

## Public Safety

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# Chapter 1

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## Law Enforcement

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

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

### **Sec. 5-1-3 General Powers of Police Officers**

Every member of the Police Department shall:

- (a) Familiarize himself with the ordinances of the City and the Statutes and attend to the, enforcement of such ordinances by all lawful means.
- (b) Help prevent crimes, misdemeanors and violations of City ordinances and protect the health, safety, public peace and order of the City and its inhabitants.
- (c) Report all street and sidewalk obstructions, unlighted street lamps, unlawful street signs or signals, 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 general direction of the Mayor and Common Council, 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 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 Common Council.
  - (4) Subject to the authority of the Common Council and the Mayor, the Chief of Police shall have control of the assignment, hours of duty, and transfer of all members to the Department.
  - (5) Plan, organize, staff, direct, and control all of the human and material resources of the Department for the most effective and efficient discharge of its duty to protect persons and property, preserve the peace, protect the rights of citizens and enforce the Wisconsin Statutes and the ordinances of the City as are within its jurisdiction. He shall supervise the preparation and presentation of annual reports and budgets for the Police Department. He shall be required to certify to the correctness of all bills incurred by the Department.
  - (6) Strive to maintain suitable, productive relationships with other City departments and with other governmental agencies and private organizations concerned with law enforcement, crime prevention, administration of justice and public safety. He shall cooperate and exchange information with other City departments in matters relating to their various functions.
  - (7) Plan and execute programs designed to prevent and repress crime, apprehend and prosecute offenders, recover property, and regulate non-criminal conduct, giving highest priority in the allocation of resources to crime and other offenses most hazardous to life and property.

- (b) **Custody of Department Equipment.** The Chief of Police shall be the custodian of all City property, equipment and supplies under the control of, or used by, the Police Department and shall be responsible for the care, maintenance, safeguarding and accurate records of such property, equipment, and supplies.
- (c) **Custody of Department Property.** The Chief of Police shall be the custodian of all property and be responsible for the safekeeping, lawful disposition and accurate record of the same. He shall see that all property is returned to its lawful owner or otherwise disposed of according to the applicable statutes.

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

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

### **Sec. 5-1-6 Hearing Authorities for Suspension or Removal of Law Enforcement Officers**

- (a) Pursuant to Sec. 62.13(6m), Wis. Stats., the City may not suspend, reduce, suspend and reduce or remove any police chief or other law enforcement officer who: is not probationary unless the City follows the procedure under Sec. 62.13(5), Wis. Stats. To act under this Subsection in place of the Board of Police and Fire Commissioners under Sec. 62.13(1) through (6), Wis. Stats., the City may do either of the following:
  - (1) Establish a committee of not less than three (3) members, none of whom may be an elected or appointed official of the City or be employed by the City. The City shall pay each member for the member's cost of serving on the committee.
  - (2) Send a written request for a hearing examiner to the division of hearings and appeals under Sec. 15.103(1), Wis. Stats. The City shall reimburse the state for the state's costs under this paragraph.
- (b) The provisions of this Section first apply to law enforcement officers when such officers are subject to a collective bargaining agreement which is in conflict with the statutory requirements, but which is still in effect on April 9, 1986, only after the expiration date of such agreement.

### **Sec. 5-1-7 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.

## **Sec. 5-1-8 Policy on City Police Leaving the City**

- (a) **Purposes and Policies.** The purposes of this section is to assure that residents of the City of Adams are provided with the optimum available police protection through, but not limited to, police patrols and general police presence within the corporate limits of the City. As a means to this end, it is the intention of the Common Council, through this ordinance, to limit the number of occasions and duration of time when officers of the City, while on duty or when necessary are on-call, leave the corporate limits of the City.
- (b) **Definitions.**
- (1) **City Business.** For the purposes of this Section, City Business shall include officer training held outside the City, transport of an individual(s) who has been placed in custody to the County Jailor a physical or mental treatment facility, for the purpose of investigations relating to municipal cases, appearances by an officer in circuit court, meetings with County or other jurisdictional officers relating to a municipal case, for the filing of court documents relating to a municipal case or meetings with the District Attorney or other prosecutor as may be necessary subsequent to that case, or for the purpose of repair and maintenance of municipal vehicles or equipment.
  - (2) **"Hot Pursuit".** For the purposes of this Section, "hot pursuit" shall have the meaning of the pursuit of an individual, whether pedestrian or in any vehicle, that has commenced within the corporate limits of the city and which must be continued outside the City for the purpose of apprehension or questioning.
  - (3) **Mutual Aid.** Mutual aid for the purposes of this Section shall be limited to instances where an officer is requested, through the 9-1-1 system, to assist County or other jurisdictional officers due to a potentially life threatening situation.
- (c) **Prohibition on Leaving the City.** Officers of the City of Adams Police Department may only leave the corporate limits of the City for the purposes of City business, "hot pursuit", or mutual aid.
- (d) **Authorization to Leave the City.** Authority to leave the corporate limits of the City must be expressly granted by the Chief of Police, or in his absence the officer designated for that purpose by the Chief of Police, in any of the above given situations excepting "Hot Pursuit" or as 9-1-1 mutual aid request.
- (e) **Verification of compliance with this section.** Any officer who has left the City must promptly document, on a daily basis, the incident and reason for having left the City at the conclusion of the event or situation that has required this action. A monthly record of each incident when an officer has left the City must be maintained by the Chief of Police and presented to the Public Safety Committee at each of their monthly meetings.
- (f) **Penalties for Violation of this Ordinance.** Failure to comply with this ordinance will subject the offending officer to disciplinary action as proscribed in the collective bargaining agreement covering the employee or other measures permissible through municipal policy and/or state statutes.

### Fire Prevention

- [5-2-1](#) Fire Department Organization; Goals of the Department
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#### **Sec. 5-2-1 Fire Department Organization; Goals of the Department**

- (a) **Fire Department Established.** The Adams Fire Department, under the jurisdiction of the Adams Fire District, shall be responsible for the program of fire defense for the citizens and property within the City of Adams.
- (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) **Fire Department Organization.**

- (1) **Membership.** The Fire Department shall consist of the Fire Chief, an Assistant Chief, a Captain and Lieutenant for each company, a Secretary-Treasurer, and as many drivers and firemen as may be appointed by the Chief.
- (2) **Department to Adopt Bylaws.** The Adams Fire Department shall adopt bylaws for the control, management and government and for the regulation of business and proceedings of the Department.

(d) **Fire Chief.**

- (1) **Appointment.** The office of Fire Chief shall be filled by the Mayor, pursuant to the bylaws of the Department and Adams Fire District.
- (2) **Eligibility.** The Fire Chief shall have training and experience in Fire Department operations.
- (3) **Duties and Powers.** The Chief shall have general supervision of the Fire Department personnel, apparatus and equipment, subject to the ordinances of the City and the bylaws of the Department. The Chief and his assistant officers shall be present at all fires and command all fire fighting operations. He shall enforce or cause to be enforced all fire prevention ordinances, laws and regulations of the City and State.

(e) **Applications.** Applications for membership in the Department shall be filed with the Department Secretary-Treasurer. Each applicant also files a certificate of physical fitness from such physician as the Chief may designate. The physical will be at the City's expense for all physicals required by the City.

(f) **Equipment and Apparatus.** No apparatus shall be used for any purpose except for fire fighting within the City limits, mutual-aid, or in training therefore except pursuant to an agreement after the Chief has given his recommendations on such use. With the approval of the Chief, such apparatus may be used for emergency purposes other than fire fighting within the City or disaster areas within the State.

## **Sec. 5-2-2 Impeding Fire Equipment Prohibited**

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

## **Sec. 5-2-3 Police Power of the Department; Investigation of Fires**

(a) **Police Authority at Fires.**

- (1) The Fire Chief and assistants or officers in command at any fire are hereby vested with full and complete police authority at fires. Any officer of the Department may cause the arrest of any person failing to give the right-of-way to the Fire Department in responding to a fire.
- (2) The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting firemen and policemen and those admitted by order of any officer of the Department, shall be permitted to come.



- (3) The Chief shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire or to prevent the spreading of fire or to protect the adjoining property, and during the progress of any fire he shall have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work of the Department during the progress of a fire.

(b) **Fire Inspection Duties.**

- (1) The Fire Chief shall be the Fire Inspector of the City of Adams and shall have the power to appoint one or more deputy Fire Inspectors and shall perform all duties required of the Fire Inspectors by the laws of the State and rules of the Department of Industry, Labor and Human Relations, particularly Section 101.14, Wis. Stats.
- (2) While acting as Fire Inspector pursuant to Sec. 101.14(2), Wis. Stats., the Fire Chief, or any officer of the Fire Department designated by the Fire Chief, shall have the right and authority to enter any building or upon any premises in the City of Adams at all reasonable hours for the purpose of making inspections or investigations which, under the provisions of this Code of Ordinances, he may deem necessary. Should the Fire Inspector find that any provisions of this Code relating to fire hazards and prevention of fires are being violated, or that a fire hazard exists which should be eliminated, it shall be his duty to give such directions for the abatement of such conditions as he shall deem necessary.
- (3) The Chief of the Fire Department is required, by himself or by officers or members of the Fire Department designated by him as fire inspectors, to inspect all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of any law or ordinance relating to the fire hazard or to the prevention of fires. Such inspections shall be made at least once in six (6) months in all of the territory served by the Fire Department and oftener as the Chief of the Fire Department orders. Each six (6) month period shall begin on January 1 and July 1 of each year.
- (4) Written reports of inspections shall be made and kept on file in the office of the Chief of the Fire Department in the manner and form required by the Department of Industry, Labor and Human Relations. A copy of such reports shall be filed with the Fire Chief.

(c) **Enforcement.**

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

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

### **Sec. 5-2-4 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, 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.

*(Creating Title 5, Chapter 2, Section 3(c) of the Code of Ordinances of the City of Adams, WI by Council on June 20, 2016 by Ord. No.02-2016)*

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- (b) **Parking Vehicles Near Hydrants.** It shall be unlawful for any person to park any vehicle or leave any object within ten (10) feet of any fire hydrant at any time.
- (c) **No Parking Near Fire.** It shall be unlawful for any person, in case of fire, to drive or park any vehicle within one block from the place of fire without the consent and authority of the Fire Chief or any police officer.

### **Sec. 5-2-5 Firemen May Enter Adjacent Property**

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

### **Sec. 5-2-6 Duty of Bystanders to Assist**

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

### **Sec. 5-2-7 Vehicles to Yield Right-of-Way**

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

### **Sec. 5-2-8 Interference with Use of Hydrants Prohibited**

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

### **Sec. 5-2-9 Open Burning**

- (a) **Prohibitions; Definitions.** "Open burning" as used herein shall mean burning done outside of a building. Open burning is prohibited in the City of Adams without first obtaining a permit, with the following exceptions:
  - (1) Small outdoor fires used for cooking, or used as part of a public ceremony.
  - (2) Small open fires for welding, acetylene torches, safety flares, heating tar, or similar applications.
  - (3) No burning shall be allowed on Sundays or legal holidays.
  - (4) No burning shall be allowed on or immediately adjacent to the surface of any blacktop street.

- (5) No burning of small amounts of dry combustible rubbish not to include wet - combustible rubbish, garbage, oily substances, asphalt, plastic, or rubber products.
  - (6) The open burning of brush and small limbs shall be permitted within the City of Adams with snow cover in conformity with section 5-2-9.
- (b) **Substances Which May Be Burned.** The following open burning may be conducted providing a burning permit is first obtained:
- (1) Burning of grass and weeds, or leaves.
  - (2) Fires set for practice and instruction of firefighters, or the testing of firefighting equipment.
  - (3) The open burning of trees, or stumps shall not be permitted within the City of Adams.
- (c) **Open Burning Procedures.**
- (1) Before setting or starting any fire, a permit authorizing the setting or starting of such fire shall first be obtained from the City Clerk/Treasurer or from any other person authorized or designated by the Common Council to issue such permits. All open burning conducted pursuant to such duly issued permit shall be performed in a safe, pollution-free manner, when wind and weather conditions are such as to minimize adverse affects, and in conformance with local and state fire protection regulation.
  - (2) The size of the pile of material to be burned shall not exceed four (4) feet in any direction measured horizontally, or three (3) feet measured vertically.
  - (3) The pile of material being burned shall be at least fifty (50) feet away from any structure, wood or lumber pile, wooden fence, trees, or bushes. Provisions shall be made to prevent the fire from spreading to within fifty (50) feet of such items or the fire shall otherwise be contained in an approved incinerator or burner device which is located at least fifteen (15) feet from any structure, wood or lumber pile, wooden fence, trees or bushes.
  - (4) Any ashes created by burning such material as is lawful under this ordinance are to be disposed of in a manner authorized by law.
  - (5) Open burning shall be constantly attended and supervised by a competent person of at least sixteen (16) years of age until such fire is extinguished. This person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire while burning and/or extinguishing such fire.
- (d) **Application for Permit.**
- (1) Procedure for Issuance of Burning Permits. Before the setting or starting of any open burning permitted under this Section, a permit authorizing the burn shall be first obtained by the owner, operator, or agent from the City Clerk/Treasurer or from such other person as may be authorized or designated by the Common Council to issue such permits. Application for a burning permit shall be made in writing upon a form furnished by the City Clerk/Treasurer. The form of the application shall be approved by the City Clerk/Treasurer or Police Department personnel. The City may change the form from time to time; the City may also establish from time to time special rules or restrictions relating to open burning. Such rules may govern conditions including, but not necessarily limited to the following:

- (a) Hours when burning is allowed;
  - (b) Day(s) when burning is allowed;
  - (c) Material which may or may not be burned;
  - (d) Whether open burning is allowed or whether burning is only allowed with an approved incinerator or burning device;
  - (e) The length of time the permit is valid;
  - (f) What constitutes an approved burning device or incinerator;
  
  - (g) The size of the material pile burned by open burning;
  - (h) The distance or distances to be maintained between the material being burned and other flammable material,
  - (i) Supervision required for burning, including minimum age of supervisors and type of fire extinguishing equipment which must be present at the burn site;
  - (j) The manner in which ashes created by the burning under the permit are to be disposed of. Any such future restrictions as may be developed by the City, if such restrictions are not specifically ordained in this Section, shall be effective in regulating burning within the City, but only if such restrictions are printed on the face of the burning permit issued or attached thereto. Any such restrictions hereafter adopted by the City which are not specifically ordained in this Section shall, provided they are printed on the face of the burning permit or attached thereto, be binding upon permit applicants; any violation of such restriction shall be punishable as violations of this Section.
- (2) Issuance of Permit. If the City Clerk/Treasurer, or other person authorized or designated by the Common Council to issue such permits, finds that the proposed burning complies with all City ordinances and the regulations of the Department of Natural Resources as set forth in Wisconsin Administrative Code, he shall officially approve the application, and a burning permit shall be subsequently issued to the applicant. A copy of any burning permit, and the application therefore, shall be kept on file with the City Clerk/Treasurer. If state approval is required, no local permit shall be issued until state approval is granted.

**Burning permits shall expire on December 31<sup>st</sup> of the year the permit was issued.**

In the case where burning is to be exclusively within an approved burning barrel or store purchased burning container, The City Police Chief, Public Works Director, or such other party as the City Council may from time to time authorize, shall inspect and approve the burning barrel/container in question. No permit shall be required when the ground is snow covered.

- (3) Notice to Permittee. Each permit issued shall provide notice of materials that may be burned and those which may not be burned and further notice to the permittee of possible civil and criminal penalties for violation of this Section and of state regulations. Fire must be attended at all times and be totally extinguished before you leave. If your fire gets away, you will be liable for all expenses incurred in suppressing the fire and will be responsible for all damages caused by the fire. The permit will be invalidated upon violation of any of its restrictions, or upon the burning of material not authorized by this permit, and may be canceled when deemed necessary.
- (4) Camp fires and store purchased fire pits used for recreational purposes only, not exceeding forty-five (45”) inches in diameter, shall be permitted daily. All open burning conducted must conform to ordinance 5-2-9.

# Chapter 3

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## Safety Codes

[5-3-1](#) Disclosure of Hazardous Materials and Infectious Agents; Reimbursement of Cleanup 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 Cleanup 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 of Extinguishing and Cleaning Up Fires Involving Hazardous Materials**

- (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.





### Regulation of Alarm Systems

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#### **Sec. 5-4-1 Title**

This Chapter shall be known as the City of Adams 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.

**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 receives electrical energy arranged to signal the presence of a hazard requiring urgent attention and to which the Police or Fire Department is expected to respond. In this Chapter, the term "alarm system" shall include the terms "automatic holdup alarm systems," "burglar alarm systems," "holdup alarm systems" and "manual holdup alarm systems" as those terms are hereinafter defined, and fire alarm systems which monitor temperature, humidity or any other condition directly related to the detection of fire. Excluded from this definition and from the coverage of this Chapter are alarm systems used to alert or signal persons within the premises in which the alarm system is located of an attempted, unauthorized intrusion or holdup attempt or fire.
- (c) **Annunciator.** The instrumentation of an alarm console at the receiving terminal of a signal line, through which both visual and audible signals show when an alarm device at a particular location has been activated or which, in the event of malfunction, may also indicate line trouble.
- (d) **Answering Service.** A telephone answering service providing among its services the service of receiving on a continuous basis through trained employees emergency signals from alarm systems, and thereafter immediately relaying the message by live voice to the dispatch center of the Police or Fire Department.
- (e) **Automatic Dialing Device.** An alarm system which automatically sends over regular telephone lines by direct connection or otherwise a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.
- (f) **Automatic Holdup Alarm System.** An alarm system in which the signal transmission is initiated by the action of the robber.
- (g) **Manual Holdup Alarm System.** An alarm system in which the signal transmission is initiated by the direct action of the person attached or by an observer thereof.
- (h) **Burglar Alarm System.** An alarm system which signals an entry or attempted entry into the area protected by the system.
- (i) **Direct Connect.** An alarm system which has the capability of transmitting system signals to the Police or Fire Department.
- (j) **False Alarm.** The activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner or lessee of an alarm system or of his employees or agents or other undetermined cause. False alarm does not include alarms caused by tornadoes or other violent climatic conditions.
- (k) **Interconnect.** To connect an alarm system to a voice grade telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.

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

### **Sec. 5-4-4 Administrative Rules**

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

### **Sec. 5-4-5 Automatic Dialing Devices**

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

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

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

### **Sec. 5-4-7 Testing**

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

### **Sec. 5-4-8 Notification**

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

### **Sec. 5-4-9 Fee for Answering Alarms**

- (a) **Generally.** Each false alarm requires response of public safety personnel, involves unnecessary expense to the City, increases the risk of injury to persons or damage to property and dilutes the overall public safety protection to the City. Such false alarms constitute a public nuisance and must be abated.
- (b) **Intentional.** No person shall intentionally cause the activation of a burglar/fire alarm device knowing that no criminal activity, fire or other emergency exists.
- (c) **False Alarms; Administrative Charges.** Any person, business, corporation or other entity having permissible alarm system with alarm device(s) at one or more locations in accordance with this Chapter shall pay to the City a charge for false alarms responded to by the Police or Fire Department. Fee schedule shall be:
  - (1) Responded to by Police Department:  
Fees shall be set from time to time by resolution of the Common Council.
  - (2) All false alarms responded to by Fire Department firefighting personnel and apparatus, in addition to a police response:  
Fees shall be set from time to time by resolution of the Common Council.

This subsection is intended to impose a strict liability on the person, business, corporation or other entity responsible for alarm connection to either the police alarm panel or to alarm receiving firm to which the Police or Fire Department have responded and shall be applied regardless of the cause of the false alarm excepting those alarms excluded from the definition of "False Alarm." Failure to pay such administrative charge(s) 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, 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 provided in Sec. 1-1-7 of this Code. When any premises located in the City is owned, leased or occupied by two (2) or more persons as joint tenants, tenants in common, joint lessees, or in any other manner, each person shall see that the provisions of this Chapter are complied with, and each person may be subjected to a penalty on violation of this Section.
- (f) **Default of Payment for Forfeiture and/or Costs.** On default of payment of forfeiture and/or costs under the immediately preceding Subsections (c) and/or (d), such person or responsible officer of the violating corporation or other entity shall be confined in the county jail until the same be paid but not to exceed a length of time specified by the court which length of time shall not exceed six (6) months. Upon nonpayment of the fee, the amount due may be placed on the tax roll as a special charge pursuant to Sec. 66.60(16), Wis. Stats.

### Sec. 5-4-10 City Liability

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

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

- (a) **Permit Required.** A permit is required for each private alarm system on premises within the City. There shall be a Five Dollar (\$5.00) permit fee.
- (b) **Interior Alarms.** A permit under this Chapter is not required for an alarm system which gives a signal, visual or audible or both, solely within the interior of the building in which it is located.
- (c) **Issuing Authority.** The Chief of Police shall issue the permits and collect the fees.
- (d) **Application.** Application for permit required under this Chapter shall be filed with the Chief of Police. The Chief of Police shall prescribe the form of the application and request such information as is necessary to evaluate and act upon the permit application. The Chief of Police shall deny a permit if the alarm system for which it is sought does not comply with this Chapter.
- (e) **Appeal.** Any person required by this Chapter to have a permit who has been denied such a permit by the Chief of Police shall have a right to appeal that decision to the Common Council. The procedure for this appeal shall be as set forth in Section 5-4-12.

## **Sec. 5-4-12 Revocation of Permits**

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

# Sex Offender Residency Restrictions and Child Safety Zones

<u>5-5-1</u>	Purpose and Intent
<u>5-5-2</u>	Definitions
<u>5-5-3</u>	Residency Restrictions
<u>5-5-4</u>	Loitering
<u>5-5-5</u>	Holiday Restrictions
<u>5-5-6</u>	Penalty and Remedies

### **Sec. 5-5-1 Purpose and Intent.**

The city finds and declares that certain 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 Adams 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. 5-5-2 Definitions.**

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

- (a) 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:
- (1) Wis. Stats. 940.22(2) Sexual Exploitation by Therapist;
  - (2) Wis. Stats. 940.225(1) First Degree Sexual Assault;
  - (3) Wis. Stats. 940.225(2) Second Degree Sexual Assault;
  - (4) Wis. Stats. 940.225(3) Third Degree Sexual Assault;
  - (5) Wis. Stats. 940.30 False Imprisonment-Victim was a minor and not the offender's child;
  - (6) Wis. Stats. 940.302 Human Trafficking (If 940.302(2)(a)1b applies);
  - (7) Wis. Stats. 940.31 Kidnapping-Victim was a minor and not the offender's child;

- (8) Wis. Stats. 944.01 Rape (prior statute);
  - (9) Wis. Stats. 944.06 Incest;
  - (10) Wis. Stats. 944.10 Sexual Intercourse with a Child (prior statute);
  - (11) Wis. Stats. 944.11 Indecent Behavior with a Child (prior statute);
  - (12) Wis. Stats. 944.12 Enticing Child for Immoral Purposes (prior statute);
  - (13) Wis. Stats. 948.02(1) First Degree Sexual Assault of a Child;
  - (14) Wis. Stats. 948.02(2) Second Degree Sexual Assault of a Child;
  - (15) Wis. Stats. 948.025 Engaging in repeated Acts of Sexual Assault of the Same Child;
  - (16) Wis. Stats. 948.05 Sexual Exploitation of a Child;
  - (17) Wis. Stats. 948.051 Trafficking of a Child;
  - (18) Wis. Stats. 948.055 Causing a Child to View or Listen to Sexual Activity;
  - (19) Wis. Stats. 948.06 Incest with a Child;
  - (20) Wis. Stats. 948.07(1)-(4) Child Enticement;
  - (21) Wis. Stats. 948.075 Use of a Computer to Facilitate a Child Sex Crime;
  - (22) Wis. Stats. 948.08 Soliciting a Child for Prostitution;
  - (23) Wis. Stats. 948.081 Patronizing a Child;
  - (24) Wis. Stats. 948.085 Sexual assault of a child placed in substitute care;
  - (25) Wis. Stats. 948.095 Sexual Assault of a Student by Instructional Staff;
  - (26) Wis. Stats. 948.10(1)(a) Exposing Genitals, Pubic Area, or Intimate Parts;
  - (27) Wis. Stats. 948.11(2)(a)- (b) Exposing Child To Harmful Material-felony sections;
  - (28) Wis. Stats. 948.12 Possession of Child Pornography;
  - (29) Wis. Stats. 948.13 Convicted Child Sex Offender Working with Children;
  - (30) Wis. Stats. 948.30 Abduction of Another's Child;
  - (31) Wis. Stats. 971.17 Not Guilty by Reason of Mental Disease-of an included offense; and
  - (32) Wis. Stats. 975.06 Sex Crimes Law Commitment.
- (b) "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.
- (c) "Offender" means a person who has been convicted of, or has been found delinquent of, or has been found not guilty by reason of disease or mental defect of a sexually violent offense and/or a crime against children.
- (d) "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.
- (e) "Sexually violent offense" shall have the meaning as set forth in Section 980.01(06), Wisconsin Statutes, as amended from time to time.
- (f) "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. 5-5-3 Residency Restrictions.

- (a) **Residency Restrictions.** 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) Movie Theatre
  - (11) Aquatic facilities open to the public; or
  - (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 Section 5-5-3(a) herein.
- (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 Section 5-5-3(a) herein 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 Section 5-5-3(a) herein began after the offender established a residence.
  - (4) The offender is a minor or ward under guardianship.

### **Sec. 5-5-4 Loitering.**

It is unlawful for any offender to loiter or prowl in the locations enumerated under Section 5-5-3(a) herein, or in any other location, 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. 5-5-5 Holiday Restrictions.**

It is unlawful for any offender to participate in a holiday event involving children under 16 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas or wearing an Easter Bunny costume on or preceding Easter. Holiday events in which the offender is the parent or guardian of the children involved, and no non-familial children are present, are exempt from this Section.

### **Sec. 5-5-6 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 for Violation of Residency Restrictions.** If an offender establishes a permanent or temporary residence in violation of Section 5-5-3(a) 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.”