

TITLE 5

Public Safety

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CHAPTER 1

Fire Protection

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SEC. 5-1-1 FIRE PROTECTION.

(a) **General Authority.**

- (1) The Town Board shall provide for fire protection for the Town of Waukesha. Fire protection for the Town, or any portion of the Town, may be provided in any manner, including:
 - a. Establishing a Town fire department.
 - b. Joining with another town, village, or Town to establish a joint fire department. If the Town Board establishes a joint fire department with a village under Wis. Stats. § 61.65(2)(1) 3, the Town Board shall create a joint board of fire commissioners with the village under Wis. Stats. § 61.65(2)(b)2.
 - c. Contracting with any person.
 - d. Utilizing a fire company organized under Ch. 213, Wis. Statutes, or Chapter 181 of the Wis. Statutes.
- (2) The Town Board may provide for the equipping, staffing, housing, and maintenance of fire protection services, and may enter into intergovernmental agreements with area units of government to provide fire protection services.

- (b) **Funding.** The Town Board may:
- (1) Appropriate money to pay for fire protection in the Town.
 - (2) Charge property owners a fee for the cost of fire calls made to their property.
 - (3) Levy taxes on the entire Town to pay for fire protection.
 - (4) Levy taxes on property served by a particular source of fire protection, to support the source of protection.

SEC. 5-1-2 AMBULANCE SERVICE.

The Town Board shall contract for or operate and maintain ambulance services unless such services are provided by another person. The Town Board may purchase equipment for medical and other emergency calls.

State Law Reference: Wis. Stats. § 60.565

SEC. 5-1-3 FIRE DEPARTMENT ORGANIZATION.

- (a) **Fire Department Recognized.** The existing Fire Department, including the Rescue Medical Service, together with all members thereof, is hereby officially recognized as the Town of Waukesha Fire Department. The duty of fire fighting and fire prevention in the Town and ambulance service is delegated to such Department. The Fire Department shall be comprised of fulltime and part-time employees of the Town, and shall be compensated by payment of a salary or hourly wage, or such other compensation methods as shall be approved by the Town Board.
- (b) **Organization.** The Fire Department shall consist of the following officers:
- (1) One (1) Fire Chief/Administrator.
 - (2) One (1) Assistant Chief.
 - (3) One (1) Deputy Chief.
 - (4) One (1) Deputy Chief.
 - (5) One (1) Deputy Chief.
 - (6) Five (5) Lieutenants.
 - (7) Secretary-Treasurer/EMT-I
 - (8) A total of sixty (60) Firefighters and/or E.G. members will be considered a full roster, comprised of a maximum of ten (10) EMT/EMT-I, and a total of fifty (50) Firefighter only or Firefighter/EMT/EMT-I. This also allows for any other Officers as required by the rules of the Fire Department.
- (c) **Officer Appointment.**
- (1) Fire Chief/Administrator. The Fire Chief/Administrator shall be appointed by the Fire Commission and, after completion of an 180-day probationary period, shall hold office until resignation, retirement, death, or removal for cause by the Fire Commission. The Fire Chief/Administrator shall be a full-time employee of the Town of Waukesha. The Fire Commission will approve the job description and qualifications of the Fire Chief/Administrator, but the Fire Chief/Administrator will be required, at a minimum, to:
 - a. Become a Town of Waukesha resident within one (1) year of appointment to the position.
 - b. Become a member of the Town of Waukesha Fire Department.
 - c. Have a signed contract approved by the Fire Commission.
 - d. Be a minimum certified level 2 (level 3) Firefighter.

- e. Be a State of Wisconsin licensed EMT-I Technician.
 - f. Have a minimum of three (3) years' experience as a Fire department officer or manager.
- (2) Assistant Fire Chief. The Assistant Fire Chief will be appointed by the Fire Chief and approved by the Fire Commission. The appointment shall be effective January 1st of each year and be for a term of one (1) year. The Assistant Chief shall assume the responsibilities of the Fire Chief in the absence of the Chief. In the event of the death, resignation, retirement, or the termination of the Chief, or in the event the Chief is unable to perform the duties as required by this ordinance, the Fire Commission may appoint the Assistant Chief to be the acting Chief until such time as a new Fire Chief has been named, or until the Fire Chief returns to duty. The Assistant Fire Chief will be required to:
- a. Be a minimum certified level 2 (level 3) Firefighter.
 - b. Be a state of Wisconsin Licensed EMT-B.
 - c. Have a minimum of one (1) year experience as a Fire Department officer.

The duties of the Assistant Fire Chief shall be outlined in the Fire Department policies.

- (3) Deputy Fire Chiefs. Three (3) Deputy Fire Chiefs will be appointed by the Fire Chief and approved by the Fire Commission. The appointments shall be effective January 1st of each year and be for a term of one (1) year. In the absence of the Chief or Assistant Chief, the Deputy Chief on duty shall assume command of the day-to-day operations of the Fire Department. The authority of the Deputy Chief, under these circumstances, shall not extend to the altering or modifying staff, ordinances, by-laws, or policies, or to the suspension, removal, or termination of Fire Department personnel, as provided by Section 5-1-8. Such personnel matters shall be referred to the Chief or Assistant Chief, as the case may be. The Deputy Chiefs will be required to:
- a. Be a minimum certified level 2 (level 3) Firefighter or State of Wisconsin Licensed EMT-B.
 - b. Have a minimum of four (4) years' experience as a Fire Department member.

The duties of the Deputy Chiefs shall be outlined in the Fire Department policies.

- (4) Lieutenants. Five (5) Lieutenants will be appointed by the Fire Chief. Such appointments shall be effective January 1st of each year and be for a term of one (1) year. Eligible candidates will be interviewed by the Fire Chief, Assistant Fire Chief and Deputy Chief of EMS. Appointment selections shall be made from results of those interviews. Lieutenants will be required to have a minimum level 1 Firefighter or EMT-B and a minimum two (2) year's experience as a Fire Department member. The duties of the Lieutenants shall be outlined in the Fire Department policies.

SEC. 5-1-4 DUTIES OF FIRE CHIEF.

- (a) **General Operation.** The Fire Chief shall be the administrator of the fire department in charge of all operations of the Fire Department and all Fire Department personnel, including Ambulance and Rescue personnel, subject to the statutes of the State of Wisconsin, the ordinances of the Town of

- Waukesha, and the rules and regulations provided herein. The Fire Chief shall be responsible for the general condition and efficient operation of the Fire Department, the training of Fire Department members, and the performance of assigned duties.
- (b) **Meetings.** The Fire Chief shall attend all official meetings of the Department or related to Fire Department business whenever possible. The Fire Chief shall be the presiding officer of all meetings of the Fire Department unless another officer is so designated by the Chief.
 - (c) **Personnel.** The Fire Chief has the sole authority to investigate and act upon all personnel matters. The Fire Chief shall have the authority to excuse any member of the Fire Department for absence from emergencies, meetings or other occasions of Fire Department functions due to emergencies or other reasons acceptable to the Fire Chief. The Fire Chief may also grant leaves of absence for Fire Department members from time-to-time for acceptable reasons.
 - (d) **Reports.** The Fire Chief shall keep a record of every fire and rescue to which the department was called. These records shall include information to comply with the Wisconsin Fire Incident Reporting System Form, the Wisconsin Department of Health and Family Services Ambulance Report and the department incident report. An informal report will be filed monthly with the Town Board for the previous month's operation. The Fire Chief shall submit such written reports to the Town Board as the Town Board deems desirable, but an annual report for a fiscal year ending December 31, shall be given at the annual Town meeting in April. This report shall detail the condition of the various pieces of apparatus and equipment, the number of fires, the number of rescue calls, and the total number of active members in the Fire Department.
 - (e) **Equipment Inventory.** The Fire Chief shall be responsible for determining the needs of the Fire Department, evaluating the use of current equipment, assessing and researching the need for additional equipment that may be necessary, from time-to-time, to provide fire protection and emergency medical services to the residents and businesses of the Town of Waukesha. The Fire Chief shall annually present a budget of anticipated equipment needs to the Town Board for review and consideration, such budget to be filed with the Town Board as directed by the Town Board, but in all events, not later than September 1st of each year.
 - (f) **Report of Revenues and Expenditures.** The Fire Chief shall be responsible for all revenues received, and expenditures made, by the Fire Department. An annual report shall be filed with the Town Board itemizing the revenues and expenditures made by the Fire Department during the past year. This report shall be prepared on a calendar year basis and shall be submitted to the Town Board not later than March 1st of each year. All donations or contributions made to the Fire Department shall be promptly remitted to the Town Clerk for deposit in the Fire Department Donations Account of the Town of Waukesha. Notwithstanding the foregoing, any monies earned by Fire Department members as a result of fund-raiser activities conducted by the Fire Department, may be retained by the Department in a separate and segregated account. The receipt and expenditure of such monies shall, however, be included in the annual report, or such other reports, as may be required by the Town Board.
 - (g) **Payroll.**
 - (1) The Fire Chief shall provide accurate information and documentation to the Town for purposes of paying all eligible paid on call members. Payroll records must be submitted to the Town by the Monday before the second Thursday of each month to be approved by the Town Board for payment at the first Town Board meeting of each month.
 - (2) The Town Board shall annually approve the pay scale for all paid on call and officer staff. This shall be accomplished while preparing the annual Town budget.
 - (h) **Development of Policies.** It shall be the responsibility of the Fire Chief to develop, revise and keep updated policies, standard operating procedures and regulations that are necessary to carry out

the functions and operations of the Fire Department. The Fire Chief shall comply with the Wisconsin Administrative Code rules of The Department of Commerce Flammable and Combustible Liquids, specifically Section 10.20, relative to requirement for inventory records.

- (i) **Additional Duties.** The Fire Chief shall make every effort to be at all fires and major emergency events in the Town, or within the Fire Department service area, or at fires at which the Fire Department has responded for service pursuant to a mutual aid agreement with another fire department or departments. In the event the Fire Chief is absent, the highest ranking officer of the Fire Department in attendance at any type of incident shall be in charge and have the same powers and duties as the Chief excluding authorities specified in Sec. 5-1-4C. The Fire Chief, or in his absence, the highest ranking officer of the Fire Department in attendance at such fire, shall have complete command of, and entire responsibility for, all fire fighting operations, plan and control of the same and direct action of the companies when they arrive at a fire, observe that every company does its duty and that the fire apparatus is kept in proper condition at all times. The Fire Chief shall perform such other duties as are incumbent upon him as the commanding officer of the Fire Department and as may be directed from time-to-time by the Town Board. The Fire Chief shall report all fires in which arson is suspected to the: Fire Inspector, Sheriff's Department, State Fire Marshal or any other agency that might have to be notified.

SEC. 5-1-5 FIRE DEPARTMENT EQUIPMENT AND APPARATUS.

All Fire Department equipment and apparatus, including ambulances, operated by the Fire Department, shall be owned by the Town of Waukesha. Any replacement or additions to such equipment or apparatus shall likewise be owned by the Town of Waukesha. Any liquidation, disposal or sale of any equipment or apparatus shall be by Town Board approval.

SEC. 5-1-6 FINANCES.

- (a) **Appropriation.** In September of each and every year, the Fire Department shall submit a budget for the anticipated revenue and expenses for the following year to the Town Board for approval. The Town Board shall appropriate sufficient funds to provide for the expenses of the Fire Department including, but not limited to, expenses of operation, apparatus, equipment, compensation, and insurance as the Town Board deems expedient and necessary to maintain efficiency and to properly protect life and property from fire and provide emergency rescue services.
- (b) **Auditing.** The Fire Department shall provide the Town Board with a certified audit of the Fire Department finances prepared by the accountants employed by the Town on an annual basis. Such audit shall be made for the Fire Department at the same time that the books and records of the Town are audited for the Town. Such audit shall be provided to the Town Board at the time the Fire Department files its proposed budget with the Town Board for the following year. The officers and members of the Fire Department shall cooperate and provide such assistance as may be necessary in connection with the preparation of such audit and the total cost and expense thereof shall be paid by the Town.

SEC. 5-1-7 MEMBERSHIP STANDARDS.

Membership in the Fire Department shall be determined according to the need for Firefighters and Emergency Medical Technicians to maintain efficiency, to properly protect life and property from fire and to provide emergency medical rescue service. Anyone desiring to become a member of the department must complete a written application to the Chief.

(a) **Membership Requirements.**

- (1) Members shall be at least eighteen (18) years of age, but not more than sixty-five (65) years of age.
- (2) Members must have a valid driver's license and maintain a good driving record.
- (3) Physical examinations may be required and paid for by the Town of Waukesha.
- (4) All new applicants being considered for membership on the Town of Waukesha Fire Department will be required to undergo a physical examination and a drug test authorized by the Fire Chief to be done at Waukesha County Technical College.
- (5) Any member who has attained the age of sixty (60) shall receive a physical examination at the request of the Fire Chief and approved by the Town Board. This examination shall be conducted at the Waukesha County Technical College so that the examining physician can advise the Fire Chief, in writing, that the member is physically and mentally capable of performing all duties of their position.
- (6) Any member choosing to receive a physical examination from their primary physician will be reimbursed up to the amount charged by the Waukesha County Technical College.
- (7) Members must complete a State of Wisconsin Department of Health and Family Services Background Information Disclosure Form. Also, as required by the State of Wisconsin, criminal background checks will be done on all members who want to become an E.M.T. and enter into the medical field or anyone having patient contact.

SEC. 5-1-8 SUSPENSION, REMOVAL, OR TERMINATION OF FIRE DEPARTMENT MEMBERS.

- (a) **Fire Chief.** The Fire Chief may be suspended, removed, or terminated from the Fire Department for due cause by action of the Fire Commission. Written notice of any action of the Fire Commission to suspend, demote, or terminate the Fire Chief shall be served on the Fire Chief, and shall be effective after the date of the Fire Commission's decision. The Fire Chief may, within ten (10) business days after receiving written notice of the Fire Commission's action, request a hearing regarding the Fire Commission's decision. In the event such a hearing is requested, the Fire Commission shall, within ten (10) business days after receipt of the written notice, schedule a hearing at which time the Fire Chief may present any evidence or testimony which the Fire Chief deems necessary or appropriate in response to the decision of the Fire Commission. The Fire Commission shall, upon conclusion of any hearing requested by the Fire Chief, issue a decision, in writing, either affirming, modifying, or reversing their decision. The Fire Commission's decision, upon such review shall be final.
- (b) **Other Fire Department Members.** The Fire Chief may suspend, demote, or terminate any member of the Fire Department for violations of the Town ordinances or by-laws of the Fire Department, neglect of duty, insubordination, or for other reasons which the Fire Chief concludes disciplinary action is necessary in order to ensure that the Fire Department can carry out its duties and operate efficiently. Notice of the Fire Chief's decision to suspend, demote, or terminate any member of the Fire Department shall be given to the member, in writing, and shall be effective as of the date of the Fire Chief's decision
- (c) **Appeal Process.**
- (1) Any member (not including officers) may appeal the decision of the Fire Chief to suspend, demote or terminate that member of the Fire Department by filing a written notice of appeal with the Department Grievance Committee, following the process outlined in the Fire Department by-laws. Considering the recommendation of the Grievance Committee, the Chief's decision may be altered or upheld. If the result does not resolve the grievance, the member or the Chief can file within ten (10) business days, a written notice of appeal with the Fire Commission. This process will follow the same procedure as outlined for officers in Sec. 5-2-8 (c-2).

- (2) Any member may appeal the decision of the Fire Chief to suspend, demote or terminate that member from the Fire Department by filing a written notice of appeal with the Fire Commission within ten (10) business days after receipt of the Fire Chief's written decision. The Fire Commission shall, within ten (10) days after receiving the member's written notice of appeal, schedule a hearing at which time the Fire Chief and member may present any evidence or testimony, which either party deems necessary or appropriate in order to allow the Fire Commission to hear and consider the appeal. The Fire Commission shall, upon conclusion of any hearing requested by a member of the Fire Department, issue a decision, in writing, either affirming, modifying, or reversing the Fire Chief's decision. The Fire Commission's decision, upon such review shall be final.

SEC. 5-1-9 IMPEDING FIRE EQUIPMENT PROHIBITED.

No person shall impede the progress of Fire Department apparatus along the streets, roads or alleys of the Town of Waukesha during an emergency response, or when a Fire Department is using such streets or alleys during a training exercise.

SEC. 5-1-10 POLICE POWER OF FIRE DEPARTMENTS.

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

- (1) The Chief, Assistant Chief, Deputy Chiefs, or other officers in command of the Fire Department at any fire or rescue service, are hereby vested with full and complete police authority of that scene. Any officer of the Fire Department may cause the arrest of any person failing to give the right-of-way to Fire Department equipment or personnel during an emergency response.
- (2) The Fire Chief, or any officer in command, may prescribe certain limits in the vicinity of any fire within which no persons, excepting Fire Department personnel, law enforcement officers, and those admitted by order of any officer of the Department, shall be permitted to come.
- (3) The Fire Chief, or any officer in command, shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire, prevent the spreading of fire, or to protect the adjoining property, and during the progress of any fire, the Fire Chief 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.
- (4) The Fire Chief, or any officer in command, shall have the authority to enter onto any public or private property for the purpose of accessing any water supply or source including, but not limited to, rivers, streams, ponds, swimming pools and hydrants.

- (b) **Fire Department Personnel Have Powers of Traffic Officers.** Members of a Fire Department, when at the scene of a fire or other emergency, or when Fire Department vehicles are upon the street pursuant to an emergency call, shall have the authority and duty of traffic officers to direct traffic, as conditions require, notwithstanding any other provision of this Chapter.

SEC. 5-1-11 FIRE INSPECTIONS AND INSPECTOR.

- (a) The Fire Chief, of the Fire Department, serving the Town of Waukesha shall be the Fire Inspector of the Town of Waukesha and shall have the power to appoint one (1) Assistant Fire Inspector and any deputy Fire Inspectors that may be required to perform all duties required of the Fire Inspectors by the laws of the State and rules of the Department of Commerce, particularly Wis. Stats. § 101.14.
- (b) The Assistant and Deputy Fire Inspectors shall successfully complete the curriculum for Fire Inspectors offered by the local training facility, currently Waukesha County Technical College and meet state requirements as specified in the Department of Commerce, Wis. Stats. § 101.14.
- (c) While acting as Fire Inspectors pursuant to Wis. Stats. § 101.14(2), the Fire Chief, or any person 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 Town of Waukesha 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 the inspector's duty to give such directions for the abatement of such conditions as deemed necessary and, if such directions be not complied with, to report such noncompliance to the Town Board for further action.
- (d) The Chief and member(s) of the Fire Department designated by him as fire inspectors, are required 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.
- (e) 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 Town Clerk.

State Law Reference: Wis. Stats. § 101.14(2)

SEC. 5-1-12 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 a Fire Department, and no vehicle shall be driven over any unprotected hose of a 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 or 500 feet from the place of fire without the consent and authority of the Fire Chief or any law enforcement officer.

SEC. 5-1-13 FIRE DEPARTMENT PERSONNEL MAY ENTER ADJACENT PROPERTY.

- (a) **Entering Adjacent Property.** It shall be lawful for any fire department personnel while acting under the direction of a 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 which case any person that shall hinder, resist or obstruct any firefighter in the discharge of his/her duty as is herein before provided, the person so offending shall be deemed guilty of resisting firefighters in the discharge of their duty.
- (b) **Destruction of Property to Prevent the Spread of Fire.** During the progress of any fire, a Fire Chief or his/her 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. 5-1-14 DUTY OF BYSTANDERS TO ASSIST.

Every person who shall be present at a fire shall be subject to the orders of a 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. 5-1-15 VEHICLES TO YIELD RIGHT-OF-WAY.

Whenever there shall be a fire or fire alarm or the Fire Department shall be responding to an emergency medical rescue, every person driving or riding in a motorized or other vehicle shall move and remain to the side of the street until the fire department apparatus shall have passed.

SEC. 5-1-16 FIRE FIGHTING EQUIPMENT EXPENSE.

- (a) Special equipment as used in this Section shall include all motor vehicles commandeered by the Fire Chief or the officer in charge, machinery and other types of equipment not owned by the Town of Waukesha Fire Department, and any hazardous material team, handler or supplies owned by or not owned by the Town of Waukesha, use of which may be required by the Fire Department to combat any fire, or conduct any type of rescue or recovery in the Town of Waukesha.
- (b) The owner of the premises involved in any fire shall pay the total cost and expense for the use of any special equipment to combat such fire or hazardous material spill. The Chief of the Fire Department or the officer in charge at any such fire or hazardous material spill shall determine whether or not the use of special equipment is necessary to combat such fire and shall be authorized to obtain the use of any such equipment that may be required.
- (c) The owner of the premises involved in any fire or hazardous material spill for which special equipment was used to combat such fire or hazardous material spill shall pay the costs and expenses incurred for the use of such special equipment within thirty (30) days from the date of billing by the Town Clerk. In the event such bill is not paid within the time herein provided, then in that event the amount thereof shall be placed on the next succeeding tax roll of the Town of Waukesha and collected in the same manner as other taxes are collected.

SEC. 5-1-17 AMBULANCE SERVICE CHARGES.

- (a) A charge of Three Hundred Dollars (\$300.00) plus mileage per Medicare rate and supply costs for Town residents and Four Hundred Fifty Dollars (\$450.00) for any non-resident of the Town of Waukesha shall be made for any person transported in the Town ambulance to Waukesha Memorial Hospital. When transporting a second and third person from the same family of a Town of Waukesha resident, and in the same ambulance, to Waukesha Memorial Hospital, a charge of Seventy-five Dollars (\$75.00) shall be made for each additional person, and if more than three (3) persons from the same family are transported in the same ambulance at the same time, no additional charge will be made for the additional family members so transported beyond three (3).
- (b) In the event a second ambulance is required to transport any members of the family to Waukesha Memorial Hospital, the same charges shall apply as to each person as apply to the use of the first ambulance in subparagraph (a) above.
- (c) A fee of Four Hundred Fifty Dollars (\$450.00) per person for each person who is not a resident of the Town of Waukesha shall be charged when such persons are transported by Town ambulance to Waukesha Memorial Hospital. This charge shall apply regardless of the number of persons or family members transported to the hospital by the Town ambulance.
- (d) No charge will be made for ambulance service to active members of the Town of Waukesha Fire Department and Rescue Service. This exemption will not apply to the family of any active member of the Fire Department or Rescue Service.
- (e) The Town Board may establish and invoke fees and charges for expendable supplies used in the treatment of any person requesting the services of the Town of Waukesha Fire Department. As used herein, the term "expendable supplies" shall include, but not be limited to, such ordinary and customary charges for expenses related to mileage, medical supply costs for both basic life support ("BLS") and advanced life support ("ALS"), oxygen costs, and similar medical expenses.
- (f) All charges for ambulance service shall be billed under the administration of the Town Clerk or his or her designee and shall be due and payable ninety (90) days after billing. Such charge will be without interest for a period of sixty (60) days after billing and thereafter interest shall be charged at the rate of one percent (1%) per month until paid.
- (g) The amount of all ambulance service charges is determined by and these same charges invoked by the Town Board.
- (h) The Town of Waukesha will accept Medicare assignment.
- (i) If an ambulance is dispatched through 911, and there is no transport, patient will receive a charge for supply fees. In the event an ambulance is dispatched through a 911 false request, patient will be charged the normal ambulance charge plus mileage.

CHAPTER 2

Fire Prevention and Safety Codes

- 5-2-1 Intent of Code
- 5-2-2 Adoption of State Codes
- 5-2-3 Application to New and Existing Conditions
- 5-2-4 Orders to Eliminate Fire Hazards
- 5-2-5 Service of Orders
- 5-2-6 Investigation of Fires
- 5-2-7 Banning and/or Regulating the Use of Fire, Burning Materials, and Fireworks During Existence of Extreme Fire Danger
- 5-2-8 Outdoor Fires
- 5-2-9 Security Key and Vault System (Knox Box)

SEC. 5-2-1 INTENT OF CODE.

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

SEC. 5-2-2 ADOPTION OF STATE CODES.

- (a) The following orders, rules, and regulations of the Department of Commerce, all of which are set forth in the Wisconsin Administrative Code as from time to time amended, are incorporated herein by reference and adopted as part of this Fire Prevention Chapter:
- (1) Wis. Adm. Code Ch. COMM 5; Credentials
 - (2) Wis. Adm. Code Ch. COMM 10; Flammable and Combustible Liquids.
 - (3) Wis. Adm. Code Ch. COMM 11; Liquefied and Petroleum Gases.
 - (4) Wis. Adm. Code Ch. COMM 14; Fire Prevention.
 - (5) Wis. Adm. Code Ch. COMM 15; Cleaning and Dyeing.
 - (6) Wis. Adm. Code Ch. COMM 16; Wisconsin Electrical Code.
 - (7) Wis. Adm. Code Ch. COMM 28; Smoke Detectors.
 - (8) Wis. Adm. Code Ch. COMM 30; Fire Department Safety and Health
 - (9) Wis. Adm. Code Ch. COMM 32; Public Employees Safety and Health
 - (10) Wis. Adm. Code Ch. COMM 43; Anhydrous Ammonia Code.
 - (11) Wis. Adm. Code Chs. COMM 50-64; Commercial Building and HVAC.
 - (12) Wis. Adm. Code Ch. COMM 66 Uniform Multifamily Dwellings.
 - (13) Wis. Adm. Code Ch. COMM 69; Barrier Free Design.
 - (14) Wis. Adm. Code Ch. COMM 70; Historic Buildings Code.
 - (15) Wis. Adm. Code Chs. COMM 75-79; Existing Buildings Code.
 - (16) Wis. Adm. Code Chs. COMM 82-87; Plumbing Code.

- (b) All of the National Fire Protection Association (NFPA) codes referenced in the Wisconsin Administrative Codes pertaining to Fire Prevention and Protection are hereby adopted by reference and made a part of the Town of Waukesha Fire Prevention Code:
- (c) Whenever the provisions of the aforementioned codes conflict, the stricter interpretation shall apply.
- (d) Official copies of each of said codes are now on file in the office of the Town Clerk and Fire Departments serving the Town and shall remain so filed and be, at all reasonable times, open to inspection by any interested persons.

SEC. 5-2-3 APPLICATION TO NEW AND EXISTING CONDITIONS.

The provisions of this Chapter shall apply equally to new and existing conditions except that existing conditions not in strict compliance with the terms of this Chapter shall be permitted to continue where the exceptions do not constitute a distinct hazard to life or adjoining property.

SEC. 5-2-4 ORDERS TO ELIMINATE FIRE HAZARDS.

Whenever any of the officers, members, or inspectors of a Fire Department serving the Town shall find any building or upon any premises dangerous or hazardous conditions as follows, he/she or they shall order such dangerous conditions or materials to be removed or remedied in such manner as may be specified in said order:

- (a) Dangerous or unlawful amounts of combustible or explosive matter.
- (b) Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive matter.
- (c) Dangerous accumulations of rubbish, wastepaper, boxes, shavings, or other highly flammable materials.
- (d) Accumulations of dust or waste material in air conditioning systems or of grease in kitchen exhaust ducts.
- (e) Obstructions to or on fire escapes, stairs, passageways, door, or windows liable to interfere with the operation of the Fire Department or egress of occupants in case of fire.
- (f) Any building or other structure which, for want of repairs, lack of sufficient fire escapes or other exit facilities, automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause, creates a fire hazard or a threat to life and safety.

SEC. 5-2-5 SERVICE OF ORDERS.

- (a) The service of such orders as mentioned in Section 5-2-4 may be made upon the owner, occupant, or other person responsible for the conditions, either by delivering a copy of the same personally or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the said premises. Whenever it may be necessary to serve such an order upon the owner of premises, such order may be served either by delivering to and leaving with the said person a copy of the said order or, if the owner is absent from the jurisdiction of the officer making the order, by mailing such copy to the owner's last-known post office address.

- (b) If buildings or other premises are owned by one (1) person and occupied by another under lease or otherwise, the orders issued in connection with the enforcing of the Chapter shall apply to the occupant thereof, except where the rules or orders require the making of such additions to or changes in the premises themselves, such as would immediately become real estate and be the property of the owner of the premises; in such cases the rules or orders shall affect the owner and not the occupant unless it is otherwise agreed between the owner and the occupant.

SEC. 5-2-6 INVESTIGATION OF FIRES.

- (a) A Fire Department serving the Town of Waukesha shall investigate the cause, origin, and circumstances of every fire occurring in the Town which is of suspicious nature or which involves loss of life or injury to persons or by which property has been destroyed substantially damaged. Such investigations shall be begun immediately upon the occurrence of such a fire by the fire officer in whose district the fire occurs, and if it appears that such fire is of suspicious origin, the Chief of the Fire Department shall take charge immediately of the physical evidence, shall notify the proper authorities designated by law to pursue the investigation of such matters and shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case.
- (b) Appropriate law enforcement agencies, upon request of the Chief of the Fire Department, may assist in the investigation of any fire which, in the opinion of the Chief of the Fire Department, is of suspicious origin.

SEC. 5-2-7 BANNING AND/OR REGULATING THE USE OF FIRE, BURNING MATERIALS, AND FIREWORKS DURING EXISTENCE OF EXTREME FIRE DANGER.

- (a) **Declarations of Emergency.** When there occurs a lack of precipitation, there may exist an extreme danger of fire within the Town of Waukesha. This extreme danger of fire affects the health, safety, and general welfare of the residents of the Town of Waukesha and constitutes a state of emergency. It is hereby found that the regulation of fires, burning materials, and fireworks is necessary and expedient for the health, safety, welfare and good order of the Town during said emergency.
- (b) **Regulation of Fires, Burning Materials, and Fireworks.** Pursuant to Sec. 66.325, Wis. Stats., and when a burning, state of emergency is declared, it may be ordered that a person may not:
 - (1) Set, build, or maintain any open fire, except:
 - a. Charcoal grills using charcoal briquettes, gas grills, or camp stoves on private property; or
 - b. Charcoal grills using charcoal briquettes, gas grills, or camp stoves in Town parks placed at least twenty (20) feet away from any combustible vegetation.
 - (2) Throw, discard, or drop matches, cigarettes, cigars, ashes, charcoal briquettes or other burning materials while outdoors except into a noncombustible container that does not contain combustible materials.
 - (3) Light or ignite a flare, except upon a roadway in an emergency.
 - (4) Light, ignite, or use anything manufactured, processed, or packaged solely for the purpose of exploding, emitting sparks or combustion for amusement purposes, including fireworks, firecrackers, bottle rockets, caps, toy snakes, sparklers, smoke bombs, or cylindrical or cone fountains that emit sparks and smoke, except in displays authorized by the Town where adequate fire prevention measures have been taken.

- (c) **Period of Emergency.** Pursuant to Sec. 66.325, Wis. Stats., burning emergencies shall become effective upon the time and date of the Town Chairperson, Fire Chief or County Board declaring a state of emergency and shall remain in effect until the period of emergency ceases to exist or until the ratification, alteration, modification, or repeat of the burning state of emergency by the Town Board, Fire Chief or when applicable, the County Board.

SEC. 5-2-8 OUTDOOR FIRES.

- (a) **Burning of Certain Material Prohibited.** It shall be unlawful for any person to burn in an outdoor incinerator any garbage, trash, plastic, rubber products, asphalt type materials or any other such related materials which create by such burning a smoke or odor nuisance. "Garbage" as the term is used herein is defined as putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food. "Trash" as used herein is defined as human or animal excrement, animal remains or offal, petroleum products, vegetable products, mineral products and metal pressurized containers.
- (b) **Use of Incinerator Required.** No outside burning shall be permitted on any premises used for commercial, industrial or residential purposes except in an incinerator which shall be a metal container or masonry product built or fabricated so as to be completely enclosed, except having a top opening for loading, and a lower opening for draft control. Such openings shall be covered with a metal screen of mesh opening not greater than one-half (1/2) inch measured across the largest diameter. Such incinerator shall be located at a distance of at least twenty (20) feet from any structure, and shall have all grass and other flammable material cleared away from its base for a distance of three (3) feet from all exterior surfaces of the incinerator. Occupants of premises using an approved incinerator are excluded from the requirement of obtaining annual burning or special permits as herein provided.
- (c) **Emergencies.** Whenever, because of extreme dryness or drought, the Town of Waukesha Fire Department shall deem it imprudent to set fires upon any land within the Town, it shall by proclamation, declare an emergency and cause to be published in a newspaper of general circulation in the Town a notice forbidding the setting of fires within the Town of Waukesha and after the publishing of such notice, no person shall set any fire upon lands in said area except in an approved type incinerator as provided in this Section until the expiration of such emergency. (See Section 5-2-7.)
- (d) **Responsibility for Fires.**
 - (1) Any person who negligently sets a fire on any land or shall fail to properly attend the same and the fire escapes to adjoining land, or shall set a fire in violation of any provision of this Section, or shall set a fire without the use of an incinerator as is provided in this Section, shall upon conviction be subject to a forfeiture and in addition thereto shall be liable for all expenses incurred in the suppression of any such fire which the Town Clerk shall certify to such person by itemized statement. If any such claim is not paid within sixty (60) days from the date of billing by the Town Clerk, the Town of Waukesha may maintain an action against such person for the collection of such claim in addition to the forfeiture provided for violation of this Code.
 - (2) The term "person" as used in this Section shall include the owner or owners, and any person in possession of any real estate upon which a fire is set.

- (e) **Issuance of Permit.** Burning permits shall be issued by the Fire Chief, the Town Clerk or his/her designee. Applications for permits for open burning shall be made on forms furnished by the Fire Department and Town Clerk and permits issued shall be in force for a length of time which shall be determined by the Chief and the Town Board. No burning permit shall be required if an approved incinerator is used.
- (f) **Burning Permit Regulations.**
 - (1) Fire must be attended at all times
 - (2) Piles can be no larger than 10 feet in diameter
 - (3) No burning when wind velocity exceeds 15 MPH or dry conditions exist
 - (4) Burn permits may be suspended based on weather conditions-watch local forecast
 - (5) Burning must be done under safe conditions or permit may be revoked
 - (6) Burning allowed only during daylight hours, completely extinguished at night
 - (7) Burning is not permitted in ditches or on roadways
 - (8) Burning must be a safe distance from the property line and all structures
 - (9) Be considerate of your neighbors when burning so as not to create a public nuisance
 - (10) Fire chief must approve any exceptions
- (g) **Outdoor Fires on Multi-Family Premises.**

It shall be unlawful for any person to utilize an outdoor fire at a multi-family dwelling or premises, for any purpose, including charcoal or propane cooking grills, outdoor fireplaces, or any similar structure except in the following circumstances:

 - (1) For any balcony, patio or similar structure above one story in height, the use of an electric grill which does not utilize an open flame is permitted.
 - (2) Outdoor fires are permitted on the ground floor level provided that the outdoor fire is at a minimum 20-feet from the dwelling unit or any combustible material.

SEC. 5-2-9 SECURITY KEY AND VAULT SYSTEM (KNOX BOX)

- (a) The Knox Box vault system has been adopted for use by the Fire Department. A Knox Box shall be installed in all existing buildings used for any business, commercial or industrial purpose or activity, within 12 months of the effective date of this Ordinance, or upon any change in use or occupancy of the building which requires Plan Commission approval, whichever occurs earlier. A Knox Box shall be installed in all newly-constructed buildings used for any business, commercial or industrial purpose or activity, prior to issuance of any occupancy permit.
- (b) A Knox Box shall be installed in all existing buildings used for residential, multi-family units (four or more units) within 12 months of the effective date of this ordinance, or upon any change in use or occupancy of the building which requires Plan Commission approval, whichever occurs earlier. A Knox Box shall be installed in all newly-constructed buildings used for residential, multi-family units (four or more units) prior to issuance of any occupancy permit. Pursuant to the State of Wisconsin, all newly constructed and/or existing buildings shall be inspected by the Fire Department.
- (c) The Knox Box shall be installed at the owner's or occupant's expense at such locations as designated by the Fire Chief or the Fire Inspector.

CHAPTER 3

Hazardous Materials

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

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

(a) **Application.**

- (1) All persons, firms or organizations using, researching or producing hazardous materials and/or infectious agents shall notify the Fire Department serving the Town of Waukesha as prescribed by this Section.
- (2) The provisions of this Section shall apply to all persons, firms or organizations other than farms engaged in production agriculture 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. Hazardous materials includes the list of hazardous wastes which are promulgated by the U.S. Environmental Protection Agency under Sec. 6821(b) of the resource conservation and recovery act as amended and as further set forth in Sec. 144.62, Wis. Stats.

(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 fire fighting 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;
 - h. 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) **Prohibited Discharges.** No person, firm, or corporation shall discharge or cause to be discharged, leaked, leached, or spilled upon any public or private street, alley, public, or private property, or onto the ground, surface waters, subsurface waters, or aquifers, or within the Town of Waukesha, except those areas specifically licensed for waste disposal, landfill activities or farming activities using accepted farming practices and to receive such materials, any explosive, flammable, or combustible solid liquid or gas, any radioactive material at or above Nuclear Regulatory Restriction levels, etiologic agents, or any solid, liquid, or gas creating a hazard, potential hazard, or public nuisance or any solid, liquid, or gas having a deleterious effect on the environment.
- (e) **Containment, Cleanup, And Restoration.** Any person, firm, or corporation in violation of the above Subsection shall, upon direction of any emergency government officer of the Fire Department, begin immediate actions to contain, clean up, and remove to any approved repository the offending material(s) and restore the site to its original condition, with the offending person, firm, or corporation being responsible for all expenses incurred. Should any person, firm, or corporation fail to engage the necessary persons and equipment to comply or to complete the requirements of this Section, the office of emergency government may order the required actions to be taken by public or private resources and allow the recovery of any and all costs incurred by the Town of Waukesha.
- (f) **Emergency Services Response.** Any emergency services response includes, but is not limited to, fire service, emergency medical service, and law enforcement personnel. A person, firm, or corporation who possesses or controls a hazardous substance shall be responsible for reimbursement to the responding agencies for actual and necessary expenses incurred in carrying out their duties under this ordinance. Actual and necessary expenses may include but not be limited to replacement of equipment damaged by the hazardous material, cleaning, decontamination, and maintenance of the equipment specific to the incident, costs incurred in the procurement and use of 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 of response personnel as required by the responding agencies medical advisor.

- (g) **Site Access.** Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to emergency government officers and staff and to law enforcement and fire department personnel for the purpose of evaluating the threat to the public and monitoring containment, clean up, and restoration activities.
- (h) **Public Protection.** Should any prohibited discharge occur that threatens the life, safety, or health of the public at, near, or around the site of a prohibited discharge, and that the situation is so critical that immediate steps must be taken to protect life and limb, the senior law enforcement or fire 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 Waukesha Town Board can take appropriate action.
- (i) **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 Town for actual and necessary expenses incurred by the Town 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 circumstances.

SEC. 5-3-2 RECOVERY OF COSTS.

- (a) Every person, firm or corporation using, storing, handling or transporting flammable or combustible liquids, chemicals, gasses or other hazardous materials shall comply with the requirements of Chapter ILHR 10, Wis. Adm. Code, as the same is now in force and may hereafter from time to time be amended.
- (b) Every person, firm or corporation using, storing, handling or transporting (whether by rail or on the highways) flammable or combustible liquids, chemicals, gasses or other hazardous materials shall be liable to the Town 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.