

4.01 Repealed (Ord. # 04-10)

4.02 Repealed (Ord. # 04-10)

4.03 Repealed (Ord. # 04-10)

4.04 Reserved

4.05 OPERATION

The operation of the Fire Department shall be consistent with the By-Laws as recommended by the Fire Department members and as approved by the Commission.

4.06 POWERS AND DUTIES OF CHIEF

(1) GENERAL SUPERVISION. The Chief shall have general supervision of the Fire Department, subject to this chapter and the By-Laws of the Fire Department.

(2) REPORTS. The Chief shall submit such written reports to the Commission as the Commission deems desirable, but an annual report for a fiscal year ending June 30th shall be submitted not later than September 1 of each year. This report shall detail the condition of the various pieces of apparatus and equipment, the number of fires, the total number of active members in the department and resignations and expulsions from the department, and the drill and training program of the department occurring since the previous reports.

(3) FIRE AND RESCUE RECORDS. The Chief shall keep a record of every fire and rescue to which any company was called and shall enter in such record the locality of fire and/or rescue, time alarm was received, cause of fire and/or rescue, where fire started, cause of delay (if any) in responding, equipment used and number assigned to each, estimated time rescue was completed, estimated time fire was extinguished, names of persons responding and hours expended. Such record shall be filed with the Commission within ten (10) working days of the first of each month for the previous months operations along with any other record of expended hours for the month that will result in payment of wages.

(4) INVENTORY. The Chief shall keep an inventory of all apparatus and equipment and an inventory of all hose, showing dates and results of tests on each length, which shall be individually identified.

(5) OTHER DUTIES. The Chief shall perform such other duties as are incumbent on the commanding officer of the Fire Department as determined by the Commission.

(6) WISCONSIN ADMINISTRATIVE CODE. The Chief shall comply with the Wisconsin Administrative Code rules of Department Commerce Flammable and Combustible Liquids, specifically Section 10.844 relative to requirements for record keeping.

(7) RESIDENCY. Residency for the Fire Chief is defined as must reside within Waukesha County within twelve months of the completion of a twelve-month introductory period. (Cr. #08-08; Rep. & Rec. #08-14, #09-15, #09-17)

4.07 CARE AND PROTECTION OF APPARATUS.

(1) CONTROL AND MAINTENANCE OF APPARATUS. The Chief shall have control of all apparatus used by the Fire Department and shall be responsible for its proper maintenance.

(2) USE OF EQUIPMENT. No apparatus shall be used for any purpose except for fire fighting, or in training therefore, unless the Chief and Mayor or its designates have given their approval on such use. With the approval of the Chief, Mayor or designates, such apparatus may be used for purposes other than fire fighting or in training therefore.

(3) PROTECTION OF EQUIPMENT. No person shall willfully injure in any manner any hose, hydrant, or fire apparatus belonging to the Department, and no vehicle shall be driven over any unprotected hose of a fire department when laid down in 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.

4.08 POLICE POWER OF DEPARTMENT

(1) POLICE AUTHORITY AT FIRES. The Chief and assistants or officers in command at any fire are hereby vested with full and complete police authority at fires. The Chief or any assistant or 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) PRESCRIBED LIMITS AT FIRE. The Chief or any assistant or officer may prescribe certain limits in the vicinity of any fire within which no persons, excepting firemen and law enforcement officers and those admitted by order of any officer of the Department, shall be permitted. The Chief or any assistant or officer may 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 they may order the removal or destruction of any property necessary to prevent the further spread of the fire. They may 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 fire department during the progress of a fire. (Rep. & Recr. 09-21)

4.09 FIRE INSPECTOR: DUTIES

(1) CHIEF AS FIRE INSPECTOR. The Chief shall hold the office of the fire inspector, with power to appoint one or more deputy fire inspectors as is deemed necessary who shall perform the same duties and have the same powers as the fire inspector.

(2) COMPLIANCE WITH THE DEPARTMENT OF COMMERCE. The fire inspector shall comply with State Department of Commerce regulations.

(3) NOTICE OF FIRE HAZARD. Whenever in the City of Pewaukee any inspection by the Fire Chief or deputies reveals a fire hazard, the Chief or deputies shall serve a notice in writing upon the owner of the property giving said owner a reasonable time in which to remove the hazard. If the property owner believes that time allowed is unreasonable, he or she may appeal to the Commission. If the fire hazard is not removed within the time allowed, the Chief or designee may have the same removed by the Department, and the cost of such removal shall be placed on the tax roll as a special charge.

(4) WRITTEN RECORDS OF INSPECTIONS. The Chief shall keep a written record of each property inspected which shall conform to the requirements of the State Department of Commerce and shall make the quarterly report of inspections required by the State Department of Commerce.

(5) FREE ACCESS TO PROPERTY. No person shall deny the Chief or designee free access to any property within the City of Pewaukee at any reasonable time for the purpose of making fire inspections. No person shall hinder or obstruct the fire inspector in the performance of duty or refuse to observe any lawful direction given.

4.10 RESCUE SERVICE

The Fire Department shall provide emergency rescue service and all necessary records as required by the Emergency Medical Services of the State of Wisconsin.

4.11 INTERNATIONAL FIRE CODE ADOPTED (Repealed & Recreated 05-3)

The International Fire Code, hereinafter "IFC", as set from time to time may be amended, is hereby adopted as though fully set forth herein, with the following exceptions:

(a) Chapter 1, "Administration", of the IFC is not included as part of the adoption of the IFC.

(b) Chapter 34, "Flammable and Combustible Liquids", is not included as part of the adoption of the IFC.

4.12 FALSE FIRE AND EMS ALARMS (Rep. & Rec. 04-14)

(1) INTENT. The intent of this chapter is to regulate the use of alarm systems in the City of Pewaukee, and to prevent carelessness, improper maintenance and/or other acts or omissions which cause or result in false fire and/or emergency medical services (EMS) alarms. Such false alarms initiate fire and/or EMS personnel and equipment responses, cause or result in unnecessary expense to the City, increase the risk of damage to property or injury to persons and dilute the level of fire protection and emergency medical services available to other areas of the City.

(2) DEFINITIONS

Alarm Coordinator means the person(s) designated to administer, control, and/or maintain the records involving false alarms.

Alarm Site means a single residence location, a multi-tenant location and any property, as referenced and further defined in § 3 b. (4) of this section, which is served by an alarm system or systems.

Alarm System means any mechanical, electrical or radio-controlled device or system, including, but not limited to, local alarms designed to emit, transmit or relay a signal or message, and which, when activated, is intended to summon, or would reasonably be expected to summon, fire or EMS services of the City. ALARM SYSTEM does not include:

- (1) An alarm installed on a vehicle, unless the vehicle is permanently located at a site; or
- (2) An alarm designed to alert only the inhabitants of a residence and which does not constitute a local alarm.

False Alarm means the activation of an alarm system signal or message which elicits notification to and/or response by the City of Pewaukee Fire Department and/or Emergency Medical Service, whether the activation is intentional, accidental or otherwise, and where there is no evidence of a fire, medical emergency or other activity which warrants a call for immediate fire or emergency medical assistance. This may include, but is not limited to, an alarm discovered by a firefighter or emergency medical technician before notification of said alarm from an alarm company, or a local alarm system, that is not monitored.

Fire or Emergency Medical Alarm means a system or portion of a communication system consisting of components and circuits arranged to monitor and enunciate the status of fire or medical emergency or supervisory signal initiating devices which are intended to summon fire or emergency medical services.

Local Alarm means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of the structure.

(3) SERVICE FEES

(a) Each time the fire department or emergency service personnel respond to a false alarm activation, the fire chief may, in his/her discretion, report the incident to the Alarm Coordinator for assessment of a service fee, as provided in subsection b. below.

(b) A service fee for excessive false activations may be charged as shall be established from time to time by resolution of the Common Council. (Rep. & Rec. 06-17)

(4) SERVICE FEES NOT CHARGED. No service fee shall be charged for a false activation caused by any of the following circumstances:

- (a) Electrical storms, tornados or other acts of God where there is clear evidence of physical

damage to the alarm system;

(b) Intermittent disruptions of telephone circuits beyond the control of the alarm site owner; and

(c) Electrical power or other power disruptions, exceeding two hours and is beyond the control of the alarm site owner.

(5) SERVICE FEES CHARGED AGAINST THE PROPERTY. All false activation fees shall be charged against the property owner and are due and payable within thirty (30) days from the date of invoice. Any delinquent service fees shall be assessed against the property as a special charge for current services, pursuant to § 66.0627 of the Wisconsin statutes.

4.13 RESIDENTIAL STORAGE OF GASOLINE

(1) STORAGE OF INFLAMMABLE LIQUIDS. No person corporation or organization shall store, accumulate, harbor or permit to be stored on any premises in the City of Pewaukee that are utilized as residential uses any gasoline, petroleum or other inflammable liquids that exceed a flash point of one hundred (100) degrees in excess of twelve (12) gallons.

(2) PERMITS. No permits will be granted and no person, organization or corporation will be permitted to install, on any residential premises in the City of Pewaukee, any storage tanks or storage facilities underground or above ground in excess of twelve (12) gallons.

(3) PENALTY. Any person, organization or corporation violating the terms of this Ordinance shall immediately upon notice from the City remove said storage tank or facility. In addition to the immediate removal of the facility any person, violating the terms of this Ordinance after notice shall be subject to the penalties contained in Chapter 25 of the Municipal Court of the City of Pewaukee.

4.14 LOCK BOX REQUIREMENTS

(1) GENERAL.

(a) This section will provide the Fire Department with means of rapidly entering a property in the event of a fire, medical emergency or other emergency. The use of a secured access key will reduce the amount of property damage and increase effectiveness of Fire Department operations. This section will apply to all new buildings and existing buildings.

(b) A lock box is a secured box or vault that may, at the owner's option, contain keys for exclusive emergency Fire Department use. Only Pewaukee Fire Department shall have access to the master key for any lock box.

(c) Lock Boxes shall be installed in the following new buildings:

1. Buildings that have a fire suppression system or fire alarm system.
2. In all residential occupancies that have more than two (2) units and have a common area.
3. In any nonresidential buildings over 1,500 square feet.

(d) Lock Boxes shall be installed in the following existing buildings:

1. Any building that meets the requirements for new buildings and has a change on occupant (for nonresidential buildings), or change in owner or when more than 50% of the building is remodeled.
2. In any building where lack of access may result in the loss of life, large property or environmental damage based on factors but not limited to; fire load, occupant load, exposures, building construction, age of building and storage or use of hazardous materials.

(e) A lock box shall not be required for nonresidential buildings when a person is on site at all

times. This person must have keys and the ability to access all areas of the building(s).

(2) INSTALLATION AND MAINTENANCE.

(a) The building owner or occupant shall be responsible for purchasing an approved lock box and providing the proper keys for access to all areas.

(b) The lock box shall be installed in an accessible location approved by the Fire Department.

(c) A minimum of one lock box shall be provided for each building. The Fire Department may require more than one lock box for large buildings.

(d) The building owner or occupant must notify the Fire Department, Bureau of Inspections when keys or locks are changed.

(3) ILLEGAL TAMPERING. It shall be unlawful to tamper or remove any Lock Box installed within the City or Village of Pewaukee.

4.15 INSTALLATION OF SPRINKLER SYSTEM.

(1) (a) **PURPOSE.** Whereas automatic fire sprinkler systems are one of the most effective means of protecting life and property from the effects of fire, this section is created to provide rules and regulations for contractors and property owners for the installation and maintenance of sprinkler systems. These regulations shall apply to new and existing buildings. (Created 05-2)

(b) **DEFINITIONS.** The occupancies, uses and structures described herein shall be defined in accordance with COMM Chapters 1-202, Wis. Adm. Code. (Renumbered 05-2)

COMM: Wisconsin Department of Commerce.

F.D.C.: Fire Department Connection.

N.F.P.A.: National Fire Protection Association.

Combustible liquid: A liquid having a flash point at or above 100 degrees Fahrenheit (37.8 degrees Celsius).

Flammable liquid: A liquid having a flash point below 100 degrees Fahrenheit (37.8 degrees Celsius).

(2) **NEW BUILDINGS.** Automatic fire sprinkler systems shall be installed and maintained in operable condition in the following new buildings: (Repealed & Recreated 05-2)

(a) Within all new factories, workshops, office buildings, mercantile establishments, warehouses, passenger terminals, exhibition buildings, motor vehicle garages, motor vehicle storage garages, body shops, and places of public assembly where:

1. The plans for the building were submitted before July 1, 2002, and construction of the building has not commenced and the building is Class 1 or Class 2 fire resistive construction and is 10,000 square feet or more in total area; or,

2. The building is 6,000 square feet or more in total area; or,

3. Required by Wisconsin Administrative Code COMM Ch. 61-65; or,

4. The building has three (3) interior stories or more in height regardless of the amount of building square footage; or,

5. If a vehicle can be parked in any basement or sub-basement of a motor vehicle repair

garage, motor vehicle storage garage or body shop.

(b) Within the following new residential buildings:

1. Buildings subject to Wis. Adm. Code COMM 61-65 in which case, the automatic sprinkler system shall be in accord with the provisions of COMM § 62.0903, Wis. Adm. Code;
2. Motels; hotels; dormitories; homes for the aged; shelter facilities for battered women serving more than twenty (20) occupants; rooming houses; convents and monasteries; and community based residential facilities serving nine (9) or more unrelated adults.

(c) Within new theaters and buildings of public assembly with over 100 person capacity; health care facilities including hospitals, nursing homes, convalescent and group care centers; detention and correctional facilities; public or private day care facilities licensed to accommodate twenty (20) or more children.

(d) Within new schools, colleges and universities where:

1. The areas in buildings of Class 1 or Class 2 fire resistive construction contain:
 - a. Woodworking, auto, and machine shops.
 - b. All areas where more than 10 gallons of flammable or combustible liquids are stored.
2. The buildings are Class 3 - 8 non-fire resistive construction, regardless of size.

(e) High hazard Construction or Occupancy: Within any new building or new occupancy which by reason of its construction, combustible operations or both is deemed a severe hazard to life or property by the Fire Chief or his assignee. This includes, but shall not be limited to the following operations:

1. Manufacturing, storage, handling, or spraying paint or varnish or other related operations;
2. Storage of combustible and flammable gases including, but not limited to acetylene, hydrogen, and liquid propane, in amounts exceeding 2,000 cubic feet;
3. Manufacturing and storing explosives and pyrotechnics;
4. Commercial building basements over 2,500 square feet, containing or storing combustible materials and not subject to the requirements of the Wisconsin Administrative Code.

(f) Exceptions: Automatic fire sprinkler systems are not required in the following when approved by the Fire Chief:

1. Rooms or buildings used for the manufacture or storage of aluminum powder, calcium carbide, calcium phosphate, metallic sodium or potassium, quick lime, magnesium powder, sodium peroxide or like materials where the application of water may cause or increase combustion;
2. The portion of a building or foundry used to melt and pour metal or glass into a mold or cast and portions of buildings used for heat treating operations;
3. In any building where the Fire Chief determines that the use of water as a fire extinguishing agent would increase the hazard. However, an automatic fire suppression system as defined in IBC Ch. 9 as adopted by the Wis. Adm. Code, COMM Ch. 61-65 using an extinguishing agent other than water, and/or an automatic smoke detection system shall be installed;
4. Church sanctuaries and church naves which are used exclusively for worship and

ceremonies.

(3) APPLICATION TO EXISTING BUILDINGS. (Repealed & Recreated 05-2, 10-10)

(a) Automatic fire sprinkler systems shall be installed and maintained in operable condition in existing public buildings or places of employment, within additions to existing public buildings or places of employment, where:

1. An addition is made to an existing building which contains an automatic fire sprinkler system;

(b) The building owner or occupants shall not make changes in the occupancy, use or processes utilized within, or materials used or stored in the building without evaluation by the City of Pewaukee Fire Department of the fire protection systems and their capability to protect the new occupancy's use of materials. The evaluation shall consider factors that include but are not limited to occupancy changes, process or material changes, or building renovations such as relocating walls, adding mezzanines and ceilings below sprinklers, the removal of heating systems and spaces with piping subject to freezing.

(c) Exceptions.

1. Remodeling of a structure which does not change the occupancy or hazard classification does not require the installation of an automatic fire sprinkler system.

2. Additions to existing buildings built prior to August 7th, 1996 that are without an existing fire sprinkler system may be permitted to expand, by not more than 50% of their existing square footage footprint, nor by more than 6,000 square feet, whichever is less, provided the building and addition is of a construction type other than Type V as defined in the International Building Code nor requires a fire sprinkler system.

(4) WAIVER FROM SPRINKLER REQUIREMENTS. (Cr. 09-03)

In the event that municipal water is unavailable to a new or existing building which is required to have a sprinkler system pursuant to subsections (2) and (3) above, the Common Council may issue a waiver only from the requirements found in §4.15 (2) and (3), in the following circumstances and upon compliance with the following conditions

1. The cost of obtaining municipal water to the property is cost prohibitive as determined by the Common Council; or the installation of a private water supply capable of meeting the water supply needs of an automatic sprinkler system is not feasible due to factors as determined by the City's Department of Public Works.

2. The structure(s) shall have monitored smoke and fire alarms installed;

3. The Fire Department has reviewed the waiver application and supporting documentation, if any, and has recommended approval;

4. The property owner shall install a sprinkler system that complies with the City's requirements within 6 months of municipal water availability;

5. The property owner shall record a deed restriction, in a form acceptable to the City's attorney, which states that the parcel has been relieved of compliance with the §4.15(2) or (3) of the City's code and that upon the availability of municipal water, the owner shall install a fully functional sprinkler system as required by §4.15, City of Pewaukee Code, within 6 months of municipal water being available to the property.

6. The property owner shall indemnify the City for any loss of structure, personal property,

injuries or death that may occur while the building does not have sprinkler system. The indemnification shall be in a form approved by the City attorney.

(5) APPROVAL OF PLANS AND SYSTEMS . (Repealed & Recreated 05-2)

(a) Prior to the installation of an automatic fire sprinkler system five copies of the plans and specifications shall be submitted to the Fire Prevention Bureau for its review. Approved plans shall be stamped "Conditionally Approved by the Fire Prevention Bureau", including the date of such approval, and the signature of the Officer granting approval. Three (3) copies shall be returned to the owner, and two (2) copies will be kept on file in the Fire Prevention Bureau. All sprinkler systems and plans must meet the standards of the N.F.P.A., Wisconsin Administrative Code COMM section and the Municipal Code of the City of Pewaukee.

(b) All plans submitted to the Fire Department shall be signed and sealed in accordance with Wis. Adm. Code COMM provisions.

(c) Conditional approval of the automatic fire sprinkler system plans by the fire Prevention Bureau is not intended to confirm the accuracy of any calculations or system design performed by the contractor. The contractor is responsible for the accuracy of any calculations or the system's design.

(d) No work may begin on installation of an automatic fire sprinkler system or alteration of a fire sprinkler system until it is approved by the Fire Prevention Bureau. If work is started before a plan has received conditional approval, all work must be stopped immediately.

(e) No automatic fire sprinkler shall receive final approval prior to an acceptance test performed by the Fire Chief or assignee. The building may not be occupied before the test is completed and approved. All acceptance tests will be scheduled by the Fire Prevention Bureau. No acceptance test will be conducted unless the Fire Prevention Bureau receives at least 48 hour advance notice.

(f) Additions or changes involving less than 20 sprinkler heads to an existing approved automatic fire sprinkler system requires a letter from the owner or occupant of the building to the Fire Prevention Bureau describing the installation including a sketch of the proposed additions or changes. The Fire Prevention Bureau may require a plan review that meets all of the requirements of this section.

(6) INSTALLATION. (Repealed & Recreated 05-2)

(a) Approved automatic fire sprinkler systems shall be installed in accordance with the standards of the current edition of N.F.P.A relating to the installation of sprinkler systems and other applicable standards of the Wis. Adm. Code COMM section, and the Municipal Code of the City of Pewaukee.

(b) Compressors for Dry Pipe Systems are required to be wired directly into the building's electrical power system.

(c) All compressors for Dry Pipe Systems will have low limit air switches, and alarms separate from any other alarms located on the premise.

(d) Hydrant water flow test data shall be performed no more than one (1) year prior to the submission of automatic fire sprinkler plans. The data shall be obtained in cooperation with the City of Pewaukee Water and Sewer Department. The Fire Department maintains the right to request new flow test to be performed.

(e) All fire alarm systems shall be interconnected. One horn strobe alarm shall be provided on the outside of the building by the F.D.C.

(7) MAINTENANCE OF EQUIPMENT. (Repealed & Recreated 05-2)

(a) Automatic fire sprinkler systems and standpipe systems shall be maintained in operative condition at all times.

(b) It shall be unlawful for any owner or occupant to reduce the effectiveness of the protection so required; except this shall not prohibit the owner or occupant from temporarily reducing or discontinuing the protection where necessary to make tests, repairs, alterations or additions.

(c) The Fire Prevention Bureau shall be notified when the system has been shut down for any reason, and a state licensed sprinkler contractor is not on site. The Fire Prevention Bureau shall be notified when the system has been restored to service. Notification of a shut down shall be in writing when feasible ahead of time. Notification of an emergency shut down may be made by telephone call to the Fire Prevention Bureau.

(8) INSPECTIONS. Every sprinkler system required by the Municipal Code, or by the Wisconsin Administrative Code shall be tested in accordance with N.F.P.A. 25. The results of the testing shall be kept on site and available for review by the Fire Prevention Bureau. (Repealed & Recreated 05-2)

(9) FIRE DEPARTMENT HOSE CONNECTIONS. Every automatic sprinkler system installed in new or existing buildings shall be equipped with at least one Fire Department hose connection at a location approved by the Fire Prevention Bureau and meeting Wis. Adm. Code standards (Repealed & Recreated #05-2)

(10) LICENSE REQUIRED FOR INSTALLATION, MAINTENANCE OR INSPECTION. (Created 05-2)

(a) No person may install, maintain or repair automatic fire sprinkler systems unless the person holds a license as required by COMM § 5.50, Wis. Adm. Code.

(b) No person may conduct annual inspection and testing of an existing automatic fire sprinkler system and its components unless the person holds a license as required by COMM § 5.50, Wis. Adm. Code.

(11) Fees for fire sprinkler plan reviews and site inspections shall be set from time to time by resolution of the Common Council. (Created 05-2)

4.16 OPEN BURNING

(1) PERMIT REQUIRED.

(a) No burning shall be permitted unless the owner of the property upon which burning is proposed first obtains a permit, approved by the Fire Chief and under proper safeguards prescribed for and issued only at the City Hall during regular business hours.

(b) Notwithstanding any other provision in this Section, if the burning of any material, either with or without a permit, intentional or not, results in failure to comply in full with the conditions of a burning permit, or if negligence in supervising and controlling the fire results in the dispatch and/or deployment of fire-fighting equipment or personnel to control or extinguish the fire or to protect life, buildings or adjacent property, in addition to other potential fines and forfeitures, the property owner shall be required to pay all costs and expenses incurred by the City for said fire or emergency call. Said costs and expenses shall be calculated by the City Clerk after consultation with the Fire Chief and will assess the cost of said fire or emergency call against the property as set forth in this section and pursuant to Section 66.0703, Wis. Stats.

(2) RESTRICTIONS ON BURNING.

(a) No person or corporation or their agent may burn garbage (including, but not limited to kitchen and garden waste) fresh cut grass, green grass, green leaves, green brush or any other

noncombustible material in the City.

(b) No person or corporation or their agent may burn any material within the public street, shoulders, gutters, storm water ditches, catch basins, or on other public property in the City except as set forth herein.

(c) No person living in a multi-family (3 or more) structure may burn any materials, and corporate owners of such structures in the City may not burn any materials on such premises except as set forth herein.

(d) No person living in a single or two family home may burn home generated combustible material in the City without a permit for such burning issued by the Fire Chief as set forth herein.

(e) No developer or contractor may burn any materials in the City.

(3) **COMMERCIAL/INDUSTRIAL BURNING PROHIBITED.** No burning permit shall be issued to commercial or industrial businesses nor shall commercial or industrial businesses be allowed to burn in an incinerator or rubbish container.

(4) **PROHIBITED ON PUBLIC PROPERTY.** No person shall kindle, start or maintain a fire upon public property within the City of Pewaukee except in designated picnic areas in the public parks where cooking fires may be maintained in permanent or portable enclosed grills. An adult person shall be in constant attendance of such "picnic" fire.

(5) **RULES FOR BURNING.**

(a) All burning pursuant to a permit shall be kindled or started no earlier than 7:00 a.m. and should be completely extinguished by 10:00 p.m., unless otherwise specified on the permit. All burning shall be conducted with the adult person named on the permit in constant attendance. The burning of refuse should be in its natural state, (grass, leaves, twigs, brush, branches, and untreated wood). Items that are prohibited to be burned are petroleum products, tires, plastics, insulation, garbage and treated building materials and any other item which may smolder or give off noxious odors.

(b) Burning of permitted materials should be accomplished in a metal, screened receptacle no larger than 55 gallons and approved by the Fire Chief or Fire Inspector.

(c) Burning of piled materials (brush and leaves) shall be confined to an area at least 50 feet from buildings and trees no larger than 6' x 6' x 4' and flames from such burning may not exceed 8 feet.

(d) No permit issued under this Section shall create a property right in the person receiving said permit, and said permit shall be limited to and shall be used in strict compliance with the terms and conditions specified therein, and shall automatically expire on the date specified on the permit.

(e) Bonfires/Campfires shall be allowed only under constant supervision in a contained burning pit. The actual fire area shall be in an enclosed fire ring of metal or masonry no larger than 5 feet in diameter. Flames from the fire shall be maintained at no higher than 6 to 8 feet. All fires must be completely extinguished by 10:00 p.m.

(f) Only owners of real estate may sign permits. A signed copy of the permit will be filed with the City Clerk.

4.17 STORAGE TANKS.

(1) In addition to all other requirements imposed by law, not less than five (5) days prior to the installation or upgrade of any Underground Storage Tank (UST) or Above Ground Storage Tank (AST) for storage of flammable or combustible liquid and not less than fifteen (15) days prior to the

removal of any such tank, the contractor performing said work shall give written notice to the City (Village) of Pewaukee certified UST/AST Inspector of said contractor's intention to perform said work.

(2) At the time said notice is filed, said contractor shall pay to the City Clerk the fee or fees set forth in Section 3 of this Ordinance.

(3) Fees for UST/AST Installation and Upgrade are as established from time to time by resolution of the Common Council. (Rep. & Rec. 06-17)

(4) Fees for UST/AST Removal: The fee for inspection related to the removal of any UST/AST in the City of Pewaukee, Wisconsin, shall be as established from time to time by resolution of the Common Council. (Rep & Rec. 06-17)

4.18 DESTRUCTION OF FIRE DEPARTMENT RECORDS

(1) **PURPOSE.** The purpose of this ordinance is to establish records retention schedules for Fire Department records and authorize destruction of Fire Department records pursuant to that schedule on an annual basis. Records custodians do not have the authority to destroy records prior to the established retention period unless such records have been photographically reproduced as original records pursuant to Section 16.61(7), Wis. Stats. and under this ordinance. If there is not a specific law requiring a specific retention period, all records must be kept 7 years, unless this ordinance specifies a shorter time period and the state Public Records and Forms Commission concurs with the proposed retention.

(2) **HISTORICAL RECORDS.** The State Historical Society of Wisconsin (SHSW) has waived the required 60-day statutory notice under Section 19.21(5)(d), Wis. Stats. for the records marked "W" which designates waived notice. SHSW must be notified prior to destruction of records marked "N" designating non-waiver. "N/A" indicates not applicable and applies to all records designated for permanent retention.

(3) **DESTRUCTION AFTER REQUEST FOR INSPECTION.** No requested record may be destroyed until after the request is granted or 60 days after the request is denied. If an action is commenced under Section 19.37, Wis. Stats., the requested record may not be destroyed until a court order is issued and all appeals have been completed.

(4) **DESTRUCTION OF RECORDS SUBJECT TO PENDING LITIGATION.** No records subject to pending litigation shall be destroyed until the litigation has been resolved.

(5) **MICROFILMING RECORDS.** Any Fire Department records can be kept on microfilm provided the applicable standards established in Section 16.61(7), Wis. Stats. are met. Factors such as retention periods and estimated costs and benefits of converting records between different medias should be considered in deciding whether or not to microfilm. The retention periods identified in this ordinance apply to records in any media.

(6) **LISTING OF RECORDS.**

	<u>Record</u>	<u>Retention</u>
a.	Inspection Reports	CR + 10 years
b.	Burning Permits	CR + 1 year
c.	Date Run Sheets	CR + 7 years
d.	Defibrillation Data Sheets	CR + 7 years
e.	Correspondence	CR + 1 year
f.	Purchase Orders	CR + 2 years

g.	Vehicle Maintenance Reports EVT	Life of vehicle
h.	Defibrillation Code Tapes	CR + 7 years
i.	EMS Reports	CR + 7 years
j.	Fire Reports	CR + 7 years
k.	HASMAT Records	CR + 10 years

LEGEND: CR means time is counted from creation or receipt of the record. EVT means an event such as filing a lawsuit or writing a ticket and time is counted from the date of this significant event. Unless specified all numbers above relate to years.

(7) REVIEW AND APPROVAL BY STATE PUBLIC RECORDS AND FORMS BOARD. This record has been reviewed and approved by the Public Records and Forms Board.

4.19 CHARGES FOR EMS SERVICES

Any person requiring the services of the EMS shall pay the fees for such services provided in such amounts as determined, from time to time, by separate resolution of the Common Council. If, following notice as provided under Section 66.0627, Wis. Stats., the cost for the EMS services to City residents remains unpaid, the City Clerk/Treasurer may place the amount owed on the real estate tax rolls of the City in November of each year and said levy shall be collected as a special charge pursuant to Section 66.0627, Wis. Stats.. These charges do not apply to any law enforcement officer, firefighter or City employee who, while on duty, requires the services of the EMS. (Rep. & Recr. 09-21)

4.20 REIMBURSEMENT FOR FIRE CALLS ON HIGHWAYS

(1) In the event the City of Pewaukee Fire Department or Emergency Medical Services equipment and personnel is dispatched to the scene of a motor vehicle accident within the City limits, those persons involved in the accident shall reimburse the City for the costs associated with providing the service, regardless of issues of fault or causation, etc., at a rate to be determined from time to time by resolution of the Common Council, unless such persons are a resident of the City of Pewaukee. Proof of residency within the City may be required and can be established through proof of ownership, lease or rental agreement for a residential dwelling; utility bills for a residential dwelling; or other evidence acceptable to the City Clerk, who shall be the final decision maker as to residency.

(2) The Fire Department and City Clerk shall apply for reimbursement to the Wisconsin Department of Transportation for fire calls that occur on State or Federal Highways within the City of Pewaukee limits as provided for under §62.13(8), Wis. Stats., and Wisconsin Administrative Regulations. The City shall apply for reimbursement only for incidents involving non-residents. Such reimbursement, if any from the State, does not relieve non-resident individuals involved in the incident from their reimbursement responsibilities under this ordinance.

4.21 DEFINITIONS (Cr. #01-16)

(1) Definitions:

(a) Within this ordinance, the term "hazardous materials(s)" shall have that meaning as defined in the International Fire Code or the National Fire Protection Pamphlet 1670 or 472.

(b) Within this ordinance the term "technical rescue" shall have that meaning as defined in the National Fire Protection Pamphlet 1670 or 472.

(2) Any person who possesses or controls a hazardous material(s) which is discharged or who causes the discharge of a hazardous material(s) whether accidentally, negligently or intentionally which effects public or private property; public or private streets or alleys; or onto the ground waters, surface waters, subsurface waters or aquifers within the City of Pewaukee shall be responsible for the reimbursement of the responding agency, including but not limited to fire service, emergency medical

service and law enforcement, for actual and necessary expenses incurred in carrying out their duties under this section.

(3) Any person who requires a technical rescue within the City of Pewaukee shall be responsible for the reimbursement of the responding agency, including but not limited to fire service, emergency medical service and law enforcement, for actual and necessary expenses incurred in carrying out their duties under this section.

(4) For purposes of this ordinance, actual and necessary expenses shall include any amount over and above the Basic Costs for Services as determined by the current (at the time the service is rendered) Waukesha County Mutual Aid Fee Schedule, for the following items which includes but is not limited to:

- abatement or clean up of the hazardous material;
- cost of equipment operations;
- cost of materials utilized, including the replacement of equipment damaged by hazardous materials;
- costs of third party specialists, experts or contract labor necessary to abate or clean up the material or to conduct the rescue;
- costs of cleaning, decontaminating and maintaining equipment specific to the incident;
- costs of laboratory expenses incurred in recognizing and identifying hazardous material(s) in evaluation of the response, decontamination, cleanup and medical surveillance;
- costs for future medical surveillance of response personnel as required by the responding agencies' medical advisor; and,
- labor costs such as overtime.

(5) The provisions of this ordinance are in addition to any other available remedies provided by law for the collection of reimbursement for the services described herein.

4.22 FIRE INSPECTION OF COMMERCIAL STRUCTURES (Cr. #07-14)

The Schedule of Fees for Fire Prevention Inspections shall read as follows:

- A. An annual fire prevention fee shall be charged to the property owner for the required inspection of each building, structure and premises in the city. This fee shall apply to taxable and tax-exempt properties alike.
- B. The fees shall be established, from time to time, by separate resolution of the Common Council and are for all buildings that fall under the Wisconsin Commercial Code and based on the following square footage schedule (square footage refers to the total floor area of any building or structure):
 - 1. Under 2,500 square feet
 - 2. 2,500 to 5,000 square feet
 - 3. 5,000 to 10,000 square feet
 - 4. 10,000 to 25,000 square feet
 - 5. 25,000 to 50,000 square feet
 - 6. 50,000 to 100,000 square feet
 - 7. 100,000 square feet and over
 - 8. Residential Multi-Family Buildings
- C. The annual fire prevention inspection fee shall constitute a special charge against the property, and any fee not paid by the date specified shall be extended upon the tax roll as a delinquent tax against the property and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes apply to the delinquent fee under the provisions of Section 66.0703 (13), Wis. Stats.
- D. All buildings, structures, and premises owned by the City of Pewaukee shall be exempt from the annual fire prevention inspection fee.

4.25 PENALTY

Any person who shall violate any provision of this chapter or any order, rule or regulations made hereunder shall be subject to a penalty as provided in Section 25.04 of the City of Pewaukee Municipal Code.