

# TITLE 5

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## **Public Safety**

<b>Chapter 1</b>	Law Enforcement
<b>Chapter 2</b>	Fire Prevention
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# Title 5 ► Chapter 1

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## Law Enforcement

- 5-1-1** Colby-Abbotsford Police Commission
- 5-1-2** General Powers of Police Officers
- 5-1-3** Maintenance of Personnel Records and Performance Evaluations
- 5-1-4** Civilians to Assist

### **Sec. 5-1-1 Colby-Abbotsford Police Commission.**

- (a) **Creation.** Pursuant to Sections 66.30 and 52.13(2m), Wis. Stats., and other applicable Wisconsin law, the City of Colby and the City of Abbotsford shall provide police services through the "Colby-Abbotsford Police Department", a joint police department. There shall be a "Colby-Abbotsford Police Commission" which shall facilitate administration of the Colby-Abbotsford Police Department for both cities as provided herein and perform the duties of a police commission under Section 62.13(3),(4) and (5), Wis. Stats., in lieu of separate police and fire commissions.
- (b) **Composition.** The Colby-Abbotsford Police Commission shall consist of six (6) members. Three (3) members shall be appointed by the mayor of the City of Colby and three (3) members shall be appointed by the mayor of the City of Abbotsford, from members of the respective common councils, subject to confirmation by each respective council. Commission members shall serve annual terms, commencing immediately after the April re-organizational meeting of each respective common council in the year of appointment, except each commissioner shall serve until his/her successor is appointed and qualified. Vacancies shall be filled as original appointments. Commission members serving as of the date of this Section/ ordinance (August 5, 2019) shall continue to serve as Commission members for the remainder of their term.
- (c) **Contract; Renewal.**
  - (1) Adoption of this Section by both participating cities constitutes a binding contract under Sections 62.13(2m) and 66.30, Wis. Stats., and is an amendment of the original agreement enacted by mutual ordinance by the cities of Colby and Abbotsford in 1969. This is an annual agreement running from January 1 of each year, which will automatically renew for successive terms of one (1) year, unless either municipality notifies the other, in writing, at least one (1) year before the expiration of any term,

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of its intention to withdraw from the joint Police Department and joint Police Commission at the end of such term.

- (2) In the event of non-renewal of the agreement, the municipality which did not give a non-renewal notice retains the equipment and vehicles of the Colby-Abbotsford Police Department. The terminating municipality shall pay its fair share, as determined by the Commission, of outstanding Department debt and other financial obligations.

(d) **Organization.**

- (1) The joint Police Commission shall elect a President and Vice-President, and such other officers as may in its judgment be necessary, and keep an actual written record of its proceedings to include all actions taken.
- (2) The function of recording secretary shall be established by majority vote of the joint Police Commission.
- (3) Members of the Police Commission shall be compensated for regular attendance in the same manner as attendance of committees duly established respectively by the City of Colby Mayor and Common Council and the City of Abbotsford Mayor and Common Council, and shall be considered a meeting as a law enforcement committee of each respective council while meeting as a joint Police Commission.

- (e) **Rules and Regulations.** The Police Commission shall establish rules and regulations for the performance of its duties and where not specifically set forth otherwise as to the conduct of meetings, *Roberts Rules of Order* shall prevail.

(f) **Duties and Authority.**

- (1) The mayor of each city shall be the head of the police department with regard to law enforcement activities in their respective cities. The Chief of Police shall obey all lawful written orders of the mayors or common councils of each city as to matters within the respective jurisdictions of said mayors or common councils.
- (2) The Police Commission shall, subject to the approval of both common councils, direct the operation of the joint Police Department, such as to contracts for and of purchase squad cars, apparatus and supplies, and authorize payment of bills, salaries, and other expenses. The Police Commission shall monthly submit to the city councils of Colby and Abbotsford its actions and accounts for review by each common council. Submission in the form of meeting minutes and account worksheets shall be sufficient, unless further documentation is necessary or requested after consideration of the minutes and accounts as submitted. However, the Police Commission may pay the following obligations prior to submission for approval to the common councils:
  - a. Employee salaries and benefits in amounts previously approved by each common council;
  - b. Expenditures for supplies or services not greater than Two Thousand Five Hundred Dollars (\$2,500.00);
  - c. Any other continuing expenditures approved by written resolution of both common councils.

- (3) All collective bargaining agreements and employee compensation determinations shall be approved by both common councils, and the mayors of each city shall sign any collective bargaining agreement on behalf of their respective cities.
- (4) Any and all contracts, obligations, policies or actions of the Colby-Abbotsford Police Commission entered, conducted, and decided or determined prior to enactment of this Section are hereby approved and ratified.
- (5) Appointment of subordinates shall be in accordance with Section 62.13(4), Wis. Stats., within the limitation of available funds. The municipal clerks of each respective municipality shall swear in all police officers. Prior to the first day of October of each year, the Police Commission shall submit to the Common Council of the City of Colby and the Common Council of the City of Abbotsford an annual budget for the ensuing year, and file the same with the respective municipal clerks of each municipality. Upon the approval of each governing common council, a determined percentage shall be included in each municipal budget.
- (6) The Colby-Abbotsford Police Commission shall designate one (1) municipality to handle the accounting of the Colby-Abbotsford Police Department and the Colby-Abbotsford Police Commission. Checks drawn on the account of the Colby-Abbotsford Police Department and the Colby-Abbotsford Police Commission shall require two (2) signatures. Checks may be signed by the Commission's President, Vice-President or Mayor of the municipality designated to handle the accounting of funds for the year in which payment is being made and the City Clerk-Treasurer or Deputy Clerk-Treasurer of the municipality designated to handle the accounting of funds for the year in which payment is being made.
- (7) Each municipal governing body may, from time-to-time, also request a report as to activities and expenditures of the Police Commission.
- (8) The designated municipality shall pay from the funds so appropriated the expenses of administration. All expenditures shall be made by orders of the respective clerks of the municipal unit drawn upon to pay bills that have been ordered and approved by the Police Commission and approved in accordance with this Section, and presented to the respective municipal clerks. The Police Commission shall not contract any liability in excess of the budget of said Commission authorized by the respective governing bodies and such other income as shall be received by the Commission.

## **Sec. 5-1-2      General Powers of Police Officers.**

Every member of the Colby-Abbotsford Police Department shall:

- (a) Familiarize himself/herself with the ordinances of the City of Colby and the City of Abbotsford and the Wisconsin Statutes and attend to the enforcement of such ordinances and statutes by all lawful means.

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- (b) Help prevent crimes, misdemeanors and violations of City ordinances and protect the health, safety, public peace and order of the City of Colby and the City of Abbotsford and their 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 of Colby or City of Abbotsford.
- (e) See that the necessary permits and licenses issued by the State of Wisconsin, City of Colby and/or City of Abbotsford are in the possession of or properly displayed by any person engaged in an activity or business respectively within the City of Colby or the City of Abbotsford 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/her authorized representative.

**Sec. 5-1-3 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 Colby-Abbotsford Police Department. The Chief of Police shall also comply with all requirements of the Law Enforcement Standards Board in regard to background investigations. The Chief of Police shall keep himself/herself adequately informed of the activities of the Colby-Abbotsford Police Department and be assured that the duties of his/her subordinates are properly discharged. The Chief of Police shall establish procedures for recognizing outstanding performance by Colby-Abbotsford Police Department members for investigating complaints of misconduct by any member and for taking appropriate disciplinary action subject to the provisions of the applicable Wisconsin Statutes and the Rules and Procedures of the Colby-Abbotsford Police Department.

**Sec. 5-1-4 Civilians to Assist.**

All persons in the City of Colby and the City of Abbotsford, when called upon by any police officer or peace officer, shall promptly aid and assist the officer in the execution of his/her duties. Whomever shall neglect or refuse to give such aid or assistance shall be subject to the general penalty as provided in the appropriate Section of the respective Code of Ordinances.

## Title 5 ► Chapter 2

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### Fire Prevention

- 5-2-1** Central Fire and EMS District
- 5-2-2** Fire Department Authorized to Hold Volunteer Company Funds
- 5-2-3** Impeding Fire Equipment Prohibited
- 5-2-4** Police Power of the Department; Investigation of Fires
- 5-2-5** Damaging Fire Hose Prohibited; Parking by Hydrants;  
Blocking Fire Lanes
- 5-2-6** Firefighters May Enter Adjacent Property
- 5-2-7** Duty of Bystanders to Assist
- 5-2-8** Vehicles to Yield Right-of-Way
- 5-2-9** Interference with Use of Hydrants Prohibited
- 5-2-10** Open Burning
- 5-2-11** Banning and/or Regulating the Use of Fire, Burning Materials  
and Fireworks During the Existence of Extreme Fire Danger
- 5-2-12** Patio Fireplaces
- 5-2-13** Outdoor Solid Fuel Heating Devices
- 5-2-14** Ambulance Service Fees

#### **Sec. 5-2-1 Central Fire and EMS District.**

- (a) **Purpose; Department Recognition.** The fire department organized under the provisions of Chapters 181 and 213, Wis. Stats., under the title of Central Fire and EMS District ("Fire Department"), Inc., is officially recognized as the Fire Department of the City of Abbotsford, and the duties of firefighting, emergency medical services, and the prevention of fires in the City of Abbotsford and such other local governments as the Fire and EMS District may from time to time contract with, is delegated to such Department.
- (b) **Governance; Bylaws.**
  - (1) The organization and internal regulation of the Central Fire and EMS District shall be governed by the provisions of this Chapter and by such bylaws adopted by the Fire Department as are approved by the Common Council.
  - (2) The Central Fire and EMS District is authorized and directed to adopt bylaws for the control, management and governance and for the regulation of business and proceedings of the Fire Department, which bylaws, after adoption by a two-thirds vote

of the members of the Fire Department, shall not become effective and operative until presented to and approved by the Common Council. Amendments to such bylaws shall be adopted in the same manner.

- (c) **Funding.** The Common Council shall appropriate funds to provide for operation and for such apparatus and equipment for the use of the Fire Department as it may deem expedient and necessary to maintain efficiency and properly protect life and property from fire.
- (d) **Compensation.** The compensation provided to volunteers of the Fire Department is nominal and is intended as partial reimbursement for expenses incurred in rendering such volunteer service. The compensation shall be established annually by a majority vote of the members of the Central Fire and EMS District, Inc., based on availability of funding.
- (e) **Fire Department/Ambulance Service – Compensation for Nontechnical Services.**
  - (1) It has been determined by the Common Council that volunteer members of the Central Fire and EMS District are times subpoenaed or called to provide additional services other than fire protection and ambulance services due to court proceedings or administrative hearings. This can result in the loss of compensation or personal/business time for the individual by virtue of the fact that witness or other fees, if any, do not necessarily cover the volunteer's loss of time from his or her employment. It is the intention of the Common Council under this Subsection to reimburse the individual members of the Central Fire and EMS District for lost revenue by virtue of being subpoenaed for court appearances, the taking of depositions or investigations conducted incident to court proceedings.
  - (2) Upon a voucher being submitted by the Chief or Assistant Chief of the Central Fire and EMS District to the City Clerk-Treasurer shall submit the voucher to the full Common Council for consideration and payment in full, less any amounts compensated for by the individual's regular employer for time lost for volunteer service.

## **Sec. 5-2-2 Fire Department Authorized to Hold Volunteer Company Funds.**

- (a) **Purpose and Authority.** This Section is enacted pursuant to the authority of Sec. 66.0608, Wis. Stats, for the purpose of authorizing "volunteer funds" to be held in the name of the Central Fire and EMS District. This Section is to be interpreted in conformance with that Statute as it may be amended from time to time.
- (b) **Adoption of Authorization.** The Fire Chief is authorized to deposit volunteer company funds of the Central Fire and EMS District in an account in the name of the Department in any public depository in which other City funds are being held by the City Clerk-Treasurer or designee.



- (c) **Control of Funds.** The Fire Chief is granted exclusive control over the expenditure of volunteer company funds of the Central Fire and EMS District. This authority is granted without limitation as to amount or type of funds. It is subject to the limitations and requirements hereinafter set forth.
- (d) **Limitations and Requirements.** The following limitations and requirements shall apply to the handling and disbursement of funds from the account:
- (1) **Expenditures.** Expenditures withdrawn from the account may be made only upon majority vote of Central Fire and EMS District members present at a duly noticed meeting of the Fire Department. Such withdrawals and expenditures may be made for any purpose that promotes the ability of the Fire Department to provide services for which it is organized.
  - (2) **Accountings.** The Fire Chief shall provide the Common Council with a quarterly statement at the end of March, June, September and December of each calendar year. The statements shall be provided within thirty (30) days of the end of the calendar quarter. The statements shall include a detailed itemization of all receipts, expenditures, and the balance on hand at the end of the quarter. The source of all funds and the identity of the payee for each disbursement shall be set forth.
  - (3) **Audit.** Central Fire and EMS District accounts authorized by this Section shall be included in any audit of Fire and EMS District funds. They shall be audited in the same manner as other Fire and EMS District funds.

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

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

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

- (e) **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 firefighters and law enforcement officers 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/she shall have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work of the Department during the progress of a fire
- (f) **Fire Inspection Duties.**
- (1) The Fire Chief shall be the Fire Inspector of the City of Abbotsford 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 Wisconsin Department of Safety and Professional Services, particularly Sec. 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 Abbotsford at all reasonable hours for the purpose of making inspections or investigations which, under the provisions of this Code of Ordinances, he/she may deem necessary. Should the Fire Inspector find that any provisions of this Code relating to fire hazards and prevention of fires are being violated, or that a fire hazard exists which should be eliminated, it shall be his/her duty to give such directions for the abatement of such conditions as he/she shall deem necessary.
  - (3) The Chief of the Fire Department is required, by himself/herself or by officers or members of the Fire Department designated by him/her 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. Repairs or alterations necessary to remove the hazardous condition shall be made within a reasonable time at the expense of the owner. The Inspector shall also investigate the storage and handling of explosives and inflammable liquids within the City of Abbotsford.
  - (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 Wisconsin Department of Safety and Professional Services. A copy of such reports shall be filed with the Fire Chief.

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

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

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

### **Sec. 5-2-6 Firefighters May Enter Adjacent Property.**

- (a) **Entering Adjacent Property.** It shall be lawful for any firefighter while acting under the direction of the Fire Chief or 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 firefighter in the discharge of his/her duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firefighter 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/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. 5-2-7 Duty of Bystanders to Assist.**

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

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

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

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

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

## **Sec. 5-2-10 Open Burning.**

- (a) **Open Burning Prohibited.** No person, firm or corporation shall build any outdoor fire within the corporate limits of the City of Abbotsford excepting as set forth below in this Section. This prohibition on burning includes burning of construction waste and debris at construction sites and the use of burning barrels.
- (b) **Exceptions.**
- (1) Outdoor cooking over a fire contained in a device or structure designed for such use is permissible;
  - (2) Controlled burning of grass or similar vegetation for environmental management purposes, with the prior written approval of the Fire Chief, or his/her designee, may be permitted; this exception is not to be used for the burning of grass, leaves or other lawn debris;
  - (3) Ceremonial campfire or bonfires, with prior written approval of the Fire Chief, may be permitted.
  - (4) Open burning when a permit is issued for exceptional, unique situations.
  - (5) Practice fires conducted by the Fire Department.
  - (6) Recreational fire pits not more than thirty-six (36) inches in diameter, encircled with non-flammable material, and located a minimum of twenty-five (25) feet from any structure or fifteen (15) feet from a lot line. Fire pits shall be extinguished by midnight or when left unattended.
  - (7) Other occasions of desirable outdoor burning not specified by this Subsection, but not as an alternative to refuse removal or disposal of which other methods are available, may be granted single occasion approval as in Subsections (b)(2) and (3) above.
- (c) **Application for Permit.**
- (1) **Procedure for Issuance of Burning Permit.** 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 Fire Chief. Application for a burning permit shall be made in writing upon a form furnished by the Fire Chief. The Fire Chief, may also establish from time to time special rules or restrictions relating to open burning by permit. 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.
- (2) **Issuance of Permit.** If the Fire Chief or other person authorized or designated by the Fire Chief to issue such permits, finds that the proposed burning complies with all City ordinances and the regulations contained in the Wisconsin Administrative Code, he/she shall approve the application, and a burning permit shall subsequently issued to the applicant. A copy of any burning permit, and the application therefore, shall be kept on file with the Fire Chief. No burning permit issued shall be valid for more than thirty (30) days from the date when issued.
- (d) **Open Burning Regulations.** The following regulations shall be applicable when an open burning permit has been issued:
- (1) All open burning conducted pursuant to a 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. Open burning permits shall not be used to covertly burn plastic, construction debris or other prohibited materials.
  - (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 twenty-five (25) feet from any structure, wood or lumber pile, wooden fence, trees, or bush(es).
  - (4) Any ashes created by burning such material as is lawful under this Section 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.

- (6) No materials may be burned upon any street, curb, gutter, or sidewalk.
- (7) Permits shall not be issued for burning barrels or for burning of leaves.

### **Sec. 5-2-11 Banning and/or Regulating the Use of Fire, Burning Materials and Fireworks During the 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 City of Abbotsford. This extreme danger of fire affects the health, safety, and general welfare of the residents of the City of Abbotsford 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 City during said emergency.
- (b) **Regulation of Fires, Burning Materials and Fireworks.** 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 briquets, gas grills, or camp stoves on private property; or
    - b. Charcoal grills using charcoal briquets, gas grills, or camp stoves in City parks placed at least twenty (20) feet away from any combustible vegetation.
  - (2) Throw, discard or drop matches, cigarettes, cigars, ashes, charcoal briquets 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 City where adequate fire prevention measures have been taken.
- (c) **Period of Emergency.**
  - (1) The periods of emergency for which this Section shall be in effect shall be during such periods that Clark or Marathon County, Wisconsin, is under Wisconsin Department of Natural Resources emergency fire regulations banning outdoor smoking and campfires, or when necessary as determined by the Mayor, upon the recommendation of the Fire Chief.
  - (2) Burning emergencies shall become effective upon the time and date of the Mayor 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 repeal of the burning state of emergency by the Common Council.

## **Sec. 5-2-12 Patio Fireplaces.**

Patio fireplaces are permitted in the City of Abbotsford as long as they are commercially purchased units that enclose the entire fire area within the patio fireplace. Homemade units must meet the approval of the Fire Chief. The chimney area and viewable area of the patio fireplace must be screened with a spark reduction device at all times the patio fireplace is in operation. The patio fireplace shall only burn a readily combustible fuel source that consists of wood, charcoal, or manufactured fireplace logs. The burning of trash, leaves, woods with a chemical treatment (railroad tie, fence post, power pole, etc.), or other materials that tend to create a noxious or annoying smoke discharge are not allowed. This Section does not allow for below ground campfires or other device fires not clearly authorized in this Section or Section 5-2-10(b). Upon the complaint of two (2) or more persons to the Police or Fire Department that the patio fireplace is causing annoyance, the person responsible for the patio fireplace shall immediately discontinue the use of the device.

## **Sec. 5-2-13 Outdoor Solid Fuel Heating Devices.**

- (a) **Definitions.** The following definitions shall be applicable herein:
- (1) **Outdoor Solid Fuel-Fired Heating Device ("Wood Burning Unit").** A device designed for outside solid fuel combustion so that usable heat is derived for the interior of the building, and includes solid fuel-fired cooking stoves, and combination fuel furnaces or boilers which burn solid fuel including outdoor wood or corn burning units.
  - (2) **Stacks or Chimneys.** Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel-fired heating device; especially that part of such structures extending above a roof.
  - (3) **Person.** An individual, partnership, corporation, company or other association.
  - (4) **Public Nuisance.** Any act or failure to perform a legal duty required by this Section is declared a public nuisance.
- (b) **Outdoor Solid Fuel-Fired Heating Devices Restricted.** The City of Abbotsford does hereby intend by this Section to prohibit all outdoor solid fuel-fired heating devices within the City limits.

## **Sec. 5-2-14 Ambulance Service Fees.**

- (a) **Ambulance Service Fees Established.** To assist in defraying the cost of providing ambulance services, charges are established under Section 1-3-1 for ambulance use, mileage and layover time.

- (b) **Collection Procedures.** The Central Fire and EMS District shall bill the user, or the user's estate, within ten (10) days after the rendering of the service, or, in the event of an estate being probated, shall file a claim with the Register in Probate in the appropriate county where the estate is being probated as soon as the estate is opened. Statements rendered shall bear a notation that interest shall be charged at the rate of 1.5% per month if the statement is not paid within thirty (30) days. After thirty (30) days, a second installment shall be sent by the secretary, and if payment has not been received, with appropriate interest added to the statement, a third notice shall be sent after sixty (60) days, with interest compounded at the rate specified. If the statement is not paid within ninety (90) days from the date first rendered to the user of the ambulance service or the estate, the outstanding bill shall be referred to the City Attorney for collection. If the City Attorney determines that it is not feasible or cost-effective to collect the account through regular legal procedures, he/she is authorized to refer the unpaid account to a collection agency for collection.



## Title 5 ► Chapter 3

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# Fire Prevention Code; Hazardous Materials

- 5-3-1** Adoption of Fire Prevention Codes
- 5-3-2** Disclosure of Hazardous Material and Infectious Agents;  
Reimbursement for Cleanup of Spills
- 5-3-3** Fees for Extraordinary Services; Hazardous Material  
Incident Response Reimbursement
- 5-3-4** Smoke Detectors

### Sec. 5-3-1 Adoption of Fire Prevention Codes.

- (a) **State Administrative Codes Adopted.** The following rules and regulations as promulgated within the Wisconsin Administrative Code, together with any future additions, deletions, or supplements thereto, are herewith incorporated as part of this Chapter and shall be enforced with the same force and effect as though set forth in full herein. Provided, however, that where such rules and regulations are less stringent than other provisions found in this Chapter, the provisions of this Chapter shall apply:
- (1) Ch. SPS 307, Wis. Adm. Code — Explosives and Fireworks.
  - (2) Ch. SPS 310, Wis. Adm. Code — Flammable, Combustible and Hazardous Liquids.
  - (3) Ch. SPS 314, Wis. Adm. Code — Fire Prevention.
  - (4) Ch. SPS 316, Wis. Adm. Code — Electrical Code.
  - (5) Chs. SPS 320–325, Wis. Adm. Code — Uniform Dwelling Code.
  - (6) Ch. SPS 320, Wis. Adm. Code — Smoke Detectors.
  - (7) Ch. SPS 330, Wis. Adm. Code — Fire Department Safety and Health.
  - (8) Ch. SPS 343, Wis. Adm. Code — Anhydrous Ammonia Code.
  - (9) Chs. SPS 361-366, Wis. Adm. Code — Commercial Building Code.
  - (10) Chs. SPS 375-379, Wis. Adm. Code — Buildings Constructed Prior to 1914.
  - (11) Chs. SPS 381-387, Wis. Adm. Code — Plumbing Code.
- (b) **Adoption of NFPA Codes.** The following rules and regulations issued by the National Fire Protection Association (NFPA), together with any future additions, deletions or supplements thereto, are herewith adopted and incorporated by reference as part of this Chapter and shall be enforced with the same force and effect as though set forth in full herein. Provided,

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however, that where such rules and regulations are less stringent than other provisions found in this Code, the provisions of this Chapter shall apply:

- (1) Fire Prevention Code, NFPA 1, except for 3-2 3.1 and 7-1.2.
  - (2) Safety to Life from Fire in Buildings and Structures, NFPA 101.
  - (3) Water-based Fire Protection Systems, NFPA 54.
  - (4) Spray Applications Using Flammable or Combustible Materials, NFPA 33.
  - (5) National Fuel Gas Code, NFPA 54.
  - (6) Storage and Handling of Liquid Petroleum Gases Code, NFPA 58.
  - (7) Aircraft Fuel Servicing, NFPA 407.
- (c) **Statutory Fireworks Regulations.** Section 167.10 of Wis. Stats., pertaining to Regulation of Fireworks, together with any future additions, deletions, or supplements thereto, are herewith incorporated as part of this Chapter and shall be enforced with the same force and effect as though set forth in full herein. Provided, however, that where such rules and regulations are less stringent than other provisions found in this Chapter, the provisions of this Chapter shall apply. Notwithstanding any provisions of this Chapter to the contrary, no person may sell, possess or use fireworks, as that term is defined by Sec. 167.10(1), Wis. Stats., as may be amended from time to time, within the City of Abbotsford; except that the use of fireworks may be allowed by appropriate Permit issued by the Mayor (see Section 7-5-1).

## **Sec. 5-3-2 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;

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- 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 of Abbotsford for actual and necessary expenses incurred by the City or its agents and public safety authorities 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. 5-3-3 Fees for Extraordinary Services; Hazardous Material Incident Response Reimbursement.**

- (a) **Purpose; Authority.**
- (1) The City of Abbotsford provides fire, police and other response services for the protection of the public health, safety and welfare, the costs of which are funded from the general tax revenue of the City. Such services may involve property which is not owned by a property taxpayer of the City of Abbotsford such as utility transmission and telephone lines, gas lines, cable television equipment, or hazardous materials, or may involve property owned by a taxpayer of the City, but which requires extraordinary response services, such as an open burning site or a hazardous substances or hazardous waste handling or storage site. Such response services benefit the owner or person in charge of such property and the public health, safety and welfare; and
  - (2) The City of Abbotsford, pursuant to its police powers may collect the costs of such response services from the owner or person in charge of the property if it is deemed proper and in the best interest of the public health, safety and welfare.
- (b) **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 unto the ground, surface waters, subsurface waters, or aquifers, or within the City of Abbotsford, except those areas specifically licensed for waste disposal or landfill activities 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.

(c) **Definitions.**

- (1) **Hazardous Substances or Hazardous Waste.** As defined in Sec. 289.01(11) and (12), Wis. Stats.
- (2) **Property.** The personal property or real estate directly involved in the response services, including but not limited to, utility transmission or telephone line, gas line, cable television equipment, open burning site or hazardous substance or hazardous waste handling or storage site.
- (3) **City Response Services.** City of Abbotsford police, fire, utilities, public works, or other similar response services.
- (4) **Emergency Services Response.** Includes, but is not limited to: Fire Service, Emergency Medical Service, Law Enforcement. A person, firm, or corporation who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall be responsible for reimbursement to the responding agencies for actual and necessary expenses incurred in carrying out their duties under this Chapter. 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, specific laboratory expenses incurred in the recognition and identification of hazardous substances in the evaluation of response, decontamination, costs incurred in the procurement and use of specialized equipment specific to the incident, clean up and medical surveillance, and incurred costs in future medical surveillance of response personnel as required by the responding agencies medical advisor.

(d) **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 City Police Department and Fire Department personnel for the purpose of evaluating the threat to the public and monitoring containment, cleanup and restoration activities.

(e) **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 Mayor, his/her assistant, or the senior City police 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 Common Council can take appropriate action.

(f) **Enforcement.** The Fire Chief and his/her deputies, as well as City law enforcement officers, shall have authority to issue citations or complaints under this Section.

(g) **Civil Liability.** Any person, firm or corporation in violation of this Section shall be liable to the City for any expenses incurred by the City or loss or damage sustained by the City of Abbotsford by reason of such violation.

(h) **Responsibility for Costs.**

- (1) In the event the Common Council determines the costs incurred for City response services are extraordinary in amount or the services for which the costs are incurred

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- are extraordinary in type, the Common Council shall review and determine whether to seek reimbursement for the extraordinary costs from the owner of the property. The Council shall consider the amount of the costs involved, the nature of the response services, the impact of the response on other City services, and such other factors it deems appropriate in making its determination.
- (2) The Common Council may direct the City Clerk-Treasurer to issue an invoice for the costs of labor and materials, or a portion thereof, to the owner or person in charge of the property. The invoice shall include an itemization of the costs and a requirement for payment within thirty (30) days.

**Sec. 5-3-4      Smoke Detectors.**

- (a) All dwelling rental units, vacant or occupied, shall be provided with working, approved, listed and labeled smoke detectors. Smoke detectors shall be installed in accordance with SPS 320, Wis. Adm. Code, that governs the dwelling building and in accordance with the manufacturer instructions.
- (b) The owner of the building shall be solely responsible for the installation and maintenance of smoke detectors, to include battery replacement as required.
- (c) The tenant shall be responsible for informing the owner in writing of any smoke detector malfunction, including the need for a new battery.
- (d) The owner shall immediately upon receipt of written notice from the tenant repair/replace the smoke detector or replace the battery as needed.
- (e) Neither the owner nor the tenant shall remove or disconnect the battery from a smoke detector at any time except for battery replacement.
- (f) The owner shall install new batteries in all smoke detectors at the beginning of a new lease or new tenancy and shall install new batteries annually.
- (g) The owner shall furnish to the tenant at the beginning of a new lease or new tenancy, written notice of the responsibilities of the tenant and the obligations of the owner regarding smoke detectors, their batteries and their maintenance.

## Title 5 ► Chapter 4

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# Regulation of Alarm Systems

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

This Chapter shall be known as the City of Abbotsford 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 lessors 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.**
  - (1) Any person, business, corporation or other entity having permissible alarm system with alarm device(s) at one or more locations in accordance with this Chapter shall pay to the City a charge for false alarms responded to by the Police or Fire Department according to the schedule for each calendar year for each location connected (separate accounts to be kept for false alarms as to criminal activity and false alarms for fire or other emergencies), per Section 1-3-1.
  - (2) 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. 66.0407, Wis. Stats.

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

The City of Abbotsford 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 permit fee as prescribed in Section 1-3-1.
- (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.

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