

TITLE 3

Public Safety

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CHAPTER 1

Law Enforcement

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SEC. 3-1-1 ORGANIZATION OF THE POLICE DEPARTMENT.

- (a) The Police Department may consist of a Chief of Police and such other officers and number of patrol persons as shall be determined and prescribed from time to time by the Common Council.
- (b) The Chief of Police and other officers of the Department shall be appointed by the Police and Fire Commission as determined in Section 2-4-8. Officers shall serve a probationary period of one (1) year, unless otherwise approved for a different period by the Police and Fire Commission. During the probationary period, the Police and Fire Commission may, at its option, lay off or terminate, with or without cause, said probationary employee without recourse to any grievance and arbitration provisions then in effect.

Cross Reference: Section 2-3-5

SEC. 3-1-2 RECORDS AND REPORTS.

- (a) **MONTHLY REPORTS.** The Chief of Police shall submit a written monthly report to the Common Council, of all activities and transactions of the department during the preceding month.
- (b) **POLICE RECORDS.** There shall be kept by the department, a suitable record in which shall be entered the name of every person arrested in the City, the name of the person making the arrest, the date and cause of the arrest, the Court from which the warrant was issued, the disposition made of the case, the amount of fine and costs paid and to whom paid, bond posted and all complaints in full.

SEC. 3-1-3 EQUIPMENT AND COMPENSATION.

- (a) The procurement and use of equipment and supplies required by the Chief of Police in the operation of the Police Department, including uniforms, automobile or automobiles for the police work, weapons, etc. shall be prescribed by the Mayor or Common Council from time to time.
- (b) The compensation to be paid Police Officers for their services, the hours of active duty, rest days, vacation periods and other involvement of his or her employment, shall be such as may be determined by the Common Council from time to time.

SEC. 3-1-4 GENERAL POWERS OF POLICE OFFICERS.

Every member of the Police Department shall:

- (a) Familiarize himself with the ordinances of the City and the State 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) Assist the Fire Department in maintaining 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. 3-1-5 RESPONSIBILITIES OF CHIEF OF POLICE.

- (a) DUTIES. In addition to the duties imposed upon him by Section 2-3-5, the Chief of Police shall:
 - (1) 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.
 - (2) Remain available to respond to emergencies at all times. The Chief of Police shall not be absent from duty without the approval of the Mayor or the Common Council.
 - (3) Submit such reports and comply with such procedures as may be prescribed by the Mayor relative to fiscal and administrative matters.
 - (4) Have exclusive control of the assignment, hours of duty and transfer of all members of the Department.
 - (5) Plan, organize, staff, direct and control all of the human and material resources of the Department for the most effective and efficient discharge of its duty to protect persons and property, preserve the peace, protect the rights of citizens

and enforce the Wisconsin Statutes and the ordinances of the City of Neillsville as are within its jurisdiction. He shall supervise the preparation and presentation of annual reports and budgets for the Police Department. He shall be required to certify to the correctness of all bills incurred by the Department.

- (6) Strive to maintain suitable, productive relationships with other City departments and with other governmental agencies and private organizations concerned with law enforcement, crime prevention, administration of justice and public safety. He shall cooperate and exchange information with other City departments in matters relating to their various functions.
 - (7) Plan and execute programs designed to prevent and repress crime, apprehend and prosecute offenders, recover property and regulate non-criminal conduct, giving highest priority in the allocation of resources to crime and other offenses most hazardous to life and property.
- (b) CUSTODY OF DEPARTMENT EQUIPMENT. The Chief of Police shall be the custodian of all City property, equipment and supplies under the control of, or used by, the Police Department, and shall be responsible for the care, maintenance, safeguarding and accurate records of such property, equipment and supplies.
 - (c) CUSTODY OF DEPARTMENT PROPERTY. The Chief of Police shall be the custodian of all property and 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.
 - (d) ABSENCE FROM CITY. The Chief of Police shall not be absent from duty or leave the City without first reporting to the Mayor or Clerk-Treasurer, provided he may leave without such report when discharging his official duties or when in pursuit of a person known to have violated any law or ordinance of the State or City.

SEC. 3-1-6 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 or ordinances or with any rules approved by the Common Council.

SEC. 3-1-7 MAINTENANCE OF PERSONNEL RECORDS AND PERFORMANCE EVALUATIONS

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

SEC. 3-1-8 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.

SEC. 3-1-9 CIVILIANS TO ASSIST.

All persons in the City, when called upon by any police officer or peace officer, shall promptly aid and assist him in the execution of his duties and whoever shall neglect or refuse to give such aid or assistance shall be subject to the general penalty as provided in Title I of this Code of Ordinances.

CHAPTER 2

Fire Prevention

- § 3-2-1 Organization of Fire Department
- § 3-2-2 Rules Governing Fire Department
- § 3-2-3 Powers and Duties of the Chief
- § 3-2-4 Impeding Fire Equipment Prohibited
- § 3-2-5 Police Power of the Department
- § 3-2-6 Fire Inspector; Duties
- § 3-2-7 Damaging Fire Hose Prohibited
- § 3-2-8 Firemen May Enter Adjacent Property
- § 3-2-9 Duty of Bystanders to Assist
- § 3-2-10 Vehicles to Yield Right-of-Way
- § 3-2-11 Interference with Use of Hydrants Prohibited
- § 3-2-12 State Fire Prevention Code Adopted

SEC. 3-2-1 ORGANIZATION OF FIRE DEPARTMENT.

There is hereby created a Fire Department in and for the City of Neillsville which shall consist of not less than ten or more than fifty persons. Any person wishing to join the Fire Department shall make application to the Police and Fire Commission giving his name, address and occupation and if approved by the Police and Fire Commission shall be deemed a member of the Fire Department. On acceptance by the Department he shall have all the rights, benefits and privileges thereof, and shall be under the control of the Common Council and Police and Fire Commission.

Cross-Reference: Title 3, Chapter 4, "Fire District Regulations; Open Burning."

SEC. 3-2-2 RULES GOVERNING FIRE DEPARTMENT.

- (a) **BYLAWS.** The Fire Department shall have power to adopt rules and bylaws for the proper management of its affairs and business, and for the government and discipline of its members, not inconsistent with State law or with this Municipal Code or incompatible with the objects for which said Department is created.
- (b) **MEETINGS AND OFFICERS.** The members of the Fire Department shall hold a meeting on the second Monday in April in each year at 7:00 p.m. or as soon thereafter as may be at such place as may be designated by the Fire Chief, at which time officers for the Fire Department shall be elected by its members, subject to the approval of the Police and Fire Commission. Such officers shall hold for one year from the first day of May or until their successors are appointed.

SEC. 3-2-3 POWERS AND DUTIES OF THE CHIEF.

- (a) The Chief shall be at the head of the Department, subject to the laws of the State of Wisconsin, ordinances of this City and the rules and regulations herein adopted.
- (b) It shall be the duty of the Chief to be present at all fires, to have complete command of and entire responsibility for all fire fighting operations, to plan the control of the same, to direct the action of the companies when they arrive at a fire, to observe that every company does its duty, to grant leaves of absence at a fire when he may deem it proper and to see that the fire apparatus is kept in proper condition at all times

- (c) Not later than October 1st of each year, the Chief shall file with the Finance Committee a detailed estimate of the appropriations needed for the conduct of the Department during the ensuing fiscal year.
- (d) It shall be the duty of the Chief to submit a written report to the Common Council not later than February 1st of each year, and at such other times as he deems desirable, relating to the conditions of the various pieces of apparatus and appurtenances, the number of fires occurring since the previous report, the date of same and loss occasioned thereby, the number of members of each company, the total number of active members in the Department and resignations and expulsions from the Department. He shall also report upon the drill and training program of the Department, together with other pertinent information, including recommendations of such improvements as he deems proper and necessary for the operation of the Department.
- (e) He shall enforce all fire prevention ordinances of this City and state laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and on the activities of the Department.
- (f) He shall keep a fire record book of every fire to which any company was called and shall enter in such book the locality of fire, time alarm was received, cause of fire, where fire started, cause of delay (if any) in responding, method of extinguishment and equipment used, amount of insurance carried on buildings and contents, estimated fire loss, time fire was extinguished, names of men responding and general remarks.
- (g) He shall keep an inventory of all apparatus and equipment with replacement costs and an inventory of all hose showing dates and results of tests on each length, which shall be individually identified.
- (h) He shall perform such other duties as are incumbent on the commanding officer of the Fire Department Bylaws.
- (i) The Chief may appoint officers, subject to the approval of the Police and Fire Commission.

Cross-Reference: Section 2-3-6.

SEC. 3-2-4 IMPEDING FIRE EQUIPMENT PROHIBITED.

No person shall impede the progress of the fire engine or fire truck or other fire apparatus of the City of Neillsville 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. 3-2-5 POLICE POWER OF THE DEPARTMENT.

- (a) 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.
- (b) 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. 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.

- (c) The Fire Chief and assistants or officers are hereby vested with full and complete police authority to issue citations with respect to violations of ordinances which are directly related to their official responsibilities to the fire department pursuant to Sec. 66.119 Wis. Stats., including, but not limited to, violations of Comm 14 - Fire Prevention, adopted in Sec. 3-2-12 herein. Violations shall be subject to the general penalties provided for in this code.

§ 3-2-5(c) - Created: Ord. 960, 12/22/98

SEC. 3-2-6 FIRE INSPECTOR; DUTIES.

- (a) The Chief of the Fire Department shall hold the office of Fire Inspector with power to appoint one or more deputy fire inspectors, who shall perform the same duties and have the same powers of the Fire Inspector.
- (b) It shall be the duty of Fire Inspectors to inspect at least twice per year all buildings, premises and thoroughfares within fire limits of the City of Neillsville and to inspect semi-annually all buildings, premises and public thoroughfares within the City limits for the purpose of noting and causing to be corrected any condition liable to cause fire.
- (c) Whenever or wherever in the City of Neillsville any inspection by the Fire Chief or his deputies reveals a fire hazard, the Chief or his deputies shall serve a notice in writing upon the owner of the property giving said owner ten (10) days in which to remove the hazard. In the event that the fire hazard is not removed within the time allowed, it shall be deemed a nuisance. The Fire Chief or his deputy is authorized to have the same removed by the City, and the cost of such removal shall be recovered in an action by the City against the owner of the property.
- (d) No person shall deny the Chief or his deputies free access to any property within the City at any reasonable time for the purpose of making fire inspections. No person shall hinder or obstruct the Fire Inspector in the performance of his duty or refuse to observe any lawful direction given by him.

SEC. 3-2-7 DAMAGING FIRE HOSE PROHIBITED.

No person shall willfully injure in any manner, any hose, hydrant or fire apparatus belonging to the City of Neillsville, 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.

SEC. 3-2-8 FIREMEN MAY ENTER ADJACENT PROPERTY.

It shall be lawful for any fireman while acting under the direction of the Fire Chief or other officer in command to enter upon the premises adjacent to or in the vicinity of any 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.

SEC. 3-2-9 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. 3-2-10 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 motor 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. 3-2-11 INTERFERENCE WITH USE OF HYDRANTS PROHIBITED.

No person shall occupy any portion of such streets or alleys with a motor 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. 3-2-12 STATE FIRE PREVENTION CODE ADOPTED.

Except as otherwise specifically provided in this code, the provisions in Chapter Comm 14 - Fire Prevention of the Department of Commerce, Wis. Admin. Code, establishing and defining minimum standards for the prevention of fire, are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by any standard incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the standards in Chapter Comm 14 incorporated herein are intended to be made part of this Chapter in order to secure to the extent legally practicable uniform standards for the prevention of fire.

Created: Ord. 961, 12/22/98

CHAPTER 3

Emergency Government

- § 3-3-1 Policy and Purpose; Definitions
- § 3-3-2 Emergency Government Director
- § 3-3-3 Utilization of Existing Services and Facilities
- § 3-3-4 Declaration of Emergencies
- § 3-3-5 Emergency Regulations
- § 3-3-6 Temporary Emergency Locations
- § 3-3-7 Mutual Aid Agreements
- § 3-3-8 Obstruction of Emergency Government Organization; Penalty

SEC. 3-3-1 POLICY AND PURPOSE; DEFINITIONS.

- (a) **POLICY AND PURPOSE.** To ensure that the City of Neillsville will be prepared to cope with emergencies resulting from enemy action and man-made or natural disasters, an Emergency Government Program is created to carry out all emergency functions, other than functions for which the military forces are primarily responsible, to minimize and repair injury and damage resulting from disaster caused by enemy attack, sabotage or other hostile action, or by fire, tornado or other natural or man-made causes. It is further declared to be the purpose of this chapter and the policy of the City that all emergency government functions of the City be coordinated to the maximum extent practicable with existing services and facilities of the City and with comparable functions of the Federal, State and County government and other political subdivisions, and of various private agencies to the end that the most effective preparation and use may be made of manpower, resources and facilities for dealing with any disaster that may occur.
- (b) **EMERGENCY GOVERNMENT DEFINED.** "Emergency Government" means the preparation for and carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to minimize and repair injury and damage resulting from disaster caused by enemy attack, sabotage or other hostile action or by fire, flood or other natural causes.

SEC. 3-3-2 EMERGENCY GOVERNMENT DIRECTOR.

- (a) **CONDITIONS OF EMPLOYMENT.** The Emergency Government Director shall be appointed by the Mayor, subject to confirmation by the Common Council and shall receive such salary as may be authorized by the Council. He shall take and file an official oath.
- (b) **DUTIES.** The Director shall be the executive head of the City emergency government organization and shall have direct responsibility for the organization, administration and operation of such organization, subject to the direction and control of the Mayor and the Common Council. In addition to such powers and responsibilities as may be imposed on him from time to time by the Council, he shall:
 - (1) Coordinate all activities for emergency government within the City.
 - (2) Maintain liaison and cooperate with emergency government agencies and organizations of other political subdivisions and of the State and Federal governments.
 - (3) Participate in County and State emergency government activities upon request.

- (4) Develop and promulgate a comprehensive plan for the emergency government of the City consistent with the State plan.
- (5) Upon the declaration of an emergency, issue all necessary proclamations as to the existence of such state of emergency and such disaster warnings or alerts as are required by the emergency government plan.
- (6) Assistants. Such deputy and assistant directors may be appointed by the Director, subject to the approval of the Common Council. Such appointees shall receive such compensation as the Common Council may determine.

SEC. 3-3-3 UTILIZATION OF EXISTING SERVICES AND FACILITIES.

In preparing and executing the emergency government plan, the Director shall utilize the services, equipment, supplies and facilities of the existing departments and agencies of the City to the maximum extent practicable. All departments and agencies shall cooperate with and extend such services and facilities to the Director.

SEC. 3-3-4 DECLARATION OF EMERGENCIES.

Upon the declaration by the Governor, the Mayor or the Emergency Government Director in the absence of the Mayor, or by the Common Council, of a state of emergency, the Emergency Government Director shall issue all necessary proclamations as to the existence of such state of emergency and shall issue such disaster warnings or alerts as shall be required in the emergency government plan. The Emergency Government Organization shall take action in accordance with the emergency plan only after the declaration of an emergency and the issuance of official disaster warnings. Such state of emergency shall continue until terminated by the issuing authority provided that any such declaration not issued by the Governor may be terminated at the discretion of the Common Council.

SEC. 3-3-5 EMERGENCY REGULATIONS.

Whenever necessary to meet an emergency for which adequate regulations have not been adopted by the Common Council, the Mayor or, in his absence, the Emergency Government Director may proclaim, promulgate and enforce orders, rules and regulations relating to the conduct of persons and the use of property which are necessary to protect the public peace, health and safety, to preserve lives and property and to insure cooperation in emergency government activities. Such proclamations shall be posted in three (3) public places and may be rescinded by resolution of the Common Council.

SEC. 3-3-6 TEMPORARY EMERGENCY LOCATIONS.

- (a) LOCATION OF CITY GOVERNMENT. Whenever, during the continuance of a state of emergency proclaimed by the Governor under Sec. 166.03, Wis. Stats., it becomes imprudent, inexpedient or impossible to conduct the affairs of government of the City at the regular or usual places thereof, the Common Council may meet at any place on the call of the Mayor or his successor and shall proceed to establish and designate by ordinance, resolution or other manner, an alternate or substitute site or place as the emergency temporary location of government where all or any part of the public business may be transacted and conducted during the emergency situation. Such alternate or substitute site or place may be within or without the territorial limits

of the City and may be within or without those of the State. If practicable, it shall be the site designated as the emergency temporary location of the City government in the current emergency government plan of the City.

- (b) **EXERCISE OF GOVERNMENTAL AUTHORITY.** During the period when the public business is being conducted at a temporary emergency location, the Common Council and other officers of the City shall have and possess and shall exercise at such location all the executive, legislative, administrative and judicial powers and functions conferred upon the Common Council and officers of the City by or under the laws of the State. Such powers and functions except judicial may be exercised in the light of the exigencies of the emergency situation and without regard to, or compliance with, time-consuming procedures and formalities prescribed by law and pertaining thereto. All acts of the Common Council and officers shall be valid and binding as if performed within the territorial limits of the City.

State Law References: Sec. 166.03, Wis. Stats.

SEC. 3-3-7 MUTUAL AID AGREEMENTS.

The Emergency Government Director may, subject to the approval of the Common Council, enter into mutual aid agreements with other political subdivisions. Copies of such agreements shall be filed with the County Director of Emergency Government.

SEC. 3-3-8 OBSTRUCTION OF EMERGENCY GOVERNMENT ORGANIZATION;
PENALTY.

- (a) No person shall wilfully obstruct, hinder or delay any member of the emergency government organization in the enforcement of any order, rule, regulation or plan issued pursuant to this chapter or violate any order, rule, regulation or plan issued pursuant to the authority contained in this chapter.
- (b) Any person who shall violate any provision of sub. (1) shall be subject to a penalty as provided in Sec. 1-1-7 of this Municipal Code.

CHAPTER 4

Fire District Regulations; Open Burning

- § 3-4-1 Burning of Trash and Refuse
- § 3-4-2 Definitions
- § 3-4-3 Regulations Within Fire Districts
- § 3-4-4 Bulk Oil Tanks Prohibited
- § 3-4-5 Razing Old or Damaged Buildings
- § 3-4-6 Storage of Combustible Materials
- § 3-4-7 Home Storage of Combustible Materials
- § 3-4-8 Limit on Storage of Combustible Fuels
- § 3-4-9 Storage of Gasoline
- § 3-4-10 Underground Storage
- § 3-4-11 Lighting
- § 3-4-12 Storage and Fire Limits; Penalties
- § 3-4-13 Solid Fuel-Fired Outdoor Heating Devices

SEC. 3-4-1 BURNING OF TRASH AND REFUSE.

No person shall kindle or maintain any brush, grass or bonfire or knowingly furnish materials for any such fire, or authorize any such fire to be kindled or maintained, or burn any brush, grass, rubbish, trash, garbage on or in any street, alley, road, land or public grounds, or upon any private lot within the City of Neillsville, except that a person can burn charcoal or firewood in an in-ground fire pit or commercially sold outdoor fireplace on the private lot.

Amended: Ord. 981, 07/10/01

SEC. 3-4-2 DEFINITIONS.

The terms fire-resistive construction, mill constructions, ordinary constructions, frame construction and fire-retardant roof covering shall have the meaning as defined in Wisconsin Administrative Code, sections Ind. 51.00, 51.001, 51.01, 51.02, 51.03, and 51.07 of the Wisconsin State Building Code.

SEC. 3-4-3 REGULATIONS WITHIN FIRE DISTRICTS.

(a) **REQUIREMENTS.** Every building hereafter erected, enlarged or moved within or into the fire district shall be of fire-resistive, mill or ordinary construction except as otherwise provided by this ordinance. Enclosing walls, division walls, and party walls shall be of four-hour fire-resistive walls of a constructed as provided in Wisconsin Administrative Code, Section Ind. 51.05 of the Wisconsin State Building Code, which is hereby made a part of this ordinance with respect to all buildings and structures within the fire district. No building of frame construction shall hereafter be built within or moved into the fire district.

- (1) Comply with the requirements of Wis. Adm. Code Ind. 51.03 pertaining to class of construction, property line setbacks and number and area of building openings.
- (2) Have installed thereon a Class A fire retardant roof covering. Dwelling not over two and one-half (2-1/2) stories in height may have a Class B fire retardant roof covering.
- (3) In the event any of the requirements enumerated in Subsections (1) or (2) above conflict with the State Building Code, the more restrictive requirement shall apply.

Fire District Regulations; Open Burning

- (b) EXCEPTIONS. No building of frame construction shall be constructed within the fire district except the following, and no such building or structure shall be located within five (5) feet of any lot line or structure:
- (1) Temporary one-story frame buildings for use of builders.
 - (2) One-story sheds not over fifteen (15) feet high, open on the long side and with area not exceeding five hundred (500) square feet. A wooden fence shall not form the back or side of such sheds.
 - (3) Greenhouses not more than fifteen (15) feet in height.
 - (4) Private garages for not more than two non-commercial automobiles, if not over fifteen (15) feet high and not more than seven hundred fifty (750) square feet in area, having exterior walls of metal, concrete or masonry, located on the same lot with a dwelling.
 - (5) Gasoline service stations, parking lot offices, real estate buildings or similar business structures, of unprotected metal construction, not exceeding two thousand, five hundred (2,500) square feet in area, not more than one story in height, and located at least ten (10) feet from lot lines. If erected less than ten (10) feet from the adjoining lot line, the walls facing such lot lines shall have a fire re-resistance of not less than one hour.
- (c) The limits of the City of Neillsville fire district shall be as described and shown on the fire district map adopted by the Common Council and included herein by reference.

SEC. 3-4-4 BULK OIL TANKS PROHIBITED.

The storage of class I and class II flammable liquids in above ground tanks outside of buildings is prohibited within the fire district.

SEC. 3-4-5 RAZING OLD OR DAMAGED BUILDINGS.

- (a) Any existing frame building within the fire limits which may hereafter be damaged by fire, or which has deteriorated to an amount greater than one-half of its assessed value, exclusive of the foundation, shall not be repaired or rebuilt, but shall be ordered removed under the provisions of Sec. 66.05 of the Wisconsin Statutes by the Building Inspector.
- (b) No roofing of an existing roof shall be renewed or repaired to a greater extent than one-tenth (1/10) of the roof surface, except in conformity with the requirements of subsection a. of this section.

SEC. 3-4-6 STORAGE OF COMBUSTIBLE MATERIALS.

It shall be unlawful for any person to have, store, or permit to be stored within this City any crude petroleum, benzine, benzol, gasoline, naphtha, ether or other like volatile combustible of their compounds in any manner whatever except as hereinafter provided in this Chapter.

SEC. 3-4-7 HOME STORAGE OF COMBUSTIBLE MATERIALS.

Any person may keep for family use in a building owned or controlled by him not to exceed fifteen (15) gallons of any of the oils above mentioned, in a close, approved metal safety can, painted vermilion red and plainly marked with the name of the oil.

A quantity not exceeding one quart of any such oil may be kept in a glass bottle, plainly labeled with the name of the oil.

SEC. 3-4-8 LIMIT ON STORAGE OF COMBUSTIBLE FUELS.

Any person, firm or corporation dealing in gasoline or other volatile oils may keep not to exceed five (5) gallons of any of the oil above mentioned in a closed, approved metal safety can, painted red and plainly marked with the name of the oil.

SEC. 3-4-9 STORAGE OF GASOLINE.

Any person, firm or corporation, owning, handling or storing automobiles or other machines using gasoline, may keep not to exceed fifty (50) gallons of gasoline in each machine, confined in a tank, free from leaks, securely capped and protected by all necessary safety appliances.

Amended: Ord. 953, 1/27/98

SEC. 3-4-10 UNDERGROUND STORAGE.

- (a) All crude oil, benzol, gasoline, naphtha, ether and other like volatile combustible oils, or their compounds, except in quantity, kind and manner, provided for by Sections 3-4-8 through 3-4-10, shall be kept in storage tanks as outlined in Wis. Adm. Code ILHR 10 or its successor provisions. Provided however, that within the fire zone of the City, as now, or hereafter established, no storage tank exceeding fifteen thousand (15,000) gallon capacity of said gasoline or other volatile combustible oils, shall be constructed, installed or maintained.
- (b) Liquified petroleum gas tanks shall be installed only after a permit has been issued and shall conform with the applicable sections of the Wisconsin Administrative Code for liquified petroleum gases with the following exceptions:
 - (1) Such tanks may be installed only in the rear yard as defined in the zoning chapter of this Code.
 - (2) No such tank shall be placed nearer than ten (10) feet from any property line; except where a public alley is provided, the clearance from the alley may be reduced to five (5) feet.
 - (3) Underground liquified petroleum gas tanks may be installed only after a modification has been granted by the Fire Inspector in accordance with the provisions of this Code.
- (c) Whenever any person, firm or corporation shall desire to place, within the fire zone of the City, as now, or hereafter established, any storage tanks for gasoline or other volatile combustible oils, mentioned in subsection (a) either above or below the ground, such person, firm or corporation shall so notify the Fire Inspector, in writing, of the time and place said tanks are to be installed, and it shall be the duty of said Fire Inspector to be then and there present when said storage tanks are so installed.

Amended: Ord. 953, 1/27/98

SEC. 3-4-11 LIGHTING.

No gasoline or other volatile combustible oils herein named shall be handled except in daylight or by incandescent electric lights.

SEC. 3-4-12 STORAGE AND FIRE LIMITS; PENALTIES.

It shall be unlawful and is hereby prohibited, for any person, firm or corporation dealing in, handling or selling any gasoline or other volatile combustibles mentioned in Section 3-4-6 of this Chapter, to sell, give away, or deliver to any one person, firm or corporation, at one time within the fire limits of the City any quantity of said gasoline or other volatile combustibles in excess of the quantity prescribed in Sections 3-4-7 and 3-4-8 of this Chapter, except the same shall be delivered by the seller into storage tanks provided for said purpose by the buyer in conformity to Sections 3-4-10 and 3-4-11. Any person who shall violate any provision of this Chapter or any order, rule or regulation made or adopted hereunder shall be subject to the general provisions penalty of this Code.

SEC. 3-4-13 SOLID FUEL-FIRED OUTDOOR HEATING DEVICES.

- (a) DEFINITION. The definition of "Solid Fuel-Fired Outdoor Heating Device" shall be any outdoor device designed or constructed for solid fuel combustion so that the usable heat derived is for the interior of buildings.
- (b) The construction or use of "Solid Fuel-Fired Outdoor Heating Devices" within the City limits of the City of Neillsville is prohibited.

Created: Ord. 980, 6/20/01

CHAPTER 5

Lost and Abandoned Property

§ 3-5-1 Lost and Abandoned Property

SEC. 3-5-1 LOST AND ABANDONED PROPERTY.

- (a) Property which appears to be lost or abandoned, discovered by officers or turned in to the Police Department by citizens, shall be disposed of according to this Section.
- (b) Lost and abandoned property will be examined by the Police Department for identifying marks in an attempt to determine the owner. If identifying marks are present, they shall be used by the Police Department to attempt to contact the owner to return the property. If no identifying marks are present, the property shall be turned over to the Police Department's property custodian.
- (c) No police officer shall keep for his or her own use property found in the course of duty, nor take possession of property during off-duty hours when the discovery was made while on duty.
- (d) The Police Department shall permit citizens to claim lost property if they can provide sufficient proof that they are rightful owners.
- (e) Pursuant to Section 66.0139, Wis. Stats., the Police Department shall have the ability to dispose of property which has been abandoned or which remains unclaimed for a period of thirty (30) days after having been taken into possession by the Department by either donating to a charity or charities, selling the property by individual sale at fair market value, selling the property by auction or by disposing of the property as junk. If the property is usable for Department operations, or by the City of Neillsville, the property need not be disposed of as set forth herein, but may become the property of the Department or the City of Neillsville.
- (f) No member of the Police Department or any other City employee shall receive any lost, stolen, abandoned or other unclaimed property from the Police Department unless that person receives a written receipt signed by the Chief of Police, a copy of which shall remain at the Police Department.

State Law Reference: Section 66.28, Wis. Stats.

§ 3-5-1(e) - Amended: Ord. 1002, 6/22/04

CHAPTER 6

Residency Restrictions for Sex Offenders

§ 3-6-1	Purpose
§ 3-6-2	Definitions
§ 3-6-3	Original Domicile Restriction
§ 3-6-4	Child Safety Zones
§ 3-6-5	Child Safety Zones Exceptions
§ 3-6-6	Prohibited Activity
§ 3-6-7	Penalties

SEC. 3-6-1 PURPOSE.

This chapter is a regulatory measure aimed at protecting the health and safety of children in Neillsville from the risk that convicted sex offenders may reoffend. Given the high rate or recidivism for sex offenders and that reducing opportunity and temptation is important to minimizing the risk of reoffense, there is a need to protect children where they congregate or play in public places in addition to the protections afforded by state law near schools, day-care facilities and other places children frequent. The City finds and declared that in addition to schools and day-care facilities, children congregate or play at public parks and other locations.

Sec. 3-6-2 DEFINITIONS.

As used in this Chapter, and unless the context otherwise requires:

- (a) Crime against children - shall mean any of the following offenses set forth within the Wisconsin Statutes, as amended from time to time, or the laws of this or any other state or the federal government, having like elements necessary for conviction;
- §940.225(1) First Degree Sexual Assault;
 - §940.225(2) Second Degree Sexual Assault;
 - §940.225(3) Third Degree Sexual Assault;
 - §940.22(2) Sexual Exploitation by Therapist;
 - §940.30 False Imprisonment;
 - §940.31 Kidnapping;
 - §940.01 Rape;
 - §944.06 Incest;
 - §944.10 Sexual Intercourse with a Child;
 - §944.11 Indecent Behavior with a Child;
 - §944.12 Enticing Child for Immoral Purposes;
 - §948.02(1) First Degree Sexual Assault of a Child;
 - §948.02(2) Second Degree Sexual Assault of a Child;
 - §948.025 Engaging in Repeated Acts of Sexual Assault of the Same Child;

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- §948.05 Sexual Exploitation of a Child;
 - §948.055 Causing a Child to View or Listen to Sexual Activity;
 - §948.06 Incest with a Child;
 - §948.07 Child Enticement
 - §948.075 Use of a Computer to Facilitate a Child Sex Crime;
 - §948.08 Soliciting a Child for Prostitution;
 - §948.095 Sexual Assault of a Student by School Instructional Staff;
 - §948.11(2)(a) or (am) Exposing Child to Harmful Material;
 - §948.12 Possession of Child Pornography;
 - §948.13 Convicted Child Sex Offender Working with Children;
 - §948.30 Abduction of Another's Child;
 - §971.17 Not Guilty by Reason of Mental Disease - of an included offense; and
 - §975.06 Sex Crimes Law Commitment.
- (b) Person - means a person who has been convicted of, or has been found delinquent of, or has been found not guilty by reason of disease or mental defect of a sexually violent offense and/or a crime against children.
 - (c) Residence(reside) - means the place where a person sleeps, which may include more than one location, and may be mobile or transitory.
 - (d) Sexually violent offense - has the meaning as set forth in Wis. Stats. §980.01(6), as amended from time to time.

SEC. 3-6-3 ORIGINAL DOMICILE RESTRICTION.

- (a) No person and no individual who has been convicted of a sexually violent offense and/or a crime against children, shall be permitted to reside in the City of Neillsville, unless such person was domiciled in the City of Neillsville at the time of the offense resulting in the person's most recent conviction for committing the sexually violent offense and/or crime against children.
- (b) A person residing in Neillsville does not commit a violation of subsection 3-6-3(a) above if any of the following apply:
 - (1) The person is required to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility.
 - (2) The person has established a residence prior to the effective date of this ordinance.
 - (3) The person is a minor or ward under guardianship.

Amended: Ord. 1020, 4/8/08

SEC. 3-6-4 CHILD SAFETY ZONES.

- (a) No person shall enter or be present upon any real property upon which there exists any facility used for or which supports a use of:
 - (1) a public park, parkway, parkland, park facility;
 - (2) a public swimming pool;
 - (3) a public library;
 - (4) a recreational trail;
 - (5) a public playground;
 - (6) a school for children;

- (7) athletic fields used by children;
 - (8) a movie theater;
 - (9) a daycare center;
 - (10) a ski hill or sledding hill open to the public;
 - (11) any specialized school for children, including, but not limited to a gymnastics academy, dance academy or music school;
 - (12) a public or private golf course or range;
 - (13) aquatic facilities open to the public; and,
 - (14) any facility for children (which means a public or private school, a group home, as defined in §48.02(7), Stats., a residential care center for children and youth, as defined in §48.02(15d), Stats., a shelter care facility, as defined in §48.02(17), Stats., a foster home, as defined in §48.02(6), Stats., a treatment foster home, as defined in §48.02(17q), Stats., a day care center licensed under §48.65, Stats., a day care program established under §120.13(14), Stats., a day care provider certified under §48.651, Stats., or a youth center, as defined in §961.01(22), Stats.).
- (b) A map depicting the locations of the real property supporting the above enumerated uses, as amended from time to time, is on file in the office of the City Clerk for public inspection.

SEC. 3-6-5 CHILD SAFETY ZONE EXPECTATIONS.

A person does not commit a violation of Sec. 3-6-4 above, and the enumerated uses may allow such person on the property supporting such use, if any of the following apply:

- (a) The property supporting an enumerated use under Sec. 3-6-4 above, also supports a church, synagogue, mosque, temple or other house of religious worship (collectively “church”), subject to the following conditions:
 - (1) Entrance and presence upon the property occurs only during hours of worship or other religious program/service as open to the public; and,
 - (2) Written advance notice is made from the person to an individual in charge of the church and approval from an individual in charge of the church as designated by the church is made in return, or the attendance by the person; and,
 - (3) The person shall not participate in any religious education programs which include individuals under the age of 18.
- (b) The property supporting an enumerated use under Sec. 3-6-4 above, also supports a use lawfully attended by a person’s natural or adopted child(ren), which child’s use reasonably requires the attendance of the person as the child’s parent upon the property, subject to the following conditions:
 - (1) Entrance and presence upon the property occurs only during hours of activity related to the use as open to the public; and,
 - (2) Written advance notice is made from the person to an individual in charge of the use upon the property and approval from an individual in charge of the use upon the property as designated by the owner of the use upon the property is made in return, of the attendance of the person.
- (c) The property supporting an enumerated use under Sec. 3-6-4 above, also supports a polling location in a local, state or federal election, subject to the following conditions:
 - (1) The person is eligible to vote;
 - (2) The designated polling place for the person is an enumerated use; and

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- (3) The person enters the polling place property, proceeds to cast a ballot with whatever usual and customary assistance is provided to any member of the electorate, and the person vacates the property immediately after voting.
- (d) The property supporting an enumerated use under Sec. 3-6-4 above, also supports an elementary or secondary school lawfully attended by a person as a student, under which circumstances the person who is a student may enter upon that property supporting the school at which the person is enrolled, as is reasonably required for the educational purposes of the school.

SEC. 3-6-6 PROHIBITED ACTIVITY.

It is unlawful for any person to participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas or wearing an Easter Bunny costume on or preceding Easter. Holiday events in which the offender is the parent or guardian of the children involved, and no non-familial children are present, are exempt from this paragraph. Participation is to be defined as actively taking part in the event.

SEC. 3-6-7 PENALTIES.

A person who violates this section shall be punished by a forfeiture not exceeding \$500.00. Each day a person maintains a residence in violation of this ordinance constitutes a separate violation. The City may also seek equitable relief.

Created: Ord. 1018, 2/26/08