

TITLE 5

Public Safety

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Chapter 1

Law Enforcement

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

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

Sec. 5-1-2 Records and Reports.

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

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

- (c) **Custody of Department Property.** The Chief of Police shall be the custodian of all property and be responsible for the safekeeping, lawful disposition and accurate record of the same. The Chief of Police shall see that all property is returned to its lawful owner or otherwise disposed of according to the applicable statutes,

Sec. 5-1-5 Maintenance of Personnel Records and Performance Evaluations.

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

Sec. 5-1-6 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 I of this Code of Ordinances.

Chapter 2

Fire Prevention

- 5-2-1 Fire Department Organization; Goals of the Department
- 5-2-2 Powers and Duties of the Chief
- 5-2-3 Impeding Fire Equipment Prohibited
- 5-2-4 Police Power of the Department; Investigation of Fires
- 5-2-5 Damaging Fire Hose Prohibited; Parking by Hydrants; Blocking Fire Lanes
- 5-2-6 Firemen May Enter Adjacent Property
- 5-2-7 Duty of Bystanders to Assist
- 5-2-8 Vehicles to Yield Right-of-Way
- 5-2-9 Interference with Use of Hydrants Prohibited
- 5-2-10 Open Burning

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

- (a) **Fire Department Established.** The Prescott Fire Department shall be responsible for the program of fire defense for the citizens and property within the City of Prescott. The Prescott Fire Department is hereby officially recognized as the Fire Department of the City of Prescott and the duty of fire fighting and the prevention of fires in the City is delegated to such department. Its organization and internal regulation shall be governed by the provisions of this Chapter and by such bylaws adopted by the Department as are approved by the Prescott Area Fire & EMS Association, except as otherwise provided by law and ordinance.
- (b) **Goals of the Fire Defense Program.**
 - (1) The primary objective of the fire defense program is to serve all citizens, without prejudice or favoritism, by safeguarding, collectively and individually, their lives against the effects of fires and explosions,
 - (2) The second objective of the fire defense program is to safeguard the general economy and welfare of the community by preventing major conflagrations and the destruction by fire of industries and businesses.
 - (3) The third objective of the fire defense program is to protect the property of all citizens against the effects of fire and explosions. All property deserves equal protection, regardless of location or monetary value.
- (c) **Bylaws.** The Fire Department shall adopt bylaws for the control, management and government of the Department, and for regulating the business and proceedings of the Department, which bylaws, after adoption by a two-thirds (2/3) vote of the members of

the Department, shall not become effective until approved by the Association. Amendments shall be adopted in the same manner.

- (d) **Appropriations.** The Common Council shall appropriate funds to provide for operation and for such apparatus and equipment for the use of the Fire Department, as it may deem expedient and necessary to maintain efficiency and properly protect life and property from fire.

Sec. 5-2-2 Powers and Duties of Chief.

- (a) **General Supervision.** The Chief shall have the general supervision of the Department, which supervision shall be subject to and not conflict with this Chapter and the bylaws of the Department. He/she shall be responsible for the personnel and general efficiency of the Department.
- (b) **Presiding Officer.** The Chief or designee shall preside at all meetings, call special meetings, preserve order, decide all points of order that may arise and enforce a rigid observance of this Chapter and bylaws.
- (c) **Command of Fire Fighting Operations.** The Chief or designee shall be present at all fires and have complete command and entire responsibility of all fire fighting operations, plan the control of the same, direct the action of the Department when it arrives at the fire, observe that the Department does its duty, grant leaves of absence at a fire when he may deem it proper, and see that the fire apparatus is kept in proper condition at all times.
- (d) **Disciplinary Actions.** The Chief may demote or expel any officer or member of the Department for neglect or refusal to perform his/her departmental duties, or for non-residence, subject to an appeal from such demotion or expulsion to the Prescott Area Fire & EMS Association.
- (e) **Department Budget.** Not later than October 1st of each year, the Chief shall file with the City Clerk-Treasurer a detailed estimate of the appropriations needed for the conduct of the Department during the ensuing fiscal year.
- (f) **Reports to the Council.** The Chief shall submit a written report to the Common Council not later than February 1st of each year, and at such other times as he or the Council deems desirable, relating to the condition of various pieces of apparatus and appurtenances, the number of fires occurring since the previous report, and the date of the same and loss occasioned thereby, the total number of active members in the Department, and resignations and expulsions from the Department. He/she shall also report upon the drill and training program of the Department, together with other pertinent information, including recommendations for such improvements as he/she deems proper and necessary for the operation of the Department.
- (g) **Enforcement of Fire Prevention Ordinances.** He shall enforce all fire prevention ordinances of the City and State laws and regulation-, pertaining to fire prevention, and shall keep citizens informed on fire prevention methods and on the activities of the Department.
- (h) **Fire Record Book.** He/she shall keep a fire record book of every fire to which the Department was called and shall enter in such book the locality of fire, time alarm was received, cause of fire, where fire started, cause of delay (if any) in responding, method of extinguishment and equipment used, amount of insurance carried on buildings and

contents, estimated fire loss, time fire was extinguished, names of men responding and general remarks.

- (i) **Apparatus Inventory.** He/she shall keep an inventory of all apparatus and equipment, and an inventory of all hose showing dates and results of tests on each length, which shall be individually numbered.
- (j) **Duties of Commanding Officer.** He/she shall perform such other duties as are usually incumbent on the commanding officer of the Fire Department.
- (k) **Control and Care of Apparatus.**
 - (1) The Chief shall have control of all apparatus used by the Department and shall be responsible for its proper maintenance. The Chief may authorize emergency repairs.
 - (2) No apparatus shall be used for any purpose except for fire fighting within the City limits, or in training therefore, except pursuant to an agreement approved by the Association after the Chief has given his recommendations on such use.

Sec. 5-2-3 Impeding Fire Equipment Prohibited.

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

Sec. 5-2-4 Police Power of the Department; Investigation of Fires.

- (a) **Police Authority at Fires.**
 - (1) The Fire Chief and assistants or officers in command at any fire are hereby vested with full and complete police authority at an emergency scene. Any officer of the Department may cause the arrest of any person failing to give the right-of-way to the Fire Department in responding to an emergency scene.
 - (2) The Fire Chief or designee may prescribe certain limits in the vicinity of any fire within which no persons, excepting firefighters and police officers and those admitted by order of any officer of the Department, shall be permitted to come.
 - (3) The Chief or designee shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire or to prevent the spreading of fire or to protect the adjoining property, and during the progress of any fire he/she shall have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work of the Department during the progress of a fire
- (b) **Fire Inspection Duties.**
 - (1) The Fire Chief shall be the Fire Inspector of the City of Prescott and shall have the power to appoint one or more deputy Fire Inspectors and shall perform all duties

required of the Fire Inspectors by the laws of the State and rules of the Department of Commerce, particularly Section 101.14, Wis. Stats.

- (2) While acting as Fire Inspector pursuant to Sec. 101.14(2) Wis. Stats., the Fire Chief, or any officer of the Fire Department designated by the Fire Chief, shall have the right and authority to enter any building or upon any premises in the City of Prescott at all reasonable hours for the purpose of making inspections or investigations which, under the provisions of this Code of Ordinances, he/she may deem necessary. Should the Fire Inspector find that any provisions of this Code relating to fire hazards and prevention of fires are being violated, or that a fire hazard exists which should be eliminated, it shall be his/her duty to give such directions for the abatement of such conditions as he/she shall deem necessary.
- (3) The Chief of the Fire Department is required, by himself or by officers or members of the Fire Department designated by him as fire inspectors, to inspect all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of any law or ordinance relating to the fire hazard or to the prevention of fires. Such inspections shall be made at least annually in all of the territory served by the Fire Department and oftener as the Chief of the Fire Department orders. Repairs or alterations necessary to remove the hazardous condition shall be made within a reasonable time at the expense of the owner. The Inspector shall also investigate the storage and handling of explosives and inflammable liquids within the City,
- (4) Written reports of inspections shall be made and kept on file in the office of the Chief of the Fire Department in the manner and form required by the Department of Commerce. A copy of such reports shall be filed with the Fire Chief.

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

Sec. 5-2-5 Damaging Fire Hose Prohibited; Parking by Hydrants; Blocking Fire Lanes.

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

Sec. 5-2-6 Firemen May Enter Adjacent Property.

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

Sec. 5-2-7 Duty of Bystanders to Assist.

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

Sec. 5-2-8 Vehicles to Yield Right-of-Way.

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

Sec. 5-2-9 Interference with Use of Hydrants Prohibited.

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

Sec. 5-2-10 Open Burning.

- (a) **Waste and Refuse Defined.** Waste and refuse shall mean all rubbish, garbage and residual matter of any kind, including grass trimmings, leaves and branches.

(b) **Burning of Leaves and Rakings Permitted.** ~~The burning of leaves and rakings shall be allowed under the following conditions:~~

- ~~(1) Two (2) two (2) week periods may be set aside each year, one (1) in the fall and one (1) in the spring, for such burning. Because of weather variations, such period shall be decided by the Fire Chief and announced in advance.~~
- ~~(2) Such burning must be on an open fire and on the private property of the individual doing the burning.~~
- ~~(3) Burning in containers, unless such are incinerators that meet condition prescribed in this Section, shall be illegal.~~
- ~~(4) Burning of garbage or materials other than the ones stated above is prohibited on open fires.~~
- ~~(5) Burning of leaves and rakings shall be done when they are in a dry state to avoid as much smoke as possible.~~

(bb) **Recreational Burning**

- (1) The fire pit cannot be more than three (3) feet in diameter.
- (2) The fire must be contained in a pit, ring or commercial pit.
- (3) The flame cannot be more then three (3) feet high.
- (4) Must be at least 15 feet from any neighboring structure.
- (5) No rubbish, yard waste or treated wood allowed in fire pit
- (6) No recreational burning in mobile home park.¹

(c) **Burning of Waste and Refuse in Incinerators.** The burning of waste and refuse should be done only in a proper incinerator which is located inside a residential building.

(d) **General Provision for Incinerators.**

- (1) The burning capacity of an incinerator shall be the manufacturer's guaranteed maximum rate or an acceptable rate as is considered good engineering practice.
- (2) The amount of particulate matter emitted from any incinerator shall be determined according to the American Society of Mechanical Engineers Power Test Code, PTC27, dated 1957, arid titled "Determining Dust Concentration in a Gas Stream" or any other method which is consistent with good professional practice. In calculating the amount of particulate matter in stack gas, the loading shall be adjusted to twelve percent (12%) carbon dioxide in the stack gas. The carbon dioxide produced by burning of any liquid or gaseous fuel in the incinerator shall be excluded from the calculation to twelve percent (12%) carbon dioxide. Emissions shall be measured under maximum operation capacity or at any other burning rate wherein emission of particulate matter is greater.

(e) **Restriction of Emission of Particulate Matter From Incinerators.**

- (1) No person shall cause or permit the emission of particulate matter from the stack or chimney of any incinerator in excess of the following:
 - a. Incinerators with a maximum refuse burning capacity of less than two hundred (200) pounds per hour, 0.3 grains of particulate matter per standard dry cubic foot of exhaust gas.
 - b. Incinerators with a maximum refuse burning capacity of two hundred (200) to two thousand (2,000) pounds per hour, 0.2 grains of particulate matter per standard dry cubic foot of exhaust gas.

¹ Recreational Burning adopted 9/11/06

- c. Incinerators with a maximum refuse burning capacity in excess of two thousand (2,000) pounds per hour, 0.1 grains of particulate matter per standard dry cubic foot of exhaust gas.
- (2) All new incinerators and all existing incinerators to be modified to meet the requirements of this regulation and which are to burn type 2, 3, 4, 5 or 6 waste are classified by the Incinerator Institute of America must be equipped with auxiliary fuel burners of such capacity and design as to assure a temperature of the secondary combustion chamber of at least one thousand two hundred degrees Fahrenheit (1,200°F) for a sufficient time to prevent objectionable odor emission.
- (3) No incinerator shall be used for the burning of refuse unless such incinerator is a multiple chamber incinerator. Existing incinerators which are not multiple chamber incinerators may be altered, modified or rebuilt as may be necessary to meet this requirement. The Fire Inspector or other individual as designated by the Council may approve any other alteration or modification to an existing incinerator if such be found by him to be equally effective for the purpose of air pollution control as a modification or alteration which would result in a multiple chamber incinerator. All new incinerators shall be multiple chamber incinerators, provided the Fire Inspector or other individual as designated by the Council may approve another kind of incinerator if he finds in advance of construction or installation that such other kind of incinerator is equally effective for purpose of air pollution control as an approved multiple chamber incinerator.
- (4) Existing incinerators burning type 2 and type 3 waste, which are not multiple chamber incinerators and to not otherwise meet the requirements of paragraph (a) of this Subsection, shall be modified or rebuilt in compliance with this Section. Existing incinerators burning types 4, 5 or 6 waste require the specific approval of the Fire Inspector or other individual as designated by the Council. Incinerators handling any garbage or organic waste must have auxiliary fuel burners that maintain a minimum temperature of one thousand two hundred degrees Fahrenheit (1,200°F) for a minimum of .3 second retention time or until odor emissions are eliminated.
- (f) **Improper Use of Burning Device.** No person shall burn or cause or permit the burning of refuse in any installation which was designed for the sole purpose of burning fuel.
- (g) **Permit Issuance.**
- (1) The ~~City Hall~~ staff Fire Chief shall have the authority to issue burning permits for no more than forty-eight (48) hour periods at a cost prescribed in Section 1-3-1 for each permit.
- (2) The permits shall allow burning of waste construction materials, such as and similar to wood and paper products and trees and vegetation resulting from land clearing. The Fire Chief shall not issue a permit to burn dry material which would be considered as health hazard. The permit shall indicate when material can be burned, where it will be burned, under what wind and other climatic conditions it shall be burned and other restriction the Fire Chief requires to protect the health and safety of the general public.

- (h) **Penalty.** The penalty for burning without a permit if the Fire Department responds and the fire is under control shall be as provided in Section 1-1-7 plus the City's actual cost to respond to the non-permitted fire.

Cross-Reference. Section 8-3-8.

Chapter 3

Safety Codes

- 5-3-1 Disclosure of Hazardous Materials and Infectious Agents; Reimbursement for Cleanup of Spills
- 5-3-2 Recovery of Costs of Extinguishing and Cleaning Up Fires Involving Hazardous Materials
- 5-3-3 Adoption of State Codes

Sec. 5-3-1 Disclosure of Hazardous Materials and Infectious Agents; Reimbursement for Cleanup of Spills.

(a) **Application.**

- (1) All persons, firms or organizations using, researching or producing hazardous materials 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; 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 Reimbursement and /or Recovery of Cost for Clean Up Involving a Hazardous Material

- (a) Any person, firm, or corporation who possesses or controls a hazardous material or infectious agent which was discharged or causes the discharge of hazardous material or infectious agent shall reimburse the City of Prescott for any and all costs incurred by the City or its agents to contain, remove or dispose of the hazardous substance or infectious agent or take any other appropriate action which is deemed appropriate under the circumstances.
- (b) Every person, firm or corporation using, storing, handling, or transporting (whether by rail, boat, city street, county road, or state highway) flammable or combustible liquids or solids, hazardous liquids or solids, hazardous gases, or any other hazardous materials of any size or quantity 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.
- (c) Every person, firm or corporation using, storing, handling, or transporting (whether by rail, boat, city street, county road, or state highway) flammable or combustible liquids or solids, hazardous liquids or solids, hazardous gases or any other hazardous materials of any size or quantity, shall be liable to the City of Prescott for the actual cost of labor and materials associated with the use of any specialized extinguishment agents, chemical neutralizers, or similar material or equipment employed to extinguish, confine or clean up any such hazardous material which is involved in any accidental spill, in threat of any fire, accidental spill, and/or other discharge of hazardous or infectious materials.

Sec. 5-3-3 Emergency Services Response

- (a) Includes, but is not limited to: Fire Service, Emergency Medical Services, Law Enforcement, and Public Works. A person, firm, or corporation who possesses or controls a hazardous substance which is discharged or who has caused discharge of a hazardous substance shall be responsible for reimbursement to the responding agencies for actual and necessary expenses incurred in carrying out their duties under ordinance. Actual and necessary expenses may include, but not limited to: replacement of equipment damaged by the hazardous material, cleaning, decontamination, and maintenance of equipment specific to the incident, costs incurred in the procurement and specialized equipment specific to the incident, specific laboratory expenses incurred in the recognition and identification of hazardous substances in the evaluation of response, decontamination, clean up and medical surveillance, and incurred costs in future medical surveillance or response personnel as required by the responding agency's medical advisor.

- (b) Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to Fire Department officers and staff, Emergency Government Director, and/or City of Prescott Police Department personnel for the purpose of evaluating the threat to the public and monitoring containment, clean up and/or restoration activities.
- (c) Should any prohibited discharge occur which threatens the life, safety of health of the public at, near or around the site of a prohibited discharge, and the situation is so critical that immediate steps must be taken to protect life and limb, any Public Safety Manager or the senior police official on the scene of the emergency may order an evacuation of the area or take other appropriate steps for a period of time until the Common Council for the City of Prescott can take appropriate action.
- (d) Any Public Safety Manager shall have authority to issue complaints under this section. The City of Prescott Police Department shall be responsible for investigation of complaints under this section.
- (e) Any person, firm, or corporation in violation of this section shall be liable to the City of Prescott for any expenses incurred by the city for loss or damage sustained by the city by reason of such violation.

Sec. 5-3-4 Abolition of State Codes.

- (a) The following orders, rules, and regulations of the Department of Industry, Labor and Human Relations, all of which are set forth in the Wisconsin Administrative Code as from time to time amended and/or renumbered, are incorporated herein by reference and adopted as part of this Fire Prevention Chapter:
 - (1) Wis. Adm. Code, Ch. IND 1; Safety.
 - (2) Wis. Adm. Code, Ch. ILHR 7; Explosive Materials.
 - (3) Wis. Adm. Code, Ch. IND 8; Flammable and Combustible Liquids.
 - (4) Wis. Adm. Code, Ch. ILHR I 1; Liquefied Petroleum Gases.
 - (5) Wis. Adm. Code, Ch. ILHR 12; Natural Gas.
 - (6) Wis. Adm. Code, Ch. ILHR 13; Compressed Natural Gases.
 - (7) Wis. Adm. Code, Ch. IILHR 14; General Hazard Fire Prevention.
 - (8) Wis. Adm. Code, Ch. IND 15; Cleaning and Dyeing.
 - (9) Wis. Adm. Code, Ch. IND 20; Dusts, Fumes, Vapors and Gases.
 - (10) Wis. Adm. Code, Ch. IND 221; Spray Coating.
 - (11) Wis. Adm. Code, Ch. IND 35; Safety in Construction.
 - (12) Wis. Adm. Code, Ch. IILHR 43; Anhydrous Ammonia Code.
 - (13) Wis. Adm. Code, Ch. ILHR 50; Administration and Enforcement.
 - (14) Wis. Adm. Code, Ch. ILHR 51; Definitions and Standards.
 - (15) Wis. Adm. Code, Ch. ILHR 52; General Requirements.
 - (16) Wis. Adm. Code, Ch. ILHR 53; Structural Requirements.
 - (17) Wis. Adm. Code, Ch. ILHR 54; Factories, Office and Mercantile Buildings.
 - (18) Wis. Adm. Code, Ch. U-HR 55; Theatres and Assembly Halls.

- (19) Wis. Adm. Code, Ch. ILHR 56; Schools and Other Places of Instruction.
- (20) Wis. Adm. Code, Ch. ILHR 57; Residential Occupancies.
- (21) Wis. Adm. Code, Ch. ILHR 58; Health Care, Detention and Correctional Facilities.
- (22) Wis. Adm. Code, Ch. ILHR 59; Hazardous Occupancies.
- (23) Wis. Adm. Code, Ch. ILHR 60; Child Day Care Facilities.
- (24) Wis. Adm. Code, Ch. U-HR 61; Community-Based Residential Facilities.
- (25) Wis. Adm. Code, Ch. ILHR 62; Specialty Occupancies.
- (26) Wis. Adm. Code, Ch. ILHR 64; Heating, Ventilating and Air Conditioning.
- (27) Wis. Adm. Code, Ch. ILHR 70; Historic Buildings.
- (28) Wis. Adm. Code, Ch. ILHR Electrical Code, V2.
- (29) Wis. Adm. Code, Ch. IND 160; Definitions and General Requirements.
- (30) Wis. Adm. Code, Ch. IND 164; Apartment Houses, Hotels and Places of Detention.

Sec. 5-3-5 Adoption of NFPA1 – 2006 Revision
(Ordinance adopted 1/26/09)

The City of Prescott hereby adopts NFPA1-2006 Revision and revisions as amended from time to time all of which are set forth in the Wisconsin Administrative Code.

Chapter 4

City of Prescott Alarm Systems Ordinance

Chapter 4

Regulation of Alarm Systems

- 5-4-1 Title
- 5-4-2 Declaration of Purpose
- 5-4-3 Definitions
- 5-4-4 Administrative Rules
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- 5-4-6 Direct Connections to the Police Department
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- 5-4-10 City Liability
- 5-4-11 Permits for Private Alarm Systems
- 5-4-12 Revocation of Permits
- 5-4-13 Installing Key Lock Boxes on the Exterior of Structures for Fire Safety

Sec. 5-4-1 Title.

This chapter shall be known as the City of Prescott 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 alarms systems, alarm business and alarm users. Both society in general and public safety in particular will be aided by providing a useful and usable system of private security which properly balances quick response by law enforcement with minimization of law enforcement time spent on alarms which are false or otherwise not the intended function of private security systems.

Sec. 5-4-3 Definitions.

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

- (a) **Alarm Business.** Any business in which the owners or employees engage in the activity of altering, installing, leasing, maintaining, repairing, replacing, selling or servicing alarm systems.
- (b) **Alarm System.** An assembly of equipment and devices or single device such as a solid state unit which plugs directly into 110-volt AC line or otherwise received electrical energy arranged to signal the presence of a hazard requiring urgent attention and to which the Police or Fire Department is expected to respond. In this Chapter, the term “alarm system” shall include the terms “automatic holdup alarm systems” 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) **Annunciator.** The instrumentation of an alarm console at the receiving terminal of a signal line through which both visual and audible signals show when a alarm device at a particular location has been activated or which, in the event of malfunction, may also indicated line trouble.
- (d) **Answering Service.** A telephone answering service providing among its services the service of receiving on a continuous basis through trained employees emergency signals from alarm systems, and thereafter immediately relaying the message by live voice to the dispatch center of the Police or Fire Department.
- (e) **Automatic Dialing Device.** An alarm system, which automatically sends over regular telephone, lines by direct connection or otherwise a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.
- (f) **Automatic Holdup Alarm System.** An alarm system in which the signal transmission is initiated by the action of the robber.
- (g) **Manual Holdup Alarm System.** An alarm system in which the signal transmission is initiated by the direct action of the person attached or y an observer thereof.
- (h) **Burglar Alarm System.** An alarm system, which signals an entry or attempted entry into the area protected by the system.
- (i) **Direct Connect.** An alarm system, which has the capability of transmitting system, signals to the Police or Fire Department.
- (j) **False Alarm.** The activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner or lessee of an alarm system or of his employees or agents or of his employees or agents or other undetermined cause. False alarm does not include alarms caused by tornadoes or other violent climatic conditions.
- (k) **Interconnect.** To connect an alarm system to a voice grade telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.

- (l) **Central State.** An office to which remote alarm and supervisory signaling devices are connected, where operators supervise the circuits.
- (m) **Primary Trunk Line.** A telephone line leading directly into the dispatch center of the Police or Fire Department that is for the purpose of handling emergency calls on a person-to-person basis and which is identified as such by a specific number included among the emergency numbers listed in the telephone directory or numbers in sequence therewith.
- (n) **Subscriber.** A person who buys or leases or otherwise obtains an alarm system and thereafter contracts with or hires an alarm business to monitor and/or service the alarm system.

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 Common council and shall be open to inspection by the public.

Sec. 5-4-5 Automatic Dialing Devices.

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

Sec. 5-4-6 Direct Connections to the Police Department.

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

Sec. 5-4-7 Testing.

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

Sec. 5-4-8 Notification.

When the service proved 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 instruction from its subscriber not to make

such notification by telephone during certain house, 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.**
- (1) Any person, business, corporation or other entity having permissible alarm system with alarm device(s) at one or more locations in accordance with this Chapter shall pay to the City a charge for false alarms responded to by the Police or Fire Department according to the schedule in Section 1-3-1 for each calendar year for each location connected, separate accounts to be kept for false alarms as to criminal activity and false alarms for fire or other emergencies.
 - (2) The Subsection is intended to impose a strict liability on the person, business, corporation or other entity responsible for alarm connection to either the police alarm panel or to alarm receiving firm to which the Police or Fire Department have responded and shall be applied regardless of the cause of the false alarm excepting those alarms excluded from the definition of "False Alarm." Failure to pay such administrative charge(s) in and of itself shall constitute a violation of this Section, and such charge(s) shall be collectible as a forfeiture of prosecution and conviction thereof, together with an additional forfeiture(s) which may be imposed under the next Subsection (d) hereof for violation of this Section for allowing or maintaining condition(s) or act(s) violative of the intent of this Section of eliminating and minimizing the occurrence of false alarms, together with costs of prosecution
- (d). **Waiver of Fee.** If a possessor of the alarm shows to the satisfaction of the Chief of Police or the Fire Chief, as applicable, that such false alarm was not the result of negligence or improper maintenance, or other good and sufficient cause beyond the reasonable control of the possessor of the alarm, such fee may be waived and the response shall not count as a false alarm in computing the fee established under Subsection (c).
- (e) **Other Violations.** Any person, corporation or other entity violating this Chapter in any manner, other than for collection of unpaid administrative charges treated in the preceding Subsection (a) of this Section, shall be subject to forfeiture as provide in Sec. 1-1-7 of this Code. When any premises located in the City is owned, leased or occupied by two(2) or more persons as joint tenants in common, joint lessees, or in any other manner, each person shall see that the provision of the Chapter are complied with, and each person may be subjected to a penalty on violation of this Section.
- (f) **Default of Payment for Forfeiture and/or Costs.** On default of payment of forfeiture and/or costs under the immediately preceding Subsections (c) and/or (d), such person or responsible officer of the violating corporation or other entity shall be confined in the county jail until the same be paid but no to exceed a length of time specified by the court which length

of time shall not exceed six (6) months. Upon nonpayment of the fee, the amount due may be placed on the tax roll as a special charge pursuant to Sec. 66.60(16), Wis. Stats.

Sec. 5-4-10 City Liability.

The City of Prescott 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 no the proper function of law enforcement to respond to alarms.

Sec. 5-4-11 Permits for Private Alarm Systems.

- (a) **Permit Required.** A permit is required for each private alarm system on premises within the City.
- (b) **Interior Alarms.** A permit under this Chapter is not required for an alarm system which gives a signal, visual or audible or both, solely within the interior of the building in which it is located.
- (c) **Issuing Authority.** The *Police Department* shall issue the permits.
- (d) **Application.** Application for permit required under this Chapter shall be filed with the *Police Department*. The *Police Department* shall prescribe the form of the application and request such information as is necessary to evaluate and act upon the permit application. The *Police Department* shall deny a permit if the alarm system for which it is sought does not comply with this Chapter.
- (e) **Appeal.** Any person required by this Chapter to have a permit who has been denied such a permit by the *Police Department* shall have a right to appeal that decision to the Common Council. The procedure for this appeal shall be as set forth in Section 5-4-12.

Sec. 5-4-12 Revocation of Permits.

- (a) **Hearing.** Before a permit issued pursuant to this Chapter may be revoked, a hearing shall be held before the Chief of Police. Notice setting forth the time, place and nature of the hearing shall be sent by mail or delivered to the permittee at the address shown on the permit application not less than seven (7) day 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 provision of this Chapter
 - (3) An alarm system repeatedly actuates false alarms.
- (c) **Appeals.** Any permittee may appeal the decision of the Chief of Police by filing a written notice of appeal with the City Administrator within ten (10) days after the decision. Such appeal shall be heard by the Common Council within thirty (30) days after filing the appeal. The Common council may affirm, amend or reverse the decision or take other action deemed appropriate. An appeal timely taken suspends the revocation until the Common Council gives

its decision. The City Administrator shall give written notice of the time and place of the hearing to the appellant by certified mail or personal delivery not less than seven (7) days before the hearing. In conducting the hearing, the Common Council shall not be limited by the technical rules of evidence.

The City of Prescott 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 no the proper function of law enforcement to respond to alarms.

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¹ Sec. 5-4-13 Installing Key Lock Boxes on the Exterior of Structures for Fire Safety Purposes.

1. The following structures constructed after October 11, 2004 shall be equipped with a key lock box at or near the main entrance or such location as required by Emergency Service Departments.
 - (a) Commercial and industrial structures protected by an automatic alarm system, automatic suppression system, or secured in a manner that restricts access during an emergency;
 - (b) All multi-family residential structures that have restricted access through lock doors and have a common corridor for access to the living units;
 - (c) Governmental structures and nursing care facilities.
2. All newly constructed structures subject to this section shall have the key lock box installed and operation prior to the issuance of an occupancy permit, unless the Emergency Service Departments grants a variance and determines that a lock box is not necessary.
3. The Emergency Service Departments shall designate a lock box system to be implemented within the City and shall have the authority to require all structure to use the designated system.
4. The owner or operator of a structure required to have a lock box shall, at all times, keep a key(s) in the locked box that will allow for access to the structure.
 - (a) Emergency Service Departments will be the only holder of the lock box key.
 - (b) The entry keys shall be updated as necessary and will be checked as part of the fire inspection visits.
 - (c) The owner or operator of a structure required to have a key system shall provide to the Prescott Emergency Service Departments a list each year of the emergency contracts in case of an emergency.
 - (d) Prescott Emergency Service Departments will only enter common areas of the building.
5. The cost of the key lock box will be paid for by the owner of the structure through a reimbursement to the City of Prescott.
6. Any person who will violate a provision of this section shall be subject to a forfeiture of not less than \$1.00 one dollar or more than \$500.00 five hundred dollars per provided for within this code of ordinance.

¹ Adopted 11/11/04

Title 5 – Chapter 5 “ Prescott Area Ambulance Service

Section 1- Public Access Defibrillator Protocol

5-6-1 Purpose

Since the implementation of WI Act 7, the Public Access to Defibrillation, dated July 28, 1999, all pre-hospital care providers in Wisconsin must be aware of the possibility of arriving on the scene where a defibrillator is already present and may have been used on the patient.

Procedure:

When coming upon a scene that has a defibrillator already present, the following steps will be followed:

- (1) Find out how many shocks have been given by the personnel on the scene.
- (2) Find out the estimated time the patient has been down prior to the first defibrillation.
- (3) Follow the Prescott EMS protocol for cardiac arrest regardless of the number of shocks given by personnel on scene. (Continue with 2 sets of three shocks prior to contacting medical control for further shocks).
- (4) Include the public access defibrillation in the run report narrative including the number of shocks given by public personnel as well as the Prescott EMS crew.
- (5) If possible, attempt to get a name(s) of the public access personnel on the scene that were involved in the shocking of the patient and include them in the narrative.

Special Notes:

- (1) Any site owner that places an AED in the community must place in writing to the corresponding EMS agency – the location, type and intended usage area of the AED. Once Prescott EMS has been notified of any AED in the community, a list will be posted in the ambulance bay. The enhanced 911 system will also be flagged notifying the dispatcher that an AED is present at that location.
- (2) The lay user must be trained in CPR/automatic defibrillator course approved by the Wisconsin DHFS. The lay user must provide proof of the course completion to the State of Wisconsin DHFS section prior to operating an AED.