

## TITLE 5

### Public Safety

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## CHAPTER 1

### Law Enforcement

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#### **SEC. 5-1-1 ORGANIZATION OF POLICE DEPARTMENT.**

(a) **Police Department Organization.** The City of Plymouth Police Department shall consist of a Chief of Police and such other officers, assistants, and patrolmen as from time to time may be appointed, pursuant to the provisions of the Wisconsin Statutes, the ordinances, and resolutions of the Common Council.

(b) **Chiefs.** The Board of Police and Fire Commissioners shall appoint the Chief of Police and the Chief of the Fire Department, who shall hold their office during good behavior, subject to suspension or removal by the Board pursuant to state law.

(c) **Subordinates.**

- (1) The Chiefs shall appoint subordinates subject to approval by the Board. Such appointments shall be made by promotion when this can be done with advantage, otherwise from an eligible list provided by examination and approval by the Police and Fire Commission.
- (2) For the choosing of such list, the Board shall adopt and may repeal or modify rules calculated to secure the best service in the departments. These rules shall provide for examination of physical and education qualifications, habits, reputation and experience and

may provide such competitive examinations as the Board shall determine and for the classification of positions with special examination for each class. The Board shall print and distribute the rules.

#### **SEC. 5-1-2 RECORDS AND REPORTS.**

(a) **Monthly Reports.** The Chief of Police shall submit a monthly general report to the Mayor and Common Council of all activities of the Department during the preceding month.

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

#### **SEC. 5-1-3 GENERAL POWERS OF POLICE OFFICERS.**

Every member of the Police Department shall:

(a) Familiarize himself with the ordinances of the City and the statutes and attend to the enforcement of such ordinances by all lawful means.

(b) Help prevent crimes, misdemeanors and violations of City ordinances and protect the health, safety, public peace and order of the City and its inhabitants.

(c) Report all street and sidewalk obstructions, unlighted street lamps, unlawful street signs or signals, and defective or dangerous streets and sidewalks to the appropriate person or organization responsible for their repair or service.

(d) Maintain order at the scene of a fire or any other fire response within the City.

(e) See that the necessary permits and licenses issued by the State or City are in the possession of or properly displayed by any person engaged in an activity or business within the City for which such permit or license is required and that the terms of such permits or licenses are complied with.

(f) Perform such other lawful duties as ordered by the Chief of Police or his authorized representative.

#### **SEC. 5-1-4 RESPONSIBILITIES OF CHIEF OF POLICE.**

(a) **Duties.** In addition to the duties imposed upon him elsewhere in this Code of Ordinances, the Chief of Police shall:

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

(b) **Custody of Department Equipment.** The Chief of Police shall be the custodian of all City property, equipment and supplies under the control of, or used by, the Police Department and shall be responsible for the care, maintenance, safeguarding and accurate records of such property, equipment, and supplies.

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

#### **SEC. 5-1-5 RULES AND POLICIES FOR THE POLICE DEPARTMENT.**

The Chief of Police shall establish and promulgate Rules of Conduct, Directives and Policies and Procedures and prescribe such duties for individual members as he may deem necessary for the effective and efficient command and operation of the Department; provided no such Rules of Conduct, Directive or Policy Procedure duties or assignment shall be in conflict with the statutes, ordinances and approved City personnel rules and regulations. The Chief of Police shall prepare a policy manual which shall be reviewed and updated annually.

#### **SEC. 5-1-6 MAINTENANCE OF PERSONNEL RECORDS AND PERFORMANCE EVALUATIONS.**

The Chief of Police shall cause to be maintained adequate personnel records of employment, assignment, promotions, attendance, performance and training for all members of the Department. He shall also comply with all provisions of the Law Enforcement Standards Board in regard to background investigations. He shall keep himself adequately informed of the activities of the Department and be assured that the duties of his subordinates are properly discharged.

#### **SEC. 5-1-7 POLICE CHIEF'S RESPONSIBILITY FOR TRAINING.**

The Chief of Police is responsible for the training of all members of the Department. He shall cause adequate and progressive programs of training to be organized and conducted to prepare Department members in the knowledge, procedures, and techniques of their duties and responsibilities. He will insure that, within budgetary limitations, members of the Department attend training courses, seminars, and conferences necessary to maintain and improve their job skills and professional knowledge. He shall encourage Department members to further their education in Law Enforcement through study, special courses, college attendance, extension programs, and independent readings.



## CHAPTER 2

### Fire Prevention

5-2-1	Fire Department Organization; Goals of the Department
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#### **SEC. 5-2-1 FIRE DEPARTMENT ORGANIZATION; GOALS OF THE DEPARTMENT.**

##### **(a) Fire Department Established.**

- (1) The Plymouth Volunteer Fire Department shall be responsible for the program of fire protection for the citizens and property within the City of Plymouth. The Plymouth Volunteer Fire Department is hereby officially recognized as the Fire Department of the City. The duty of fire fighting and prevention of fires in the City is delegated to such department. Its organization and internal regulations shall be governed by the provisions of this Chapter.
- (2) The Fire Department is hereby authorized and directed to adopt bylaws for the social management and regulation of business and proceedings of the Department, which bylaws, after adoption by a two-thirds (2/3) vote of all members of the Department, shall not become effective and operative until presented to and approved by the Common Council. Amendments shall be adopted in the same manner.
- (3) Members of the Plymouth Volunteer Fire Department shall have permanent residence or primary employment within a ten (10) mile radius of the fire department headquarters.

##### **(b) Goals of the Fire Protection Program.**

- (1) The primary objective of the fire protection program is to serve all citizens without prejudice or favoritism, by safeguarding, collectively and individually, their lives against the effects of fires, explosions, and other hazards.

- (2) The second objective of the fire protection program is to safeguard the general economy and welfare of the community by preventing major conflagrations and the destruction by fire of industries and businesses.
- (3) The third objective of the fire protection program is to protect the property of all citizens against the effects of fire, explosions, and other hazards. All property deserves equal protection, regardless of location or monetary value.

(c) **Fire Department; How Constituted.** The officers of the Plymouth Fire Department shall consist of a Chief, appointed by the Fire and Police Commission, a 1st Assistant Chief, a 2nd Assistant Chief, three (3) captains, and three (3) lieutenants. All officers subordinate to the Chief shall be appointed by the Chief subject to approval by the Police and Fire Commission of the City of Plymouth pursuant to the provisions of Wisconsin Statutes 62.13 (4), with qualification for appointment based upon examination approved by the Police and Fire Commission evidencing qualification for the position to which appointment is to be made. Social officers shall be as determined and elected by the members of the department.

(d) **Accounts and Property of the Fire Department.**

- (1) All expenditures for equipment and supplies shall first be approved by the Police and Fire Committee of the Council, and a purchase order issued by such Committee, and shall then be paid from the budget appropriation upon filing of a voucher with the City Clerk.
- (2) Title to all firefighting equipment, supplies and apparatus shall vest in the City.
- (3) All funds generated by Plymouth Volunteer Fire Department social functions or through fund-raising activities shall be considered private funds and shall be deposited to a separate social account and disbursed according to the bylaws of the Department. Items purchased from the social account shall remain the separate property of the Department, including items held for resale, but specifically not including firefighting equipment not purchased for resale, which shall be the property of the City. All funds in the possession of the department on June 30, 2000 shall be considered as the social funds of the department; thereafter, subsection (4) below shall be effective.
- (4) All receivables generated by the Plymouth Volunteer Fire Department attributable to the City of Plymouth, other than social funds and donations, shall be invoiced by the Department for direct remittance to the City Clerk-Treasurer and deposit into the City general fund account. A duplicate copy of all invoices shall be immediately transmitted to the City Clerk-Treasurer for collection. A fee schedule for all such receivables invoiced by the Plymouth

Volunteer Fire Department shall be developed and approved by the Common Council, or committee thereof, from time to time.

**SEC. 5-2-2 IMPEDING FIRE EQUIPMENT PROHIBITED.**

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

**SEC. 5-2-3 POLICE POWER OF THE DEPARTMENT; INVESTIGATION OF FIRES.**

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

- (1) The Chief and assistants or officers in command at any fire are hereby vested with full and complete police authority at fires. Any officer of the Department may cause the arrest of any person failing to give the right-of-way to the Fire Department in responding to a fire.
- (2) The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting firemen and policemen and those admitted by order of any officer of the Department, shall be permitted to come.
- (3) The Chief shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire or to prevent the spreading of fire or to protect the adjoining property, and during the progress of any fire he shall have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work of the Department during the progress of a fire.

**(b) Fire Inspection Duties.**

- (1) The Fire Chief shall be the Fire Inspector of the City of Plymouth and shall have the power to appoint one or more deputy Fire Inspectors and shall perform all duties required of the Fire Inspectors by the laws of the State and rules of the Department of Industry, Labor and Human Relations, particularly Section 101.14, Wis. Stats.
- (2) While acting as Fire Inspector pursuant to Sec. 101.14(2), Wis. Stats., the Fire Chief, or any officer of the Fire Department designated by the Fire Chief, shall have the right and authority to enter any building or upon any premises in the City of Plymouth at all reasonable hours for the purpose of making inspections or

investigations which, under the provisions of this Code of Ordinances, he may deem necessary. Should the Fire Inspector find that any provisions of this Code relating to fire hazards and prevention of fires are being violated, or that a fire hazard exists which should be eliminated, it shall be his duty to give such directions for the abatement of such conditions as he shall deem necessary and, if such directions be not complied with, to report such noncompliance to the Common Council for further action.

- (3) The Chief of the Fire Department is required, by himself or by officers or members of the Fire Department designated by him as fire inspectors, to inspect all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of any law or ordinance relating to the fire hazard or to the prevention of fires. Such inspections shall be made at least once in six (6) months in all of the territory served by the Fire Department, and oftener as the Chief of the Fire Department orders. Each six (6) month period shall begin on January 1 and July 1, and each three (3) month period on January 1, April 1, July 1 and October 1 of each year.
- (4) Written reports of inspections shall be made and kept on file in the office of the Chief of the Fire Department in the manner and form required by the Department of Industry, Labor and Human Relations. A copy of such reports shall be filed with the Fire Chief.

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

**SEC. 5-2-4 DAMAGING FIRE HOSE PROHIBITED; PARKING BY HYDRANTS; BLOCKING FIRE LANES.**

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

#### **SEC. 5-2-5 FIREMEN MAY ENTER ADJACENT PROPERTY.**

(a) **Entering Adjacent Property.** It shall be lawful for any fireman while acting under the direction of the Fire Chief or any other officer in command to enter upon the premises adjacent to or in the vicinity of a building or other property then on fire for the purpose of extinguishing such fire and in case any person shall hinder, resist or obstruct any fireman in the discharge of his duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firemen in the discharge of their duty.

(b) **Destruction of Property to Prevent the Spread of Fire.** During the progress of any fire, the Fire Chief or his assistant shall have the power to order the removal or destruction of any property necessary to prevent the further spread of fire; provided that it is inevitable that, unless such property is removed, other property is in danger of being destroyed by fire.

#### **SEC. 5-2-6 DUTY OF BYSTANDERS TO ASSIST.**

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

#### **SEC. 5-2-7 VEHICLES TO YIELD RIGHT-OF-WAY.**

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

#### **SEC. 5-2-8 INTERFERENCE WITH USE OF HYDRANT'S PROHIBITED.**

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

#### **SEC. 5-2-9 OPEN BURNING.**

(a) **Open Burning Prohibited.** No person, firm or corporation shall build any outdoor fire within the corporate limits of the City of Plymouth excepting as set forth in Subsection (b) of this Section.

(b) **Exceptions.**

- (1) Outdoor cooking over a non-wood burning fire fueled by charcoal or propane gas 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, may be permitted;
- (3) Ceremonial campfire or bonfires, with prior written approval of the Fire Chief, may be permitted;
- (4) 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 (2) and (3) above.
- (5) Whenever approval and special permit are granted by the Fire Chief or a fire warden under Subsection (b)(2), (3) and (4) of this section, the permit shall be granted only after an on-site inspection, consideration of any hazards that could affect adjacent property, and observance of any safety restrictions that the Fire Chief may require. A fee of \$5.00 shall be paid to the City of Plymouth for each permit issued.

(c) **Chief May Prohibit.** The Fire Chief is permitted to prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous, except on written permit from the Fire Chief or any fire warden for said City, which permit shall designate the time and place for such burning. Notice of designation of a fire danger emergency period shall be made by publication of an appropriate order, once in the official newspaper, to be effective forthwith.

(d) **Burning on Streets.** No materials may be burned upon any street, curb, gutter or sidewalk.

(e) **Liability.** Persons utilizing and maintaining outdoor fires shall be responsible for any liability resulting from damage caused by his fire.

Cross-Reference: Section 8-1-6(c), (d) and (e).

#### **SEC. 5-2-10 KNOX BOX REQUIRED**

A Knox Box shall be required to be installed upon any of the following existing buildings and upon all such buildings hereafter constructed, by the owner or lessee thereof:

1. Commercial buildings with alarm systems that are monitored, or that have bells or other alarms outside to notify of a fire alarm.
2. Multi-family residential buildings consisting of more than 2 units.
3. Schools and other community buildings with monitored alarm systems.

A failure to provide a required and properly equipped Knox Box shall submit the building owner to the assumption of liability for any structural damage in the event of an emergency forced entry by fire/law enforcement personnel.

## CHAPTER 3

### Hazardous Materials

- 5-3-1 Adoption of State Codes
- 5-3-2 Disclosure of Hazardous Materials and Infectious Agents;  
Reimbursement for Clean-up of Spills
- 5-3-3 Recovery of Costs of Extinguishing and Cleaning Up Fires Involving  
Hazardous Materials
- 5-3-4 Removal of Abandoned Underground Flammable Liquid Storage  
Tanks

#### **SEC. 5-3-1 ADOPTION OF STATE CODES.**

The following Orders, Rules and Regulations of the Department of Commerce, all of which are set forth in the Wisconsin Administrative Code as from time to time amended, are incorporated herein by reference and adopted as part of this Fire Prevention Chapter:

- (a) Wis. Adm. Code Ch. COMM 2; Fee Schedule
- (b) Wis. Adm. Code Ch. COMM 5; Licenses, Certifications, and  
Restrictions
- (c) Wis. Adm. Code Ch. COMM 7; Explosive Materials
- (d) Wis. Adm. Code Ch. COMM 9; Manufacture of Fireworks
- (e) Wis. Adm. Code Ch. COMM 10; Flammable and Combustible Liquids
- (f) Wis. Adm. Code Ch. COMM 14; Fire Prevention
- (g) Wis. Adm. Code Ch. COMM 16; Electrical
- (h) Wis. Adm. Code Ch. COMM 40; Gas Systems
- (i) Wis. Adm. Code Ch. COMM 45; Mechanical Refrigeration
- (j) Wis. Adm. Code Ch. COMM 61; Community Based Residential Facilities
- (k) Wis. Adm. Code Ch. COMM 62; Specialty Occupations
- (l) Wis. Adm. Code Ch. COMM 63; Energy Conservation
- (m) Wis. Adm. Code Ch. COMM 64; Heating, Ventilating and Air Conditioning
- (n) Wis. Adm. Code Ch. COMM 65; Fuel Gas Appliances
- (o) Wis. Adm. Code Ch. COMM 82; Design, Construction, Installation,  
Supervision and Inspection of Plumbing
- (p) Wis. Adm. Code Ch. COMM 95; Mobile Home Parks

#### **SEC. 5-3-2 DISCLOSURE OF HAZARDOUS MATERIALS AND INFECTIOUS AGENTS; REIMBURSEMENT FOR CLEAN UP OF SPILLS.**

- (a) **Application.**
  - (1) All persons, firms or organizations using, researching or producing hazardous materials and/or infectious agents shall notify the Fire Department 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 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 and/or produced;
  - d. Amount of infectious agent on premises per exact locations;
  - e. Any methods of route of transmission of the infectious agents;
  - f. Any symptoms of effect of infection, emergency and first aid procedure and a telephone number to be called in an emergency;
  - g. Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming in contact with the infectious agent;
  - h. Procedure for handling, clean-up and disposal of infectious agents leaked or spilled.

(d) **Reimbursement for Cleanup of Spills.** Any person who possesses or controls a hazardous material or infectious agent which was discharged or caused the discharge of a hazardous material or infectious agent shall reimburse the City for actual and necessary expenses incurred by the City or its agent to contain, remove or dispose of the hazardous substance or infectious agent or take any other appropriate action which is deemed appropriate under the circumstance.

### **SEC. 5-3-3 RECOVERY OF COSTS.**

(a) Every person, firm or corporation using, storing, handling or transporting flammable or combustible liquids, chemicals, gasses or other hazardous materials shall comply with the requirements of Chapter ILHR 8, Wis. Adm. Code, as the same is now in force and may hereafter from time to time amended.

(b) Every person, firm or corporation using, storing, handling or transporting (whether by rail or on the highways) flammable or combustible liquids, chemicals, gasses or other hazardous materials shall be liable to the City for the actual cost of labor and materials associated with the use of any specialized extinguishing agent, chemical, neutralizer or similar material or equipment employed to extinguish, confine or clean up any such hazardous material which is involved in any accidental spill or in threat of any fire or accidental spill.

**SEC. 5-3-4 REMOVAL OF ABANDONED UNDERGROUND LIQUID STORAGE TANKS.**

Underground flammable liquid storage tanks which are abandoned, as defined in Section ILHR 8.225, Wis. Adm. Code, shall not be abandoned in place. Such tanks shall be removed within ninety (90) days from the date they become abandoned and the excavation filled with clean, well-compacted fill to the surface of the adjacent grade.

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