-41(c).

**SEC. 5-2-46 FALSE ALARMS**

Further regulation on private alarm systems in addition to this Chapter is detailed in Title 5, Chapter 4 of the City of Cedarburg Code of Ordinances.

**SEC. 5-2-47 THROUGH SEC. 5-2-49 RESERVED FOR FUTURE USE.**

## ARTICLE E

### Required Access for Fire Apparatus

#### SEC. 5-2-50 SCOPE.

This article shall apply to all access or fire lanes on public or private property within the City of Cedarburg. Additional requirements may be further outlined in the City of Cedarburg Zoning Ordinance, Subdivision Ordinance, or the State Building Code. When required by the Fire Prevention Bureau, hardsurfaced driving lanes shall be provided around facilities which, by their size, location, design or contents warrant access which exceeds that normally provided by the proximity of city streets.

#### SEC. 5-2-51 ACCESS FOR FIRE APPARATUS.

- (a) **Suitable Access.** All premises, public or private, which the Fire Department may be called upon to protect in case of fire and which are not readily accessible from public roads shall be provided with suitable gates, access roads and fire lanes so that all buildings on the premises are accessible to fire apparatus. The Fire Prevention Bureau may require that areas specified for use as driveways or private thoroughfares shall not be used for parking. These areas, when specified, shall be marked or identified by one of the two means detailed in 52-72(a).
- (b) **Fire Lanes.** Fire lanes shall be provided on public or private property devoted to public use and for all buildings used for human habitation or occupancy. Fire lanes may also be designated on those private roadways where it is found by the Fire Prevention Bureau that such access is necessary for fire apparatus.
- (c) **Surface.** Fire lanes shall be either asphalt or reinforced concrete, 4 inches thick, minimum, or when specifically authorized by the Fire Prevention Bureau, compacted crushed rock may be used. Where fire lanes connect to city streets or parking lots, adequate clearances and turning radii shall be provided.
- (d) **Width.** Lanes shall provide a minimum, unobstructed continuous width and height of 12 feet.
- (e) **Dead-end Road.** Any dead-end road more than three hundred (300) feet long shall be provided a turn-around at the closed end of the roadway. Turn-arounds can be T-type or hammerhead, cul-de-sac or curved driveway.
- (f) **Turning Radius.** Curves and turn-arounds shall be designated for a minimum of a forty (40) foot turning radius.

#### SEC. 5-2-52 DESIGNATED FIRE LANES.

- (a) Lanes shall be identified by a 4-inch-wide line and block letters 2 feet high, painted in the lane, at 50-foot intervals stating "FIRE LANE - NO PARKING". Signs shall be posted on or immediately next to the curb line, or on the building. Signs shall be a minimum of 12" by 18" and shall have letters and background of contrasting colors, readily readable from at

least a 50-foot distance. Signs shall be spaced not further than 50 feet apart. Signs shall be mounted a minimum of 4 feet and a maximum of 6-1/2 feet from the pavement to the bottom edge of the sign.

- (b) Proposed fire lane designations intended to satisfy the requirements of this Article must be approved by the Fire Department and the Plan Commission.
- (c) It shall be unlawful for any person(s) or firm(s) to post a fire lane sign without the approval of the Fire Department or the Plan Commission.

### **SEC. 5-2-53 UNAPPROVED FIRE LANES.**

Fire lane signs posted without the approval of the Fire Department shall be removed or the fire lane shall be formally established and posted as required by this Chapter.

### **SEC. 5-2-54 FIRE LANE PARKING REGULATED.**

- (a) **Fire Lane Parking.** Any vehicle that is parked within a fire lane designated and marked in accordance with Section 5-2-62 may be removed at the vehicle owner's expense. Vehicles will be towed away under the following circumstances:
  - (1) When a vehicle repeatedly violates the fire lane regulations by habitually parking in a fire lane.
  - (2) When a vehicle blocks the ingress/egress of a business, theater, night club, apartment complex, gymnasium or a place of public assembly.
  - (3) When a vehicle's presence threatens the safety of the public by impeding the ability of fire apparatus and/or emergency medical equipment to respond to an emergency.
  - (4) Removal of a vehicle under such circumstances may be authorized by the person in lawful possession of the property or by the Fire Chief or their representative. The Police Department may order the towing of a vehicle at any time that the above circumstances exist.
- (b) **Stopping in Lane.** Vehicles will be permitted to stop in a fire lane for a reasonable period of time as determined by the Fire or Police officials while actively loading or unloading provided the driver is present.
- (c) **Obstructions Other Than Vehicles.** An inspection report with warning notice shall be issued to the property owner, occupant or responsible party requiring that if an obstruction in a fire lane is not removed within a specified time period, the Department may cause the removal of the obstruction with the cost of removal billed to the person(s) responsible for the obstruction.
- (d) **When It Becomes Necessary to Obstruct a Fire Lane, i.e. Construction Remodeling or Repair.** Written approval shall be required and permission obtained from the Fire Department in any circumstance in which it is necessary to temporarily obstruct a fire lane. A copy of the authorization shall be posted at the site.
- (e) **Enforcement.** Vehicles parked in fire lanes shall be cited with a notice of violation on a standard Wisconsin Citation or Cedarburg Parking Citation enforceable under 10-1-61 of the

Cedarburg Code of Ordinances.

**SEC. 5-2-55 THROUGH SEC. 5-2-59 RESERVED FOR FUTURE USE.**

## ARTICLE F

### Fire Hydrants Required

#### **SEC. 5-2-60 SCOPE.**

The requirements of this article shall apply to all required fire hydrants installed on private property. These requirements apply to all buildings constructed or altered after the effective date of this revision of the Cedarburg Fire Prevention Code.

#### **SEC. 5-2-61 FIRE HYDRANTS.**

- (a) Where the municipal water system is available, any portion of a commercial, residential, or industrial building more than three hundred (300) feet from the municipal fire hydrants, the owner shall install at his expense approved hydrants. The setback distance shall be determined by measuring the travel distance from a municipal hydrant, along the centerline of a municipal street, private road or parking area suitable for travel by fire apparatus.
- (b) Hydrants determined to be necessary in accordance with Subsection (a) shall be freestanding and shall be installed not more than fifty (50) feet or less than twenty-five (25) feet from the building. One (1) hydrant shall be located at the main entryway to such building or complex. Additional hydrants shall be provided around the perimeter of the building or complex so no hydrant is more than four hundred (400) feet from any other approved hydrant as described in Subsection (a).
- (c) For new construction, hydrants required by this Chapter shall be installed and made operable prior to permitting construction to progress beyond the footing and foundation stages.
- (d) All private water lines between the municipal water main and approved hydrants shall be no less than six (6) inches inside diameter.
- (e) All water mains, hydrants and their location shall be approved by the Fire Department and Cedarburg Light and Water Commission. The hydrants shall be installed in such a manner and location so as to be accessible at all times to the Fire Department.
- (f) All water mains and hydrants shall be installed, inspected and tested in compliance with the standards of the City of Cedarburg and Cedarburg Light and Water Commission.

#### **SEC. 5-2-62 BLOCKING OF FIRE HYDRANTS PROHIBITED.**

- (a) No person shall park any motor vehicle within ten (10) feet of any fire hydrant or otherwise interfere with the accessibility of any fire hydrant by piling, dumping or placing any other obstructive material or object within ten (10) feet of a fire hydrant without first obtaining written permission from the Fire Department. Every day during which such interference continues shall constitute a separate offense.
- (b) Any vehicle that is blocking a fire hydrant in accordance with Section 5-2-61 may be

removed at the vehicle owner's expense. Vehicles will be towed away under the following circumstances:

- (1) When a vehicle repeatedly violates the fire hydrant regulations by habitually blocking a fire hydrant.
  - (2) When a vehicle blocks the ingress/egress of a business, theater, night club, apartment complex, gymnasium or a place of public assembly.
  - (3) When a vehicle's presence threatens the safety of the public by impeding the ability of fire apparatus and/or emergency medical equipment to respond to an emergency.
- (c) Removal of a vehicle under such circumstances may be authorized by the person in lawful possession of the property or by the Fire Chief or their representative. The Police Department may order the towing of a vehicle at any time that the above circumstances exist.

**SEC. 5-2-63 THROUGH SEC. 5-2-69 RESERVED FOR FUTURE USE.**

## ARTICLE G

### Hazards to Life and Property

#### SEC. 5-2-70 SCOPE.

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

#### SEC. 5-2-71 STORAGE OF JUNK, ETC. PROHIBITED.

The storage of junk shall be regulated per Sec. 11-3-5 of the Cedarburg Code of Ordinances.

#### SEC. 5-2-72 REGULATION OF FIREWORKS.

The sale, use, storage and discharge of fireworks shall be regulated through the licensing provisions of Title 7, Chapter 8, of this Code of Ordinances. See Sec. 7-8-1 for further regulations.

#### SEC. 5-2-73 CHRISTMAS TREES; PUBLIC DISPLAYS.

The following are the minimum requirements for the public display of live or cut natural Christmas trees. These requirements are applicable to all places of assembly, institutions, public lobbies, malls and other occupancies where the public is admitted or invited:

- (a) **General.**
  - (1) Trees are to be located clear of exits or aisles and in an area separated from ordinary combustibles by a distance at least equal to the tree height.
  - (2) The base of all natural-cut trees shall be installed and maintained in a receptacle containing water or wet sand.
  - (3) All decorations used on the tree must be noncombustible or fire retardant.
  - (4) No candles or open flame devices shall be attached to or placed near the tree.
  - (5) Only approved lights or wiring, bearing the appropriate Underwriter's Laboratories (UL) or other approved testing label may be used.
  - (6) Fire extinguishers shall be readily available.
- (b) **Flameproofing.** Cut natural trees shall be properly flameproofed and tagged according to the following:
  - (1) Only approved flameproofing materials shall be used.
  - (2) The application method and the amount of flameproofing material used shall be in accordance with the instructions of the manufacturer.
  - (3) Flocking materials shall not be applied until the tree has been properly flameproofed.
  - (4) All cut natural trees required to be flameproofed must have attached thereto, near the base, a tag containing the following information:

- a. Date of application.
  - b. The amount and type of material used.
  - c. The business name, address and phone number of the applicator.
  - d. The signature of the applicator.
- (c) **Testing.**
- (1) The Fire Department may, at any time, field fire test any cut natural or live Christmas tree to determine if it is properly flameproofed or hazardous. Whenever trees are found to be hazardous or in unapproved locations, they shall be ordered to be removed immediately.
  - (2) The field fire test consists of taking one (1) or more six (6) inch to eight (8) inch branches off the tree, removing any flocking and attempting to ignite the branch with a match. The branch must self-extinguish when the flame is removed.
- (d) **Artificial Trees.**
- (1) Manufactured trees which are constructed of metallic, noncombustible or fire-resistive materials may be used. Artificial Christmas trees are subject to field fire test procedures to determine fire resistance.
  - (2) Lighting of the metallic or otherwise electrically conductive trees shall be from a remote area. All lighting used for illumination of trees shall be UL or FM listed.

#### **SEC. 5-2-74 OPEN FLAME.**

- (a) **Lights and Devices.** No person shall take an open flame or light into any building, barn, vessel, boat or any other place where highly flammable, combustible or explosive material is kept, unless such light or flame shall be well secured in a glass globe, wire mesh cage or similar approved device.
- (b) **Places of Assembly.** No open flame, candles or other open flame fixture, whether equipped with a guard or not, shall be used in any place of assembly, except within duly constituted places of worship or fraternal buildings. Such open flame candles or other flame fixtures, whether equipped with a guard or not, shall not be used in auditoriums or places of worship or fraternal buildings, except when such candles or fixtures are actually held by persons seated, standing or in procession in such auditorium. Such candles or fixtures need not be held by persons in the auditorium if they are securely supported on noncombustible bases, the flame is at least seven (7) feet above the floor, are so located as to avoid danger of ignition of combustible material, are under constant observation and supervision by a responsible person designated for each aisle, are kept lighted only when necessary during the ceremony or ritual, and are extinguished before the occupants leave the auditorium.
- (c) **Stages.** Open flame devices may be used on stages or church alters where a necessary part of the theatrical or religious performance requires, provided adequate precautions, satisfactory to the Chief of the Fire Department or his designee, are taken to prevent ignition of any combustible materials.
- (d) **Restaurants.** Open flame devices used for the warming of food may be used in restaurants and dining areas, provided such devices and their location are approved by the Chief of the

Fire Department or his designee.

- (e) **Exceptions.** The use of other open flame light and devices not herein regulated may be permitted by the Chief of the Fire Department or his designee under such restrictions as, in his judgment, are necessary to avoid danger of ignition of combustible material or injury to persons.

#### **SEC. 5-2-75 EMERGENCY LIGHTING REQUIRED.**

- (a) **Emergency Lighting in Public Areas.** Emergency lights shall be installed in the following occupancies:
- (1) Factories -- Within any factory over two (2) interior stories or ten thousand (10,000) square feet in gross internal area.
  - (2) Offices -- Within any office over two (2) interior stories or ten thousand (10,000) square feet in gross interior area.
  - (3) Mercantile Building -- Within any mercantile building over two (2) interior stories or seven thousand (7,000) square feet in gross interior area.
  - (4) Places of Public Assembly -- Within any place of public assembly (buildings with an occupancy load of one hundred (100) people or more) regardless of size.
  - (5) Residential Occupancies -- Residential buildings with common areas and containing ten (10) or more bedrooms (efficiency units shall be considered as bedrooms).
  - (6) Taverns -- Within any tavern regardless of size.
  - (7) Schools and Places of Instruction (Including Day Care Centers) -- Within any school or place of instruction housing more than twenty (20) students.
  - (8) Health Care Facility -- Within any health care facility regardless of size.
  - (9) Place of Detention -- Within any place of detention regardless of size.
- (b) **Emergency Lighting Locations.** Emergency lighting shall be located in hallways, stairwells, open meeting areas and basements.

#### **SEC. 5-2-76 BUILDINGS DAMAGED BY FIRE.**

- (a) If the Fire Chief finds any building and its contents are damaged by fire to a point in which the structure and contents present a health or life safety hazard to the public, orders shall be issued to the owner to abate such hazard through repair or removal of the building and/or its contents. Such orders shall include a time period to complete abatement of such hazard to extend no more than sixty (60) days.
- (b) After sixty (60) days, the Fire Chief can order the building and contents removed to an appropriate landfill site. The owner of the property will be held responsible for any expenses incurred.
- (c) Written request for extension of the time permitted to complete ordered repairs or removal shall be submitted to the Fire Chief within forty-five (45) days after the fire. The written request must contain the following information:
- (1) The reason compliance cannot be completed within the sixty (60) day limit.

- (2) The projected date the repairs are to start, type of repairs to be conducted and projected date repairs are to be completed.

**SEC. 5-2-77 KEY VAULT REQUIRED.**

- (a) When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for lifesaving or firefighting purposes, the Fire Chief may require that a key vault is installed in an accessible location. The key vault shall be a type approved by the Fire Department and shall contain those keys found to be necessary to provide emergency access.
- (b) Properly identified and up-to-date keys to gain access to the building and the building automatic sprinkler or alarm system shall be maintained in the key vault. When a change of locks within the building is necessary, the Fire Department shall be notified and new keys placed in the key vault.
- (c) Buildings equipped with an alarm system shall be provided with a standard key vault of a type approved by the Fire Department.
- (d) The key vault shall be located in a place approved by the Fire Department.
- (e) Removal of any key by other than Fire Department personnel shall be in violation of this Section.

**SEC. 5-2-78 OPEN BURNING.**

- (a) **All Trash Burning Prohibited.** No person shall kindle or cause to be kindled any trash fire in or upon any street, alley, public way, park or any public or private ground within the City of Cedarburg.
- (b) **Trash Defined.** Trash is defined as rubbish, grass, leaves, branches, plastic, construction waste, paper products, industrial waste or any other type of debris.
- (c) **Open Burning is prohibited.** Outdoor fires within the corporate limits of the City of Cedarburg are prohibited except as set forth in below.
  - (1) No grills or devices used for outdoor fires for cooking are authorized to be used above the first story of any building on a balcony, raised porch or platform, etc., except for properly maintained liquid petroleum or liquid natural gas outdoor cooking appliances that have tanks no greater than 2.7 lb. water capacity or 1.02 lb. LP gas capacity.
  - (2) Recreational Fires.
    - (a) No recreational fires may be started or allowed to continue burning unless such recreational fire is fully contained within an approved fire pit or outdoor appliance.
      - (1) An approved fire pit is any below ground dug pit not greater than 36 inches inside diameter (inside edge of the pit to inside edge); lined with non-combustible material, soil, metal or stone; a minimum of 6 inches deep; and ringed on the outer diameter with

stone, brick or concrete.

- (2) An outdoor appliance is any commercially available appliance designed to contain a wood fire when operated according to manufacturer's instructions with all lids, screens and spark arresting devices in place; or permanent structure built entirely of non-combustible materials designed with spark arrestors and screens to contain a wood fire.
- (b) No fire pit shall be closer than 25 feet from any dwelling, building structure, shed or garage or closer than 10 feet from any wooden fence, deck or combustible material. Commercially available outdoor appliances shall not be within 10 feet of any structure or combustibles; all recreational fires are to be set back a minimum of 6 feet from adjoining property lines.
- (c) No recreational fire shall be started or allowed to continue burning when the wind direction or wind speed will cause embers or other burning material to be carried onto any building or combustible material; nor any time that wind direction will carry smoke into the open windows of any building. Smoke from any recreational fire shall not create a nuisance for neighboring properties and fires shall be completely extinguished when police or fire department investigation determines a nuisance is present.
- (d) Fuel for outdoor recreational fires shall consist of natural wood or manufactured fire log material only and may not include leaves, rubbish, garbage, trash, construction materials, any materials made of or coated with rubber or plastic, leather or petroleum based materials. Flammable or combustible liquids may not be used to aid in starting any outdoor fire. Flammable or common/standard dry kindling materials may be used to aid in starting any outdoor fire.
- (e) Recreational fires shall be constantly attended and supervised by a competent person at least 18 years of age until the fire has been completely extinguished. The means for extinguishing any fire (as deemed necessary by the Fire Chief) must be kept immediately available at all times when a recreational fire is burning. Proper fire extinguishing equipment includes: a garden hose, shovels, water buckets or an ABC rated Fire Extinguisher at least 10 lbs. capacity.
- (f) Any party who starts or maintains a recreational fire that is allowed to burn out-of-control shall be held responsible for paying any costs associated with fire control efforts to extinguish the fire.
- (g) Recreational fires shall be permitted only from 11 a.m. to 11 p.m. (Ord. 2011-06)

#### **SEC. 5-2-79 COMBUSTIBLE MATERIALS.**

- (a) **Hot Ashes and Other Dangerous Materials.** No person shall deposit hot ashes or cinders, or smoldering coals, or greasy or oil substances liable to spontaneous ignition, into any

wooden receptacle or place the same within ten (10) feet of any combustible materials, except in metal or other noncombustible receptacles. Such receptacles, unless resting on a noncombustible floor or on the ground outside the building, shall be placed on noncombustible stands, and in every case must be kept at least two (2) feet away from any combustible wall or partition.

- (b) **Accumulations of Waste Materials.** Accumulations of wastepaper, hay, grass, straw, weeds, litter or combustible or flammable waste or rubbish of any kinds shall not be permitted to remain upon any roof or in any court, yard, vacant lot or open space. All weeds, grass, vines or other growth, when the same endangers property or is liable to be fired, shall be cut down and removed by the owner or occupancy of the property it is on.
- (c) **Readily Combustible Materials.** No person making, using, storing or having in charge or under his control any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw or combustible waste materials shall fail or neglect at the close of each day to cause all such materials which are not compactly based on and stacked in an orderly manner to be removed from the building or stored in suitable vaults or in metal or metal lined, covered, receptacles or bins.
- (d) **Storage of Readily Combustible Materials.** Storage in buildings shall be orderly, shall not be within two (2) feet of the ceiling and not so located as to endanger exit from the building. Storage in the open shall not be more than twenty (20) feet in height, shall be so located, with respect to adjacent buildings, as not to constitute a hazard and shall be compact and orderly.
- (e) **Flammable Decorative Materials in Stores.** Cotton batting, straw, dry vines, leaves, trees or other highly flammable materials shall not be used for decorative purposes in show windows or other parts of commercial or public buildings unless flameproofed, provided, however, that nothing in this Section shall be held to prohibit the display of saleable goods permitted and offered for sale. Electric light bulbs shall not be decorated with paper or other combustible materials unless such materials shall first have been rendered flameproofed.

#### **SEC. 5-2-80 TENTS.**

- (a) **Tent Permit Required.** No tent exceeding one thousand five hundred (1,500) square feet in area shall be erected, maintained, operated or used without a permit.
- (b) **Fire Watchers to be Employed.** One (1) or more qualified persons to service as fire watchers shall be employed by all circuses, carnivals or other exhibitions where large crowds assemble. They shall familiarize themselves with all fire protection facilities and fire prevention features and with the condition of exits and shall patrol the entire tent area during the time of occupancy. They shall see that aisles and exitways are kept open and that "No Smoking" rules are enforced.
- (c) **Tents for Assembly to Conform to Recognized Safe Practices.** The design, construction, flameproofing, location, maintenance and use of tents for assembly shall be in accordance with recognized safe practices. Compliance with the American Standard of Outdoor Assembly, Grandstands and Tents, as adopted by the National Fire Protection Association,

shall be considered as prima facie evidence of compliance with such recognized safe practices.

**SEC. 5-2-81 SMOKING PROHIBITED CONDITIONS.**

The Fire Prevention Bureau may designate no smoking areas as further outlined in Sec. 8-1-8 of the City of Cedarburg Code of Ordinances.

## ARTICLE H

### Definitions

- (a) Unless otherwise expressly stated, the following terms shall, for the purpose of this Code, have the meanings indicated in this Chapter. The definitions listed below are in addition to the definitions of ILHR 51.01 of the Commercial Building Code, ILHR 20.7 of the UDC One (1) and Two (2) Family Uniform Dwelling Code and the definitions of the NFPA Standards.
- (1) Altered. For "altered", see definition of "remodeling" in the State Commercial Building Code ILHR 51.01.
  - (2) Approved. "Approved" means listed or approved by Underwriters Laboratories Inc., Factory Mutual Research Corp., the National Bureau of Standards, The American Gas Association Laboratories, or other nationally recognized testing authorities, and accepted by the Chief of the Fire Prevention Bureau as a result of his investigation and experience.
  - (3) Area. "Area" means the maximum horizontal projected area on a floor including all floors of building or structures using the exterior walls or between approved fire walls including fire walls. This excludes attics and basements.
  - (4) Automatic Fire Alarm System. "Automatic fire alarm system" means a supervised system which automatically detects a fire condition, actuates a fire alarm signal device and indicates the location from which the signal originates.
  - (5) Automatic Sprinkler Equipment. A system of water supply pipes and orifice to apply water to a fire when activated by an automatic, manual or remote control device.
  - (6) Dwelling. "Dwelling" means any building or portion thereof designed or used exclusively as the living and/or sleeping place of one or more persons, and including:
    - a. Single Family Dwelling: A detached building designed for only one family and containing only one dwelling unit.
    - b. Two Family Dwelling: A detached building containing not more than two individual dwelling units which are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or common basement.
    - c. Multi-Family Dwelling: An apartment house or a building designed for occupancy by three (3) or more families living independently of each other and containing three (3) or more dwelling units. Includes row houses, garden or elevator apartments, rooming houses.
  - (7) Dwelling Structures. "Dwelling structures" means any structure containing one or more rooms providing sleeping and sanitary facilities, but not including a hotel, hospital, nursing home, dormitory, fraternity or sorority house.
  - (8) Dwelling Unit. "Dwelling units" means one or more rooms which may include a kitchen or kitchenette, sleeping areas, dining areas, and sanitary facilities, designated

as a unit for occupancy by not more than one family.

- (9) Fire Resistive. "Fire resistive" means that type construction in which the structural members including walls, partitions, columns, floor and roof constructions are of noncombustible materials with fire resistant ratings not less than those specified in ILHR 51.03 (1) and (2), and Table ILHR 51.03A of the Wisconsin Administrative Code.
- (10) Person. "Person" means any individual, partnership, corporation (including a government corporation), trust, association, firm, joint stock company, organization, commission, the City or Federal government or other entity.
- (11) Remodeling. Refer to Wisconsin Commercial Building Code ILHR 50.
- (12) UL Listing. This shall refer to Underwriters Laboratories as a recognized listing and testing agency.

## CHAPTER 3

### Hazardous Materials

- 5-3-1 Disclosure of Hazardous Materials and Infectious Agents; Reimbursement for Clean-up of Spills
- 5-3-2 Recovery of Costs of Extinguishing and Cleaning Up Fires Involving Hazardous Materials

#### **SEC. 5-3-1 DISCLOSURE OF HAZARDOUS MATERIALS AND INFECTIOUS AGENTS; REIMBURSEMENT FOR CLEAN UP-OF SPILLS**

(a) **Application**

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

(b) **Definitions.**

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

(c) **Information Required.**

- (1) Any person, firm or organization using, researching, producing and/or storing any hazardous materials shall provide in writing to the Fire Department the following information:
  - a. Address, location of where hazardous materials are used, researched, stored or produced;
  - b. The trade name of the hazardous material;
  - c. The chemical name and any commonly used synonym for the hazardous material and the chemical name and any commonly used synonym for its major components;
  - d. The exact locations on the premises where materials are used, researched, stored and/or produced;

- e. Amounts of hazardous materials on premises per exact location;
  - f. The boiling point, vapor pressure, vapor density, solubility in water, specific gravity, percentage volatile by volume, evaporation rate for liquids and appearance and odor of the hazardous material;
  - g. The flashpoint and flammable limits of the hazardous substance;
  - h. Any permissible exposure level, threshold limit value or other established limit value for exposure to a hazardous material;
  - i. The stability of the hazardous substance;
  - j. Recommended fire extinguishing media, special firefighting procedures and fire and explosion hazard information for the hazardous material;
  - k. Any effect of over-exposure to the hazardous material, emergency and first aid procedures and telephone numbers to call in an emergency;
  - l. Any condition or material which is incompatible with the hazardous material and must be avoided.
  - m. Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming into contact with the hazardous materials;
  - n. Procedures for handling or coming into contact with the hazardous materials.
- (2) Any person, firm or organization using, researching, producing and/or storing infectious agent and/or carrier of an infectious agent shall provide in writing to the Fire Department the following:
- a. The name and any commonly used synonym of the infectious agent;
  - b. Address/location where infectious agents are used, researched, stored and/or produced;
  - c. The exact locations where infectious agents are used, researched, stored and/or produced;
  - d. Amount of infectious agent on premises per exact locations;
  - e. Any methods of route of transmission of the infectious agents;
  - f. Any symptoms of effect of infection, emergency and first aid procedure and a telephone number to be called in an emergency;
  - g. Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming in contact with the infectious agent;
  - h. Procedure for handling, clean-up and disposal of infectious agents leaked or spilled.
- (d) **Reimbursement for Cleanup of Spills.** Any person who possesses or controls a hazardous material or infectious agent which was discharged or caused the discharge of a hazardous material or infectious agent shall reimburse the City for actual and necessary expenses incurred by the City or its agent to contain, remove or dispose of the hazardous substance or infectious agent or take any other appropriate action which is deemed appropriate under the circumstance.

**SEC. 5-3-2 RECOVERY OF COSTS.**

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

## CHAPTER 4

### Regulation of Private Alarm Systems

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

#### **SEC. 5-4-1 TITLE.**

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

#### **SEC. 5-4-2 DECLARATION OF PURPOSE.**

The purpose of this Chapter is to provide minimum standards and regulations applicable to burglar, fire and holdup alarm systems, alarm business and alarm users. Both society in general and public safety in particular will be aided by providing a useful and usable system of private security which properly balances quick response by law enforcement with minimization of law enforcement time spent on alarms which are false or otherwise not the intended function of private security systems. The intent of this Chapter is to prevent carelessness, improper maintenance or any other cause which results in false police and/or fire alarms from privately owned alarm systems. Such false alarms require police and/or fire apparatus response which thereby creates unnecessary expenses to the City, increased risk of damage to property or injury to persons and dilutes police and fire protection to other parts of the City.

#### **SEC 5-4-3 DEFINITIONS.**

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

- (a) The term "alarm business" means any business in which the owners or employees engage in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling, or servicing alarm systems.
- (b) The term "alarm system" means an assembly of equipment and devices or single device such as a solid state unit which plugs directly into 110-volt AC line or otherwise receives

- electrical energy arranged to signal the presence of a hazard urgent attention and to which the Police or Fire Department is expected to respond. In this Chapter, the term "alarm system" shall include the terms "automatic holdup alarm systems," "burglar alarm systems," "holdup alarm systems" and "manual holdup alarm systems" as those terms are hereinafter defined, and fire alarm systems which monitor temperature, humidity or any other condition directly related to the detection of fire. Excluded from this definition and from the coverage of this Chapter are alarm systems used to alert or signal persons within the premises in which the alarm system is located of an attempted, unauthorized intrusion or holdup attempt or fire.
- (c) The term "annunciator" means the instrumentation of an alarm console at the receiving terminal of a signal line through which both visual and audible signals show when an alarm device at a particular location has been activated or which, in the event of malfunction, may also indicate line trouble.
  - (d) The term "answering service" refers to a telephone answering service providing among its services the service of receiving on a continuous basis through trained employees' emergency signals from alarm systems, and thereafter immediately relaying the message by live voice to the dispatch center of the Police or Fire Department.
  - (e) The term "automatic dialing device" refers to an alarm system which automatically sends over regular telephone lines by direct connection or otherwise a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.
  - (f) The term "automatic holdup alarm system" means an alarm system in which the signal transmission is initiated by the action of the robber.
  - (g) The term "manual holdup alarm system" refers to an alarm system in which the signal transmission is initiated by the direct action of the person attached or by an observer thereof.
  - (h) The term "burglar alarm system" refers to an alarm system which signals an entry or attempted entry into the area protected by the system.
  - (i) The term "direct connect" means an alarm system which has the capability of system signals to the Police or Fire Department.
  - (j) The term "false alarm" means the activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner or lessee of an alarm system or of his employees or agents or other undetermined cause. False alarm does not include alarms caused by tornadoes, other violent climatic conditions, power outages and water pressure drops which activate alarms.
  - (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 PERMITS FOR PRIVATE ALARM SYSTEMS.**

- (a) **Permit Required.** A permit shall be required for each alarm system [as defined in Section 5-4-3(b) above] now installed on any premises within the City of Cedarburg. Permits shall be required prior to the installation of any new private alarm system. A floor plan showing the location(s) of each alarm(s) in businesses and residential dwellings shall accompany the application. (Ord. 99-21) (Ord. 2005-40)
- (b) **General Permit Fee.** A twenty-five dollars (\$25.00) permit fee shall be paid to the City of Cedarburg at the time of filing said application for all business and residential alarm permits where NO direct connection to the Police Department is requested. (Ord. 99-24)
- (c) **Direct Police Connection Permit Fee.** A One-Hundred and Forty (\$140.00) permit fee shall be paid to the Chief of Police at the time of filing said application for all business and residential alarm permits who want direct connection to the Police Department. The permit fee shall be based on a calendar year and pro-rated on a monthly basis. Said fee shall be billed annually by the City Treasurer's Office by January 30 of each year. Failure to make payment of the permit fee by March 1 of each year will result in the discontinuance of the alarm system permit. (Ord. 99-21) (Ord. 99-24) (Ord. 2003-10)
- (c) **Permit Application.** Applications for all permits 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. Permits shall not be transferable.
- (d) **Indemnification and Hold Harmless.** All applicants for an alarm system's permit shall enter into an agreement with the City of Cedarburg wherein they shall indemnify and hold the City harmless from any and all claims, suits, actions, and expenses, including attorney fees, arising either in law or in equity out of or by virtue of the enactment of this Chapter. The subject agreement shall include, but not be limited to, a release of the City of Cedarburg for any loss of any nature whatsoever sustained by the applicant by virtue of the City supplying the facilities contemplated under this Chapter.

#### **SEC. 5-4-6 AUTOMATIC DIALING DEVICES; AUDIBLE ALARMS.**

- (a) No person, firm or corporation shall use or cause to be used any telephone or device or attachment that automatically selects the public telephone trunk line of the Police Department, Fire Department, or any other department, bureau, office, officer or employee of the City of Cedarburg, and then reproduces a prerecorded message to report a burglary, fire or other emergency. Any system in operation which is in violation of this Section shall be modified so that it is no longer in violation of this Section or shall be disconnected.
- (b) Audible alarm systems shall have an automatic shut-off feature after the alarm has sounded for three (3) minutes.

**SEC. 5-4-7 TESTING.**

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

**SEC. 5-4-8 NOTIFICATION.**

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

**SEC. 5-4-9 FEE FOR ANSWERING 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 an 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. Charges are to be assessed according to the following schedule for each calendar year for each location connected. Separate charges will be assessed for false alarms as to criminal activity and false alarms for fire or other emergencies:

- (1) Responded to by Police Department:
    - a. First three (3) false alarms for a location No Charge
    - b. Fourth (4th) false alarm per location \$40.00
    - c. Fifth (5th) false alarm per location \$50.00
    - d. Sixth (6th) and subsequent false alarm per location \$65.00
- (Ord. 92-54) (Ord. 96-42)
- (2) All false alarms responded to by Fire Department firefighting personnel and apparatus, in addition to a police response:
    - a. First three (3) false alarms for a location No Charge
    - b. Fourth (4th) and subsequent false alarm per location. \$110.00
- (Ord. 92-54)

Failure to pay such administrative charge(s) in and of itself shall constitute a violation of this Section, and such charge(s) shall be collectible as a forfeiture upon prosecution and conviction thereof. Additional forfeiture(s), together with cost of prosecution, may also be imposed under Subsection (d) hereof for violations of this Section for allowing or maintaining condition(s) or act(s) that violate the intent of this Section to eliminate and minimize the occurrence of false alarms.

- (d) **Other Violations.** Any person, corporation or other entity violating this Chapter in any manner, other than for collection of unpaid administrative charges treated in the preceding Subsection (a) of this Section, shall be subject to forfeiture as provided in Section 1-1-7 of this Code. When any premises located in the City is owned, leased or occupied by two (2) or more persons as joint tenants, tenants in common, joint lessees, or in any other manner, each person shall see that the provisions of this Chapter are complied with, and each person may be subjected to a penalty on violation of this Section.
- (e) **Default of Payment for Forfeiture and/or Costs.** On default of payment of forfeiture and/or costs under the immediately preceding Subsections (c) and/or (d), or the fee may be placed on the tax roll against the property as a special charge pursuant to Sec. 66.60(16), Wis. Stats.

**SEC 5-4-10 CITY LIABILITY.**

The City of Cedarburg 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 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.
  - (4) Failure of a permit holder to pay within sixty (60) days an assessed charge or forfeiture.
- (c) **Appeals.** Any permittee may appeal the decision of the Chief of Police by filing a written notice of appeal with the City Clerk within ten (10) days after the decision. Such appeal shall be heard by the Common Council within thirty (30) days after filing the appeal. The Common Council may affirm, amend or reverse the decision or take other action deemed appropriate. An appeal timely taken suspends the revocation until the Council gives its decision. The City Clerk shall give written notice of the time and place of the hearing to the appellant by certified mail or personal delivery not less than seven (7) days before the hearing. In conducting the hearing, the Common Council shall not be limited by the Wisconsin Rules of Evidence.

## CHAPTER 5

### Emergency Government

5-5-1	Policy and Purpose
5-5-2	Definitions
5-5-3	Emergency Government Director
5-5-4	Utilization of Existing Services and Facilities
5-5-5	Emergency Regulations
5-5-6	Mutual Aid Agreements
5-5-7	Declaration of Emergencies
5-5-8	Joint Action Ordinance Adopted
5-5-9	Violations; Penalties

#### **SEC. 5-5-1 POLICY AND PURPOSE.**

- (a) 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 declared necessary to:
- (1) Establish a local emergency government organization;
    - a. The emergency government organization shall be composed of volunteer members.
    - b. Members of the emergency government organization shall be deemed employees of the City of Cedarburg upon the declaration of and during an emergency and during authorized training exercises for purposes of eligibility for worker's compensation benefits. All volunteer emergency government members must duly register with the emergency government organization to be eligible for said benefits.
    - c. Members of the emergency government organization shall be indemnified by the City of Cedarburg against any tort liability to third persons incurred in the performance of emergency government activities while acting in good faith and in a reasonable manner during any proclamation or training exercise. Emergency government activities shall be deemed and constitute a governmental function.
    - d. Emergency government members will aid and assist the Cedarburg Police Department when officially called to duty. Recruitment, training, guidance and government is the responsibility of the office of Chief Police.
  - (2) Provide for the exercise of necessary powers during emergencies; and
  - (3) Provide for the rendering of cooperation and mutual aid between this City and other political subdivisions.

- (b) It is further declared to be the purpose of this Chapter and the policy of the City that all emergency government functions of this City be coordinated to the maximum extent practicable with existing services and facilities of this City and with comparable functions of the federal, state and county government 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 disaster that may occur.

**SEC. 5-5-2 DEFINITIONS.**

As used in this Chapter:

- (a) **Civil Defense** means all measures undertaken by or on behalf of the City and its subdivisions to prepare for and minimize the effect of enemy action upon the civilian population.
- (b) **Emergency Government** includes "civil defense" and means all measures undertaken by or on behalf of the City and its subdivisions:
  - (1) To prepare for and minimize the effect of enemy action and natural or manmade disaster upon the civilian population, including, but not limited to, the release of a hazardous substance, hazardous material, chemical waste or radioactive waste during transportation.
  - (2) To effectuate emergency repairs to, or the emergency restoration of, vital public utilities and facilities destroyed or damaged by such action or disaster.
- (c) **Enemy Action** means any manmade hostile action which threatens the security of this City or portion thereof.
- (d) **Hazardous Substance** shall be defined by 42 U.S.C. 9601, Section 101(14), and all amendments and recreations thereof.
- (e) **Hazardous Material** means any material or substance which, if improperly handled, can be damaging to the health and well-being of man. Such materials cover a broad range of types which may be classified as follows:
  - (1) Poisons or toxic agents including drugs, chemicals and natural or synthetic products that are in any way harmful, ranging from those that cause death to skin irritants and allergens.
  - (2) Corrosive chemicals, such as sodium hydroxide or sulfuric acid, that burn or otherwise damage the skin and mucous membranes on external contact or inhalation.
  - (3) Flammable materials (q.v.) including:
    - a. Organic solvents;
    - b. Finely divided metals or powders;
    - c. Some classes of fibers, textiles or plastics; and
    - d. Chemicals that either evolve or absorb oxygen during storage, thus constituting a fire risk in contact with organic material.
  - (4) Explosives (q.v.) and strong oxidizing agents such as peroxides and nitrates.
  - (5) Materials in which dangerous heat build-up occurs on storage, either by oxidation or microbiological action. Examples are fish meal, wet cellulose and other organic waste materials.

- (6) Radioactive chemicals that emit ionizing radiation (q.v.) and other hazardous materials as defined in Section 5-3-1(b)(2).
- (f) **Chemical Waste** means unusable byproducts from many chemical and metalprocessing operations which often contain toxic or polluting materials that become an environmental threat if improperly disposed of. Examples are digester streams from paper manufacture, fluorides from aluminum processing, mercury from chlor-alkali cells, tailings from asbestos production and insecticidal wastes.
- (g) **Radioactive Waste** means waste containing radioisotopes and spent nuclear reactor fuel.
- (h) **Transport or Transportation** means the movement of a hazardous substance, hazardous material, chemical waste or radioactive waste, by any mode, and in the case of a hazardous substance which has been accepted for transportation by a common or contract carrier, the term "transport" or "transportation" shall include any stoppage in transit which is temporary, incidental to the transportation movement, and at the ordinary operating convenience of a common or contract carrier, and any such stoppage shall be considered as a continuity of movement and not as the storage of a hazardous substance.

#### **SEC. 5-5-3 EMERGENCY GOVERNMENT DIRECTOR.**

- (a) **Appointment.** The Emergency Government Director shall be appointed by the Mayor subject to confirmation by the Common Council and shall receive such compensation as may be authorized by the Common Council. The Director shall take and file an official oath.
- (b) **Duties and Authority.** The Director shall be the executive head of the emergency government organization and shall have direct responsibility for the organization, administration and operation of the emergency government organization subject to the direction and control of the Mayor and Common Council and reporting to the City Administrator. He shall coordinate all activities of emergency government within the City and shall maintain liaison and cooperate with the Cedarburg Police Department and emergency government agencies and organizations of other political subdivisions and of the state and federal government and shall participate in county and state emergency government activities upon request and shall have such additional authority, duties and responsibilities as are authorized by this Chapter and as may, from time to time, be required by the Common Council and shall coordinate activities with a management group consisting of the Mayor, City Administrator, Chief of Police, Fire Chief and Emergency Government Director.  
(Ord. 92-04)
- (c) **General Plan.** The Director shall prepare a comprehensive general plan for the emergency government of the City and shall present such plan to the Common Council for its approval. Such plan has been approved by the Common Council by resolution, No. 931, adopting the Wisconsin Emergency Operations Plan as amended by General Change Order No. 4. It shall be the duty of all municipal agencies and all emergency government forces of the City to perform the duties and functions assigned by the plan as approved. Modification of the plan may be done by resolution.

**SEC. 5-5-4 UTILIZATION OF EXISTING SERVICES AND FACILITIES.**

In preparing and executing the emergency government plan, the Director 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 shall cooperate with and extend such services and facilities to the Director.

**SEC. 5-5-5 EMERGENCY REGULATIONS.**

Whenever necessary to meet an emergency for which adequate regulations have not been adopted by the Common Council, the Mayor and, in his absence, the Council President, may by proclamation promulgate and enforce such orders, rules and regulations relating to the conduct of persons and use of property as shall be necessary to protect the public peace, health and safety, preserve lives and property, and insure the cooperation necessary in emergency government activities. In the absence of the Mayor and the Council President, the Director of Emergency Government shall perform this function. Such proclamations shall be posted in three (3) public places and may be rescinded by the Common Council by resolution at any time.

**SEC. 5-5-6 MUTUAL AID AGREEMENTS.**

The Director of Emergency Government may, subject to the approval of the Common Council, enter into mutual aid agreements with other political subdivisions. Copies of such agreements shall be filed with the State Director of Emergency Government.

**SEC. 5-5-7 DECLARATION OF EMERGENCIES.**

- (a) Upon the declaration by the Governor, by the Mayor or the Emergency Government Director in the absence of the Mayor, or by the Common Council of a state of emergency, the Director of Emergency Government shall issue all necessary proclamations as to the existence of such state of emergency and shall issue such disaster warnings or alerts as shall be required in the emergency government plan.
- (b) The emergency government organization shall take action in accordance with the emergency government plan only after the declaration of an emergency and the issuance of the official disaster warnings. Such state of emergency shall continue until terminated by the issuing authority, provided that any such declaration not issued by the Governor may be terminated at the discretion of the Common Council.

**SEC. 5-5-8 JOINT ACTION ORDINANCE ADOPTED.**

- (a) A Joint Action Ordinance of the Board of Supervisors of Ozaukee County providing for a County-Municipal joint action emergency plan of organization was adopted by said County Board on the 18th day of June, 1981. A copy of said County Ordinance is made a part hereof

by reference and is hereby ratified and accepted by the City of Cedarburg. This ratification and acceptance of the Joint Action Ordinance shall constitute a Mutual Agreement between the City of Cedarburg and Ozaukee County.

- (b) The County-Municipal Emergency Government Director, appointed and employed by the Ozaukee County Board as provided in the referred-to ordinance is hereby designated and appointed Emergency Government Director for the City of Cedarburg, subject to the conditions and provisions as set forth in the Wisconsin Statutes and the Ozaukee County Joint Action Ordinance.

**SEC. 5-5-9 VIOLATIONS; PENALTIES.**

It is unlawful for any person willfully to obstruct, hinder or delay any member of the emergency government organization in the enforcement of any order, rule, regulation or plan issued pursuant to this Chapter or to do any act forbidden by any order, rule, regulation or plan issued pursuant to the authority contained in this Chapter. For a violation of any of the provisions of this Chapter, he shall be subject to a forfeiture as provided in Section 1-1-7 of this Code of Ordinances. In the event of a failure to pay such forfeiture, where no showing of indigency is made, the defendant may be imprisoned for no more than ninety (90) days, as the court deems fit, or until such judgment is sooner paid. Additionally, any person who releases a hazardous substance during transportation shall be liable for:

- (a) All costs of removal or remedial action incurred by the City of Cedarburg.
- (b) All other necessary costs of response incurred by any other person.
- (c) Damages for injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction or loss resulting from such a release.

## CHAPTER 6

### Sex Offender Residency Restrictions and Child Safety Zone (Ord. 2010-02)

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#### **SEC. 5-6-1 PURPOSE AND INTENT.**

The city finds and declares that sex offenders are a serious threat to public safety. Given the high rate of recidivism for sex offenders, the city believes that in addition to the protections afforded by state law near schools, day care centers and other places children frequent, reducing opportunity and temptation is appropriate to minimizing the risk of re-offense to better protect the children in these public places. This chapter is a regulatory measure aimed at protecting the health and safety of children in the City of Cedarburg from the risk that convicted sex offenders may re-offend in locations close to their residences where children tend to congregate or be regularly present. It is the intent of this chapter not to impose a criminal penalty but rather to serve the city's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the city by creating safety zones around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residence and wherein access by certain sexual offenders and sexual predators shall be restricted and excluded.

#### **SEC. 5-6-2 DEFINITIONS.**

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

*A sexual violent offense* shall have the meaning as set forth in Wis. Stats. 980.01(6) as amended from time to time.

*A crime against children* shall mean any of the following offenses set forth within the Wisconsin Statutes, as amended, or the laws of this or any other state or the federal government, having like elements necessary for conviction, respectively:

- Wis. Stats. 940.225(1) First Degree Sexual Assault;
- Wis. Stats. 940.225(2) Second Degree Sexual Assault;
- Wis. Stats. 940.225(3) Third Degree Sexual Assault;
- Wis. Stats. 940.22(2) Sexual Exploitation by Therapist;

Wis. Stats. 940.30 False Imprisonment-Victim was a minor and not the offender's child;  
Wis. Stats. 940.31 Kidnapping-Victim was a minor and not the offender's child;  
Wis. Stats. 944.01 Rape (prior statute);  
Wis. Stats. 944.06 Incest;  
Wis. Stats. 944.10 Sexual Intercourse with a Child (prior statute);  
Wis. Stats. 944.11 Indecent Behavior with a Child (prior statute);  
Wis. Stats. 944.12 Enticing Child for Immoral Purposes (prior statute);  
Wis. Stats. 948.02(1) First Degree Sexual Assault of a Child;  
Wis. Stats. 948.02(2) Second Degree Sexual Assault of a Child;  
Wis. Stats. 948.025 Engaging in repeated Acts of Sexual Assault of the Same Child;  
Wis. Stats. 948.05 Sexual Exploitation of a Child;  
Wis. Stats. 948.055 Causing a Child to View or Listen to Sexual Activity;  
Wis. Stats. 948.06 Incest with a Child;  
Wis. Stats. 048.07 Child Enticement;  
Wis. Stats. 948.075 Use of a Computer to Facilitate a Child Sex Crime;  
Wis. Stats. 948.08 Soliciting a Child for Prostitution;  
Wis. Stats. 948.095 Sexual Assault of a Student by Instructional Staff;  
Wis. Stats. 948.11(2)(a) or (am) Exposing Child To Harmful Material-felony sections;  
Wis. Stats. 948.12 Possession of Child Pornography;  
Wis. Stats. 948.13 Convicted Child Sex Offender Working with Children;  
Wis. Stats. 948.30 Abduction of Another's Child;  
Wis. Stats. 971.17 Not Guilty by Reason of Mental Disease-of an included offense; and  
Wis. Stats. 975.06 Sex Crimes Law Commitment.

“Facility for children” means a public or private school, a group home, as defined in Section 48.02(7), Wisconsin Statutes, a residential care center for children and youth, as defined in Section 48.02(15d), Wisconsin Statutes, a shelter care facility, as defined in Section 48.02(17), Wisconsin Statutes, a daycare center licensed under Section 48.65, Wisconsin Statutes, a daycare provider certified under Section 48.651, Wisconsin Statutes, or a youth center, as defined in section 961.01(22), Wisconsin Statutes.

“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 children.

“Permanent residence” means the place where a person sleeps, abides, lodges or resides for fourteen (14) or more consecutive days or which qualifies as a residence under the holdings of the Wisconsin Supreme Court and which may include more than one location, and may be mobile or transitory.

“Recreational trail” means all parts and segments of the Ozaukee Interurban Trail.

“Sexually violent offense” shall have the meaning as set forth in Section 980.01(06), Wisconsin Statutes, as amended from time to time.

“Temporary residence” means residence or premises meeting any of the following criteria:

1. A place where the person sleeps, abides, lodges or resides for a period of fourteen (14) or more days in the aggregate during any calendar year and which is not that person’s permanent residence as defined in this section;
2. A place where the person routinely sleeps, abides, lodges or resides for a period of four (4) or more consecutive or nonconsecutive days in any month and which is not that person’s permanent residence as defined in this section; or
3. A place where a person sleeps, or which qualifies as a temporary residence under the holdings of the Wisconsin Supreme Court, and which may include more than one location, and may be mobile or transitory.

**SEC. 5-6-3 RESIDENCY RESTRICTIONS.**

- (a) No offender shall reside within five hundred (500) feet of real property that supports or upon which there exists any of the following uses:
  - (1) Public parks, parkways, parkland, park facilities;
  - (2) Public swimming pools;
  - (3) Public libraries;
  - (4) Recreational trails;
  - (5) Public playgrounds;
  - (6) Schools for children;
  - (7) Athletic fields used by children;
  - (8) Daycare facilities;
  - (9) Specialized schools for children, including, but not limited to a gymnastics academy, dance academy or music school;
  - (10) Aquatic facilities open to the public.
  - (11) Facilities for children’s clubs, e.g. Boy Scout and Girl Scout Houses.
- (b) 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 subsection A of this section.
- (c) Residency Restriction Exceptions. An offender residing within five hundred (500) feet of real property that supports or upon which there exists any of the uses enumerated in subsection A of this section does not commit a violation of this chapter if any of the following apply:
  - (1) The offender is required to serve a sentence or is otherwise involuntarily required to reside in a jail, prison, juvenile facility, or other correctional institution or mental facility.
  - (2) The offender has established a residence prior to the effective date of the

ordinance codified in this chapter.

- (3) The use enumerated in subsection A of this section began after the offender established a residence.
- (4) The offender is a minor or ward under guardianship.
- (d) In addition to and notwithstanding the forgoing, but subject to subsection C of this section, no person, who has been convicted of a sexually violent offense and/or crime against children, shall be permitted to reside in the City of Cedarburg and no supervised release of such Wisconsin Statute Chapter 980 sexually violent person shall be established in the City of Cedarburg unless such person had lived in the City of Cedarburg at the time of the offense resulting in the person's most recent conviction for committing the sexually violent offense and/or crime against children.

#### **SEC. 5-6-4 LOITERING.**

It is unlawful for any person defined as an offender pursuant to Section 9.34.020 to loiter or prowl in the locations enumerated under *Residential Restrictions* herein, in a place, at a time, or a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity.

#### **SEC. 5-6-5 PENALTIES AND REMEDIES**

- (a) Forfeitures. Any person found guilty of violating this chapter shall be subject to a forfeiture of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) for each violation. Each violation and each day a violation continues or occurs shall constitute a separate offense.
- (b) Injunction-Violation of Residency Restrictions. If an offender establishes a permanent or temporary residence in violation of the Residency Restrictions contained herein, 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 chapter, such violation interferes substantially with the comfortable enjoyment of life, health, safety of another or others. Upon such referral, the city attorney shall bring an action in the name of the city in circuit court to permanently enjoin such residency as a public nuisance.

(Ord. 2010-02)