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## **CHAPTER 5: PUBLIC SAFETY**

### **5.0100 LAW ENFORCEMENT**

#### **5.0101 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.

#### **5.0102 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 in accordance with the adopted budget.

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 in accordance with the union contract in effect.

#### **5.0103 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.

**5.0104 RESPONSIBILITIES OF CHIEF OF POLICE**

**A. Duties**

In addition to the duties imposed upon him by other sections of this Municipal Code, 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. Submit such reports and comply with such procedures as may be prescribed by the Mayor relative to fiscal and administrative matters.
3. Have exclusive control of the assignment, hours of duty, and transfer of all members of the Department.
4. 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 Marinette 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.
5. 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.
6. 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, 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.

**5.0105 RULES AND POLICIES FOR THE POLICE DEPARTMENT**

The Chief of Police shall establish and promulgate, Rules of Conduct, Directives and Policy 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 or the Board of Police and Fire Commissioners.

**5.0106 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.

**5.0107 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 there 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.

**5.0108 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 Chapter 1 of this Code of Ordinances.

**5.0109 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. Any lost or abandoned personal property, which remains unclaimed for a period of thirty (30) days may be returned to the person finding same or sold at the Police Department's annual public auction, disposed of utilizing the services of an internet-based auction service (including, but not limited to "propertyroom.com") or upon written request, donated to a charitable or other philanthropic entity, if, in the opinion of the Public Safety and Code Enforcement Committee, such donation would serve the best interests of the community. If the item donated is a bicycle, a license must be obtained and paid for by the group or individual receiving the bicycle. As an additional disposal method, if the property is usable for Department or City operations, then the property need not be sold at auction or returned to the finder, but instead may become the property of the Department or City.

State Law Reference: Section 66.0139, Wis. Stats.

State Law Reference: Chapter 170, Wis. Stats.

- 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.

## **5.0200 FIRE PREVENTION CODE**

### **5.0201 ADOPTION OF FIRE PREVENTION CODE**

For the purpose of prescribing regulations consistent with nationally recognized standard practice for the safeguarding, to a reasonable degree, of life and property from the hazards of fire explosion, or similar hazards, the following codes and standards, as amended, are hereby adopted and collectively referred to in this chapter as the Fire Prevention Code.

A. The most current accepted provisions of the Wisconsin Administrative Code, rules of the Department of Commerce, as amended are adopted by reference: (Ordinance 2008-2134 adopted 10-7-08)

1. Comm 7 Explosive Materials
2. Comm 10 Flammable and Combustible Liquids
3. Comm 11 Liquefied Petroleum Gases
4. Comm 12 Liquefied Natural Gas
5. Comm 13 Compressed Natural Gas
6. Comm 14 Fire Prevention
7. Comm 15 Cleaning and Dyeing
8. Comm 17 Electrical Code
9. Comm 18 Elevator Code
10. Comm 28 Smoke Detector
11. Comm 30 Fire Department Health and Safety Standards
12. Comm 32 Safety
13. Comm 50-64 Building, Heating, Ventilating and Air Conditioning
14. Comm 70 Historic Building Code
15. Comm 75-79
16. Comm 61-65 Wisconsin Commercial Building Code

(Ordinance 2007-2111 adopted 11-6-07)

B. These provisions are adopted to enable the Fire Department to note any violations of such codes and to report those violations to the appropriate community service inspectors. The Fire Department shall have the authority to cite such violations.

Overall enforcement responsibility for the provisions above will be equally shared by the Building Inspector and the Fire Department. The Building Inspector has the primary responsibility during construction of the building while the Fire Department has primary responsibility after the building is

completed. Primary responsibility for particular sections of the above provisions shall be as indicated in the Wisconsin Administrative Code.

C. The most current versions of the following National Fire Protection Codes and Standards, as amended, are hereby adopted by reference and made part of the city fire prevention code:

- NFPA 11, Standard for low, medium and high expansion foam,
- NFPA 12, Carbon Dioxide Extinguishing Systems;
- NFPA 12A, Halon 1301 Fire Extinguishing Systems;
- NFPA 13R, Sprinkler Systems, Residential Occupancies up to four stories in height;
- NFPA 14, Standpipe and Hose Systems;
- NFPA 15, Water Spray Fixed Systems;
- NFPA 16, Standard for Installation of Foam-water Sprinkler and Foam Water Spray Systems;
- NFPA 17, Dry Chemical Extinguishing Systems;
- NFPA 17A, Wet Chemical Extinguishing Systems;
- NFPA 30, Flammable and Combustible Liquid Code;
- NFPA 30A, Automotive and Marine Service Station Code; Code for Motor Fuel Dispensing Facilities
- NFPA 34, Dipping and Coating Processes Using Flammable or Combustible Liquids;
- NFPA 50, Oxygen Systems, Bulk, at Consumer Sites;
- NFPA 50A, Hydrogen Systems, Gaseous, at Consumer Sites;
- NFPA 50B, Liquefied Hydrogen Systems at Consumer Sites;
- NFPA 51B, Cutting and Welding Processes; Std. For Fire Prevention During Welding, Cutting and other Hot Work,
- NFPA 69, Explosion Prevention Systems;
- NFPA 72 National Fire Alarm Code;
- NFPA 80, Fire Doors and Windows;
- NFPA 92A, Smoke Control Systems; Standard for Smoke Control Utilizing Barriers and Pressure Differences;
- NFPA 96, Standard for Ventilation Control and Fire Protection of Commercial Cooking;
- NFPA 105, Smoke-Control Door Assemblies;
- NFPA 204, Standard for Smoke and Heat Venting;
- NFPA 291, Hydrants, Testing and Marking;
- NFPA 329, Recommended Practice for Handling Releases of Flammable and Combustible Liquids;
- NFPA 385, Flammable and Combustible Liquids, tank Vehicles for;

NFPA 654, Chemical, Dye, Pharmaceutical, and Plastic Industries, Prevention of Fire and Dust Explosions in;  
NFPA 704, Identification of the Fire Hazard of Material;  
NFPA 1123, Fireworks, Public Display of;  
NFPA 1124, Fireworks, Manufacture, Transportation, and Storage of;  
NFPA 1961, Fire Hose;  
NFPA 1962, Fire Hose, Care, Use, and Service Testing;  
NFPA 1963, Fire Hose Connections;  
NFPA 101 Life Safety Code.

- D. Any fire prevention problem not herein addressed by code or adopted standards will be addressed on the basis of current accepted National Fire Protection Association Standards and Department of Commerce Codes.

#### **5.0202 FIRE EQUIPMENT**

No person shall molest, tamper with, damage, or otherwise disturb any apparatus, equipment, or appurtenance belonging to or under the supervision and control of the Fire Department without authority from the Fire Chief or his authorized representative.

#### **5.0203 FIRE HYDRANTS AND FIRE APPLIANCES**

- A. No person shall remove, tamper with or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provisions of this Code, except for the purpose of extinguishing fires, training purposes, recharging or making necessary repairs or when permitted by the Fire Department. Whenever a fire appliance is removed as permitted herein, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished. No person shall use or operate any hydrant or other valves installed on any water system intended for use by the Fire Department for fire suppression purposes, and which is accessible to any public highway, alley, or private way open to or generally used by the public, unless such person first secures permission from the Fire Department. This section does not apply to the use of a hydrant or other valves by a person employed by and authorized to make such use by the Marinette Water Utility which supplies water to such hydrants or other valves.
- B. No person shall place or keep any post, fence, vehicle, growth, trash, storage or other material near any fire hydrant, Fire Department connection or fire protection system control valve that would prevent such equipment or hydrant from being immediately discernible or in any other manner deter or hinder the Fire Department from gaining immediate access to the equipment or hydrant. A minimum three-foot clear space shall be maintained around the circumference of the fire hydrants except as otherwise required or approved by the Fire Chief.

- C. On-site fire hydrants are required on private property when any portion of a building is more than one hundred fifty (150) feet from a dedicated street. The purpose of the on-site fire hydrants is to provide a minimum water supply for reactive fire operations and to support fire sprinkler systems, if installed. The water mains and hydrants become the property of the owners after installation.
- D. Where on-site fire hydrants are required on private property, it is the property owner's responsibility to flush and maintain the hydrants.
- E. The property owner or agent shall keep and maintain records indicating when the hydrants are flushed, painted and maintained. These records shall be made available to the city upon request.

**5.0204 INTERFERENCE WITH USE OF HYDRANTS PROHIBITED**

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

**5.0205 DAMAGING FIRE HOSE PROHIBITED**

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

**5.0206 DUTIES 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.

**5.0207 VEHICLES TO YIELD RIGHT-OF-WAY**

Upon the approach of any authorized emergency fire vehicle giving audible signal by siren, the operator of a vehicle shall yield the right-of-way and shall immediately drive such vehicle to a position as near as possible and parallel to the right curb or the right hand edge of the shoulder of the roadway, clear of any intersection and, unless otherwise directed by a traffic officer, shall stop and remain standing in such position until the authorized emergency fire vehicle has passed.

**5.0208 FIREFIGHTERS MAY ENTER ADJACENT PROPERTY**

It shall be lawful for any firefighter 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 firefighter in the discharge of his duty, the person so offending shall be deemed guilty of resisting firefighters in the discharge of their duty.

**5.0209 POLICE POWER OF THE FIRE DEPARTMENT**

- A. The Fire Chief and assistants or officers in command at any fire are hereby vested with full and complete police authority at fires. Any officer of the department may cause the arrest of any person failing to give the right-of-way to the Fire Department in responding to a fire.
- B. The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting firefighters and police officers and those admitted by order of any officer of the Department, shall be permitted to come. The Fire 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 impeded the work of the department during the progress of a fire.

**5.0210 POLICE ASSISTANCE**

Whenever requested to do so by the Fire Chief, or his designee, the Chief of Police shall assign such available police officers as in his discretion may be necessary to assist the Fire Department in enforcing the provisions of this chapter.

**5.0211 ESTABLISHMENT OF FIRE LANES ON PRIVATE PROPERTY**

- A. All premises within the City which are not readily accessible by City fire vehicles from public roads shall have suitable gates, access roads, and fire lanes so that all buildings on the premises are made accessible to City fire apparatus. Fire lanes shall be provided for all buildings which are set back more than one hundred fifty (150) feet from a public road, or exceed thirty (30) feet in height and are set back over fifty (50) feet from a public road. Fire lanes shall be at least twenty (20) feet in width with the road edge closest to the building at least ten (10) feet from the building. Fire lanes shall be clearly designated by sign, painting, or other conspicuous marking pursuant to the specifications set forth herein, and approved by the Fire Chief.
- B. The owner of any premises in existence at the adoption of this Section which requires a fire lane under the criteria of Subsection (a) hereof, may submit a written request to the Fire Chief for the establishment of a fire lane on said premises. The request shall specifically describe the proposed fire lane. The Fire Chief shall approve such requests if the proposed fire lanes meet the specifications hereof. All fire lanes shall be approved by ordinance of the Common Council, and described and set forth on Schedule A to this Chapter of the Municipal Code of the City of Marinette.
- C. It shall be unlawful for any person, including the owner of the premises, to park motor vehicles on, or otherwise obstruct, or allow the obstruction of any fire lane. Citations or complaints pertaining to violations of this section may be issued by the Fire Chief, the Code Enforcement Officer, the Building Inspector, or a Police Officer.

- D. The penalty for a violation of the provision of this section shall be a forfeiture in the amount of Fifty Dollars (\$50.00). If a citation issued pursuant to the provisions of Subsection (c) hereof has been issued and more than one (1) hour has passed since the issuance of said citation without the obstruction being removed from the fire lane, any of the personnel specified in Subsection (c) hereof shall cause the obstruction to be towed away or otherwise removed at the expense of the owner of the vehicle or obstruction, if ascertainable, or upon the owner of the premises. Failure to remove the vehicle or obstruction may be a second violation of this section.
- E. Fire Lanes shall meet the requirements of NFPA 1 Chapter 18,2006 Ed., or subsequent revision thereof.

**5.0212 FIRE APPARATUS ACCESS ROADS**

- A. All weather hard surfaced access roads capable of supporting the load of fire apparatus shall be provided for all buildings which are set back more than one hundred fifty (150) feet from a public road or exceed thirty (30) feet in height and are set back more than fifty (50) feet from a public road.
- B. When conditions prevent the installation of an approved fire apparatus access road, the Fire Chief may in his sole discretion permit the installation of a fire protection system in lieu of a road.
- C. This section shall not apply to private residences or garages unless a building contains more than two (2) units.
- D. Fire Access roads shall meet the requirements of NFPA 1 Chapter 18,2006 Ed., or subsequent revision thereof.
- E. It shall be unlawful for any person, including the owner of the premises, to park motor vehicles on, or otherwise obstruct, or allow the obstruction of any fire access road. Citations or complaints pertaining to violations of this section may be issued by the Fire Chief, Code Enforcement Officer, Building Inspector or a Police Officer.
- F. For penalties of violations of E, above, para. D. of Sec. 5.0211 shall apply.

**5.0213 GAS REGULATIONS ADOPTED**

Installation of gas appliances, equipment, accessories, and piping in the City of Marinette shall comply with the standards recommended by the American National Standards Institute in its manual entitled National Fuel Gas Code, No. Z223.1-2002 or its most current revision, as well as the most current revisions of NFPA 54 and all applicable Department of Commerce codes and their subsequent revisions, and such installation shall be considered prima facie as conforming to reasonable standards of safety, or subsequent revision thereof and such installation shall be considered prima facie as conforming to reasonable standards of safety. (*Ordinance 2010-2172 adopted 4-19-2010*)

**5.0214 APPROVAL OF MOTOR VEHICLE TRANSPORTATION ROUTES AND STORAGE OF EXPLOSIVES, BLASTING AGENTS, HAZARDOUS CHEMICALS, OR OTHER DANGEROUS ARTICLES**

- A. The Fire Chief shall approve, in advance, motor vehicle routes for vehicles transporting explosives, blasting agents, hazardous chemicals, or other similarly dangerous substances.
- B. The Fire Chief shall approve, in advance, the location and method of storage of any explosives, blasting agents, hazardous chemicals, or other similarly dangerous substances.
- C. Explosives, blasting agents or fireworks except as defined in 5.0217(c) as Class C common fireworks shall not be stored within the City limits of Marinette overnight.

**5.0215 HAZARDOUS MATERIALS CONTAINMENT**

A. Prohibited Discharges

No person or entity shall discharge or cause or allow to be discharged, whether knowingly or unknowingly, any hazardous material in, or upon, any public or private property or bodies of water, whether above or below the surface of the land or water, except in those areas specifically licensed for disposal of that particular material. Hazardous materials shall include any explosive, flammable or combustible solid, liquid, or gas, any radioactive material at or above Nuclear Regulatory Restriction levels, etiologic agents, or any solid, liquid, or gas creating hazard, potential hazards, or public nuisance or any solid, liquid, or gas having a deleterious effect on the environment.

B. Containment, Clean Up, and Restoration

Any person or entity in violation of the above section shall, upon direction of any authorized City official, begin immediate action to contain, clean up, and remove to an approved repository the offending hazardous material and restore the site to its original condition, with the offending person or entity being responsible for all expenses incurred. Should any person or entity fail to engage the necessary personnel and equipment to comply with the requirements of this section, the authorized City official may order the required action to be taken by public or private resources.

C. Site Access

Access to any site, public or private, where a prohibited discharge is indicated or suspected, shall be provided to City officials and staff and to law enforcement and Fire Department personnel for the purpose of evaluating the threat to the public and monitoring, containment, clean up, and restoration activities.

D. Public Protection

Should any prohibited discharge threaten the life, safety, or health of persons or property, the senior City police or fire official on the scene of the emergency may order an evacuation of the threatened area or take other appropriate protective steps pending further action by the Mayor or Common Council.

E. Enforcement

The police and fire officials shall have authority to issue citations or complaints under this section.

F. Recovery of Costs

Any person or entity in violation of this section shall be liable to the City of Marinette for any expense, loss, or damage sustained by the City by reason of the City's abatement of any such violation, including in the form of a special charge under Marinette Municipal Code Section 3.0212 and Wisconsin Statutes Section 66.60, as amended, if attributable to specific real estate of the violator.

G. Penalties

In addition to recovery of costs by the City, any person or entity shall be subject to penalties as provided in Marinette Municipal Code Section 1.0107, as amended.

**5.0216 DELETED (Ordinance 2007-2111 adopted 11-6-07)**

**5.0217 FIREWORKS PERMIT**

A. No fireworks, as defined in Wisconsin Statutes Section 167.10, as amended, may be used, possessed, or displayed within the City of Marinette without a user's permit issued by the Mayor or his designee. All applications, accompanied by a Fifty Dollar (\$50.00) (Ordinance 2008-2134 adopted 10-7-08) nonrefundable fee, shall be referred to the Fire Chief for investigation who shall report to the Mayor on the advisability of issuing the permit. Before any fireworks permit may be granted, the applicant shall post with the City Clerk an approved indemnity bond in the minimum amount of One Million Dollars (\$1,000,000.00). The Fire Chief shall be responsible for the design and preparation for the fireworks user's application and permit, which he may amend from time to time.

B. Permits for outdoor public fireworks displays shall not be issued unless the site selected has at least a seventy (70) foot radius per inch of internal mortar diameter of the largest shell to be fired. No spectators, dwellings or spectator parking area shall be located within the display site.

C. A sellers permit will be required for all wholesale or retail sales of Class C common fireworks listed below and these shall be the only fireworks sold in the City of Marinette.

The following small items may be sold with a permit:

1. Caps, containing not more than one quarter grain of explosive mixture.
2. Toy snakes, which contain no Mercury.
3. Sparklers, not exceeding thirty six (36) inches or 0.25 inch in outside diameter which do not contain Magnesium, Chlorate or Perchlorate.
4. Party poppers designed to spray out paper confetti or streamers and which contain less than one-quarter grain of explosive mixture.
5. Devices designed to produce an audible sound but not explode, spark, move or emit an external flame after ignition and which do not exceed three grams in total weight.
6. Smoke bombs with no external flame which do not leave the ground.
7. Cylindrical fountains 100 gram or less in total weight with an inside tube diameter not exceeding 0.75 inch, designed to sit on the ground and emit only sparks and smoke.
8. Cone fountains not exceeding 75 gram total weight, designed to sit on the ground and emit only sparks and smoke.
9. The name of the manufacturer and the words "Class C Common Fireworks" must be clearly visible on every fireworks item or on every package (for very small devices). If they do not appear, the item may have been made illegally and could be very unsafe.

Items that can be sold with a permit are not allowed to explode or jump off the ground.

- D. No person shall, within the City, sell or offer for sale any Class C common fireworks, as defined above, without a fireworks seller's permit.
- E. Repealed (see MMC 9.1302 Schedule A).
- F. The Fire Department shall inspect all places of sale of fireworks to determine compliance with applicable provisions of this code, as well as state statutes, and issue or revoke permits based on their findings as required.
- G. No person shall use, possess, or allow to be used, any fireworks other than those defined in (C) above.

#### **5.0218 OUTDOOR BURNING, RECREATIONAL AND COOKING FIRES**

- A. Outdoor Burning Prohibited  
Except as provided below, all outdoor burning is prohibited within the City of Marinette.
- B. Recreational Fires

1. “Recreational Fires”, are defined as any outdoor fire such as a camp fire or cooking fire located at a single or two family private residence, campground, marina, institutional or community event for the purpose of recreation and personal enjoyment. Recreational fires are allowed so long as such fires are started and tended in compliance with the following requirements:
  - (a) Recreational fires shall follow the recommendations of the Marinette Fire Department informational materials entitled, “Recreational Fires”.
  - (b) Subject to all other provisions of this Ordinance, there are no prohibited hours of operation for a recreational fire.
  - (c) No recreational fire shall be closer than 15 feet from any building, structure, shed, garage, tree, shrub, bush, fence, or any other combustible material.
  - (d) All recreational fires shall be in a below ground fire pit with a maximum depth of 2 feet and maximum diameter of 3 feet and the flames may not extend more than 3 feet above the top of the pit. The fire pit shall be surrounded on the outside, above ground, by a non-combustible material such as concrete block or rock. Recreational fires for institutional or community events may exceed the diameter and height requirements in the discretion of the Fire Chief or his designee.
  - (e) Portable fire pits not exceeding three (3) feet in diameter are allowed only on a non-combustible surface (dirt clear of any vegetation, brick, stone, concrete, etc.) with a diameter twice that of the largest diameter of the portable fire pit.
  - (f) No recreational fire shall be started or allowed to continue burning when the wind direction or wind speed will cause smoke, embers, or other burning materials to be carried by the wind toward any building or other flammable materials. Smoke from any recreational fire shall not create a nuisance for neighboring property owners. The fire shall be extinguished upon the complaint of any neighboring property owner regarding nuisance smoke.
  - (g) Untreated wood is the only material which may be burned in a recreational fire. By way of illustration but not limitation, the following materials shall not be burned in a recreational fire: rubbish, garbage, recyclable items, yard waste, trash, any material made of or coated with rubber, plastic, leather, or petroleum based materials, and flammable or combustible liquids.
  - (h) Adequate fire suppression equipment such as shovels, fire extinguishers, water hoses, or other like equipment sufficient to extinguish the fire if necessary, shall be located within 10 feet of the recreational fire and be immediately available for use.

- (i) All recreational fires shall be attended at all times until the fire is completely extinguished by at least one responsible person of age 18 or older who may not be under the influence of an intoxicant.
- (j) The renter/lessee of any leased property must obtain written documentation from the property owner giving permission to have a recreational fire on that property and such proof shall be presented to the Fire Department prior to issuance of a permit. (Ordinance 2008-2126 adopted 5-6-2008)
- (k) The property owner and/or person who has started any recreational fire shall hold the City harmless from any and all such liability for any damage caused by a recreational fire.
- (l) Failure to use a recreational fire in compliance with this ordinance and fire department recommendations shall be considered in violation of this ordinance.
- (m) Approved Training Fires. Approved training for fire protection purposes shall be exempt from this ordinance.

1. Seasonal Recreational Fire Permit Procedure

- (n) Recreational fire permits may be issued on an annual basis from May 1 to the following April 30.
- (o) An application for a recreational fire permit are available from the Marinette Fire Department. (Ordinance 2008-2126 adopted 5-6-2008).
- (p) At the discretion of the Fire Department, or upon the applicants request, a site inspection may be required prior to issuance of a permit (Ordinance 2008-2126 adopted 5-6-2008).
- (q) A copy of the permit shall be on the premises and readily accessible at the fire site.
- (r) Prior to starting a recreational fire, residents must call the Marinette Fire Department to hear a pre-recorded message on current burning conditions and must comply with the prerecorded directive of whether a fire is permitted.
- (s) Seasonal recreational fire permits may also be issued for any institutional, community, or private marina events.
- (t) Recreational fires are allowed in the Marinette Park system without a permit in areas designated, and under rules established, by the Director of Parks.
- (u) All burning restrictions that are issued by the Wisconsin DNR which cover the part of Marinette County in which the City is located shall be observed. Failure to comply with burning bans and other regulations shall be a violation of this ordinance.

- (v) Any violations of this ordinance shall result in the revocation of the recreational fire permit without reimbursement of any fees paid.
- (w) Any party who has started or maintains a recreational fire shall pay any and all costs incurred by the Fire Department for any service related calls as a result of non-compliance with the requirements of this ordinance.
- (x) Penalties for a violation of this ordinance shall be governed by Marinette Municipal Code Section 1.0107.

C. Outdoor Cooking Grills

Open or closed cooking grills (charcoal, gas and propane fuel only) are exempt from Sections B (1) and (2) above and shall be regulated as follows:

1. For multi-family dwellings more than one story in height, the use of any cooking grill is prohibited above the first floor occupancy.
2. For all multi-family dwellings more than one story in height, the use of any cooking grill is prohibited within fifteen (15) feet of the structure or any combustible material on the ground floor.
3. Smoke from cooking grills shall not create a nuisance for neighboring property owners.

D. Licensed Woodburning Facilities

Outdoor burning may be conducted by a business or industry pursuant to a woodburning facility license (Wisconsin Administrative Code NR502.11, as amended) issued by the Wisconsin Department of Natural Resources. A City of Marinette burning permit is also required.

E. Emergency Power of Fire Chief

When the Fire Chief determines there are environmental conditions likely to produce a serious threat of fire to life or property, the Marinette Fire Chief or his designee may impose a burning ban and burning restrictions including that no person may:

1. Set, build, or maintain any open fire, except propane or gas grills, when in the immediate vicinity of a residential dwelling and when placed on a non-combustible surface;
2. Throw, discard, or drop matches, ashes, or other burning material while outdoors in the immediate vicinity of combustible natural vegetation;
3. Light or use any fireworks, as defined per Wisconsin Statutes, or caps, toy snakes, sparklers, smoke bombs, cylindrical or cone fountains or other devices that emit sparks and smoke except in displays or use authorized by the Marinette Fire Department where adequate fire prevention measures have been taken.

4. Such a ban described above shall be lifted when the environmental conditions changes so that a serious threat of fire is no longer present.

F. Penalties

Any person or entity who shall violate this section shall, upon conviction, be subject to Section 1.0107, as amended.

**5.0219 SPRINKLER/FIRE ALARM, DETECTION SYSTEMS**

Property owners or agents shall retain all records and documentation of fire suppression/detection system testing, maintenance and/or service work and shall produce same to authorized Department officials upon request. These records may be required to come directly from the testing person or company. The Department may also require a fire sprinkler evaluation to be performed if there is reasonable doubt as to its effectiveness and integrity. Costs for such evaluation shall be borne by the property owner and shall be performed by qualified personnel per requirements of Department of Commerce Chapter 14. Such personnel shall be properly licensed under applicable State guidelines. (*Ordinance 2010-2173 adopted 4-19-2010*). All existing buildings in the City of Marinette that have safety devices such as, but not limited to, fire suppression/detection systems, smoke detection systems, or any alarm system, shall be kept in working order and maintained regardless of a sale, remodeling, or change of occupancy. (*ordinance 2012-2220 adopted 3-6-12*).

**5.0220 RESERVED FOR FUTURE USE**

**5.0221 RESERVED FOR FUTURE USE**

**5.0222 INSPECTIONS GENERALLY**

The Fire Chief, or members of the Fire Department shall make the inspections required by Wisconsin Statute 101.14, as amended, and shall comply with the provisions thereof. The Fire Chief immediately after each examination made by him, shall make a report in writing, to the common council and shall state in such report the number and location of buildings and premises examined by him, the time when examined, and the number and location of buildings caused by him to be put in condition so as not to be dangerous in causing or promoting fires. The Fire Chief shall make complaints for any violation of this chapter.

**5.0223 RIGHT OF ENTRY**

A. For purposes of this section, the authorized representative shall include all members and all officers of the Marinette Fire Department.

B. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the Fire Chief or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition which makes such building or premises unsafe, the Fire Chief or his authorized representative may enter such building or premises at all reasonable times to inspect the building or premises or to perform any duty imposed upon the Fire Chief by this chapter.

C. If such building or premises is occupied, the Fire Chief or authorized representative shall first present proper credentials and demand entry. If such building or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Fire Chief or his authorized representative, shall have recourse to every remedy provided by law to secure entry.

D. If the owner or occupant denies entry, the Fire Chief or his authorized representative shall obtain a proper inspection warrant or other remedy provided by law to secure entry. No owner or occupant or any other persons having charge, care or control of any building or premises, shall fail or neglect, after proper request is made as provided herein, to promptly permit entry therein by the Fire Chief or his authorized representative for the purpose of inspection and examination pursuant to this chapter.

**5.0224      REMOVAL OF FIRE HAZARDS**

Whenever an inspection by the Fire Chief reveals a fire hazard, the Fire Chief may provide a notice, in writing, upon the owner or occupant of the property giving the owner or occupant sufficient time in which to remove the hazard. If the fire hazard is not removed within the time prescribed, it shall be deemed a nuisance and the Fire Chief shall have the hazard removed by the city and the cost or removal reported to the chief finance officer and placed on the tax roll as a special charge against the property.

**5.0225      POSTING OF NO SMOKING SIGNS**

The Fire Chief may post or cause to be posted no smoking signs in retail establishments where flammable or combustible materials are handled or sold and the act of smoking or striking a match or lighter device presents a fire hazard. Such signs shall be plainly visible on a contrasting background and shall be posted conspicuously in all areas where such hazards exist. Such sign shall bear the words "No Smoking" across the top in large letters, state the authority by which they are posted in smaller letters, and bear the signature of the Fire Chief.

**5.0226      POSTED OCCUPANT LOAD**

- A. Any room, where fixed seats are not installed, and which is used for classroom, assembly or similar purpose shall have the capacity of the room posted in a conspicuous place on an approved sign near the main exit from the room. Such sign shall be maintained legibly by the owner or his authorized agent and shall indicate the number of occupants permitted for each room use.
- B. The number of persons in any building or portion thereof shall not exceed the amount determined as specified in the state building code, as surveyed by the Building Inspector and the Fire Chief or his designee.
- C. No person shall permit overcrowding or admittance of any person beyond the

approved capacity of any place of public assemblage as specified above.

The Fire Chief, upon finding any overcrowding conditions or obstruction in aisles, passageways or other means of egress or upon finding any condition which constitutes a serious threat to life, shall cause the performance, presentation, or entertainment to be stopped with the assistance of the police department until such condition or obstruction is corrected. The manager or person in charge of the premises shall be responsible for preventing overcrowding.

**5.0227 FIRE DEPARTMENT SIGNS**

No person may remove, deface, or destroy any sign pertaining to fire safety required by law to be posted.

**5.0228 PORTABLE FIRE EXTINGUISHERS**

All public buildings within the city and wherever flammable and combustible materials including dusts, solids, liquids and gases are sold, manufactured, handled or processed, shall have a fire extinguisher with a minimum rating of 2A 10 BC. One (1) fire extinguisher shall be required for each three thousand (3,000) square feet or fraction thereof and at least one (1) per each floor.

**5.0229 KEY BOX**

When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life saving or fire fighting purposes, the Fire Chief may require a key box to be installed in an accessible location. The key box shall be a type approved by the Fire Chief and shall contain keys to gain necessary access as required by the Fire Chief.

**5.0230 FIRE ALARMS**

- A. Every public building or place of employment containing either a manual, sprinkler activated or fire detector activated alarm system shall comply with this section.
- B. The Fire Department will be contacted immediately upon activation of an alarm by on site personnel or a monitoring agency so not to cause a delay in alarm. Any monitoring agency shall be licensed or approved by either Factory Mutual (FM) or Underwriters Laboratories (U.L.). All systems shall be maintained in operable condition as specified in the most current NFPA, Department of Commerce codes as adopted by reference in Sec. 5.0201. If the alarm system becomes inoperative for any reason, the Fire Chief shall be notified and the provisions of Department of Commerce (DOC) Chapter 14 and NFPA 101 as applicable, shall apply. (Ordinance 2010-2172 adopted 4-19-10)

**5.0231 MALLS**

The mall manager will notify the Fire Chief prior to any use of a mall space for any intended use other than exiting. Examples of other uses would be trade shows, exhibitions, or public assemblies.

**5.232 VACATION OF BUILDINGS**

- A. The Fire Chief is hereby empowered to close any building or structure, and order it vacated where violations of any regulations of this chapter are found and not abated within a reasonable time imposed by him.
- B. Where the public is exposed to immediate danger, the Fire Chief is hereby empowered and directed to order the immediate closing and vacating of any building or structure.

**5.0233 FLAMMABLE DECORATIVE MATERIALS**

- A. The provisions in this section shall apply to all educational and public assembly occupancies. For the purpose of this section, public assembly shall be defined as any building or portion of a building where persons gather for entertainment, recreation, worship, or dining, regardless of the number of people that can be accommodated in that area.
- B. Cotton batting, either natural, artificial or manufactured, straw, dry vines, leaves, trees or other flammable materials, shall not be used for decorative purposes in commercial, industrial or institutional occupancies unless flame retardant. Nothing in this section shall be held to prohibit the display of salable goods permitted and offered for sale.
- C. In unsprinklered buildings, all drapes, hangings, curtains, drops and all other decorative materials used in public buildings that would tend to increase the fire and panic hazard, shall be made from material which is not flammable or shall be treated and maintained in a flame-retardant condition by means of a flame-retardant solution or a process approved by the Fire Chief. Christmas trees are regulated by Department of Commerce Code 14.2008 rev. or any subsequent revision thereof. (Ordinance 2010-2172 adopted 4-19-10)
- D. Exit doors, exit lights, fire alarm sending stations and fire extinguishing equipment shall not be concealed or obstructed by any decorative material.
- E. Treatments used to accomplish flame retardation shall be renewed as often as may be necessary to maintain the flame-retardation effect.
- F. Electric light bulbs shall not be decorated with paper or other combustible materials, unless, such materials have been rendered flame retardant.
- G. The approved class flame spread rating as defined in Section 5.0234 of the flame retardant material or process used as required in this section, shall be in accordance with interior finish requirements for that occupancy.

**5.0234 FLAME-SPREAD CLASSIFICATION**

- A. Flame-spread classification (FSC) is a comparative rating of the measure of flame-spread on a surface of a material or assembly as determined under conditions of tests and performance as specified in ASTM E-84, as amended.
- B. Class A interior finish includes any material classified at twenty-five (25) or less on the flame-spread test scale and four hundred fifty (450) or less on the smoke scale in accordance with ASTM E-84, Test of Surface Burning Characteristics of Building Materials, as amended.
- C. Class B. interior finish includes any materials classified at more than twenty-five (25) but not more than seventy-five (75) on the flame-spread test scale and four hundred fifty (450) or less on the smoke test scale in accordance with ASTM E-84, Test of Surface Burning Characteristics of Building Materials, as amended.
- D. Class C interior finish includes any materials classified at more than seventy-five (75) but not more than two hundred (200) on the flame-spread test scale and four hundred fifty (45) or less on the smoke test scale in accordance with ASTM E-84, Test of Surface Burning Characteristics of Building Materials, as amended.
- E. Class I interior floor finish includes any material with a minimum critical radiant flux of forty-five hundredths (0.45) watts per square centimeter as determined in accordance with ASTM E-648, Test for Critical Radiant Flux of Floor Covering Systems Using a Radiant Heat Energy Source, as amended.
- F. Class II interior floor finish includes any material with a minimum critical radiant flux of twenty-two-hundredths (0.22) watts per square centimeter as determined in accordance with ASTM E-648, Standard Method of Test for Critical Radiant Flux of Floor Covering Systems Using a Radiant Heat Energy Source, as amended.

**5.0235 ATRIUM FURNISHINGS**

- A. Atriums are defined as a floor opening two (2) or more stories that are covered at the top of the series of openings and is used for purposes other than an enclosed stairway, elevator hoistway or utility shaft used for plumbing, electrical, air conditioning or communication facilities.

- B. All decorative materials in atriums shall be noncombustible or shall be flame retardant treated and be so maintained. Devices generating an open flame shall be approved by the Fire Chief prior to use.

**5.0236 RESERVED FOR FUTURE USE**

**5.0237 SMOKE DETECTORS**

- A. Wisconsin Statutes Section 101.145, as amended, (which requires smoke detectors in residential buildings, including but not limited to apartment houses, rooming houses, hotels, children's homes, community based residential facilities, and dormitories, but excluding hospitals and nursing homes) is hereby adopted and incorporated into this section by reference. Except that any reference to "the Department" in said statute shall be amended to read "City".
- B. Wisconsin Statutes Section 101.61 and 101.645, as amended, and statutes cited therein, as amended, (which require smoke detectors in one and one- and two-family homes, residences, or sleeping places) are hereby adopted and incorporated into this section by reference. Except that any reference to "the Department" in said statutes shall be amended to read "City".

**5.0238 MISCELLANEOUS STANDARDS**

- A. Interior finishes and flammable and decorative materials installed in public buildings and places of employment shall comply with the most current version of Department of Commerce Chapter 14, and applicable standards referenced therein.
- B. Fabric decorations used in theatres and assembly halls shall be flameproofed. Fabrics shall have a tag permanently affixed to each separate piece from a legally designated testing facility proving it's fire resistance. After market "flame proofing" products are not permitted unless approved by the Authority having jurisdiction as set forth under the most current revision of Department of Commerce Code Chapter 14 and applicable references.
- C. The use of paper decorations, confetti or flammable decorative material shall be prohibited.

**5.0239 CHRISTMAS TREES**

Artificial Christmas trees, except those within individual living units, shall be flame retardant or nonflammable. In most cases, the display of natural cut Christmas trees, as well as any other combustible vegetation, in any public building is against Wisconsin Department of Commerce Fire Prevention Codes. (Ordinance 2008-2134 adopted 10-7-08)

**5.0240 INVESTIGATION OF FIRES**

The Fire Department shall investigate promptly the cause, origin and circumstances

of every fire occurring in the jurisdiction of the city involving loss of life or injury to person or destruction or damage to property. If it appears to the Fire Department that such fire is of suspicious origin, they shall take immediate charge of all physical evidence relating to the cause of the fire and shall pursue the investigation to its conclusion.

The Fire Department shall inform the police department and the state fire marshal of all suspicious fires and seek their assistance wherever necessary or required by law.

**5.0241 FALSE ALARMS**

No person shall give or send or cause to be given or sent, in any manner, any alarm of fire or other emergency which is known to be false.

**5.0242 WEARING OF NAME TAG AND BADGE**

The members of the Fire Department of the city, when on duty, shall wear the badge or insignia and name tag of the office on the outside of the outermost garment, conspicuously displaying the badge and name tag so the entire surface thereof may be seen, except when caution may dictate that the badge and name tag should not be exposed.

**5.0243 NUMBERING OF BUILDINGS**

See Marinette Municipal Code Section 6.0102.

**5.0244 MODIFICATIONS**

The Chief of the Fire Department shall have power to grant a variance to any provisions of the Fire Prevention Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the carrying out of the strict letter of the Code, provided that the spirit of the Code shall be observed, public safety secured, and substantial justice done. The particulars of such variance granted or allowed and the decision of the Chief of the Fire Department thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

**5.0245 VIOLATIONS**

It is unlawful for any person to violate any provision of this chapter or to fail to obey any rule, regulation or order of the Fire Chief or his designees.

**5.0246 APPEALS**

Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the Common Council within thirty (30) days from the date of the decision appealed.

**5.0247 ENFORCEMENT**

- A. Title 5, Chapter 2 shall be enforced by the Chief of the Fire Department and the Building Inspector where applicable or when requested by the Fire Chief.
- B. The Fire Chief may appoint a fire representative who will act on the chief's behalf in matters concerning fire prevention.
- C. The Fire Chief, his fire representative, and the Building Inspector shall have the authority to STOP WORK immediately in the case of a hazard or a potential hazard which could cause injury, loss of life or loss of property.
- D. Citation authority, Marinette Municipal Code Section 1.0303.

**5.0248 PENALTIES**

- A. The penalty for a violation of Chapter 5, Section 5.0200 shall be governed by Marinette Municipal Code Section 1.0107, as amended.
- B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

## **SCHEDULE A**

### **FIRE LANES**

The following fire lanes are hereby established:

1. Marinette High School at 2135 Pierce Avenue:
  - a. The entire driveway, roadway, and parking lot area on the east side (front) of the building except for officially designated vehicle parking spaces.
  - b. The entire roadway on the south side of the building.
2. The Cul de sac at the Northeast end of Dunlap Avenue. (Ordinance 2008-2135 adopted 10-7-08)

**5.0300 EMERGENCY MANAGEMENT**

**5.0301 EMERGENCY MANAGEMENT**

A Joint Action Ordinance of the Board of Supervisors of Marinette County providing for a county-joint action Emergency Government Organization was amended by said County Board on the 21<sup>st</sup> day of September 2010. A copy of said County ordinance is attached hereto, and made a part hereof, by reference, and is hereby ratified and accepted by the City of Marinette, County of Marinette.

This ratification and acceptance of the Joint Action Ordinance shall constitute a Mutual Agreement between the City of Marinette and the County of Marinette as provided by Section 6.07 of said Joint Action Ordinance.

The County Emergency Management Director appointed and employed by the Marinette County Board as provided in the referred to Ordinance is hereby designated and appointed Emergency Management Director for the City of Marinette, subject to the conditions and provisions as set for the in the Wisconsin Statutes and the Marinette County Joint Action Ordinance.

For the purposes of this attached ordinance, the City of Marinette determines that the Municipal Deputy Management Director set forth in Sec. 6.07(2) shall be the Chief of Police for the City of Marinette or his/her designed. (Ordinance 2008-2123 adopted 4-15-2008)

State Law Reference: Chapter 323, Wis. Stats.

**5.0302 PURPOSE**

To prepare City of Marinette to cope with emergencies resulting from a disaster, or the imminent threat of a disaster, it is necessary to establish protocol for emergency management, conferring upon the City of Marinette Common Council and others specified; the powers and duties provided by this chapter.

Unless otherwise specified by law, the role of any City department or agency, including the Emergency Management Department, in an emergency declared under this chapter, is to assist local units of government and local law enforcement agencies in responding to a disaster or the imminent threat of a disaster.

Cross Reference: (Chapter 323-Emergency Management Wis. Stat. Federal Guidelines 42 USC s. 5195-5197 the Stafford Act, 42 CFR s. 11001 et al.-Title III for the Emergency Planning and Community Right-to-Know Act). (Marinette County Ordinance 27 – 4/16/1968)

**5.0303 DEFINITIONS**

The following terms as used in this Chapter shall, unless the context clearly indicates otherwise, have the following meanings:

- (1) **Common Council.** The City of Marinette Common Council.
- (2) **Declaration by Governor.** The governor may issue an executive order declaring a State of Emergency for the State or any portion of the State if he or she determines that an emergency resulting from a disaster or emergency or the imminent threat of a disaster exists.
- (3) **Disaster.** A severe or prolonged, natural occurrence that threatens or negatively impacts life, health, property, infrastructure, the environment, that exceeds the City's capability to respond to or provide the adequate resources or support and may require the additional assistance from the County, State and federal agencies or traditional mutual aid partners.
- (4) **Emergency.** A severe or prolonged, natural or human caused, occurrence that threatens or negatively impacts life, health, property, infrastructure, the environment, the security of this City or a portion of this State.
- (5) **Emergency Management.** All measures undertaken by or on behalf of the City to do any of the following:
  - (a) Prepare for and minimize the effect of a disaster or the imminent threat of a disaster.
  - (b) Make repairs to or restore infrastructure or critical systems that are destroyed or damaged by a disaster.
- (6) **Emergency Management Director.** The head of the Marinette County Emergency Management Department, who shall, in addition to fulfilling departmental responsibilities, provide direction and control of emergency management during times of emergency or disaster.
- (7) **Presidential Declaration of Disaster.** The situation is of such severity and magnitude that effective response is beyond the capabilities of the State and affected local governments, and Federal assistance under the Stafford Act is necessary to supplement the efforts and available resources of the State, affected local governments, disaster relief organizations, and compensation by insurance.
- (8) **Day-to-Day Emergencies.** Situations which may arise in this county on a daily basis, of a nature not serious enough to be classified as an emergency as defined above in this section. Local agencies or municipalities handle these daily occurrences with their resources or limited assistance of County Emergency Management.
- (9) **State of Absence.** The condition of being incapacitated due to illness or disability, refusing to serve, being physically located fifty (50) miles or more beyond the geographic boundaries of Marinette County, or being unable to be reached by telephone or other telecommunications after 2 attempts.

**5.0304 LINES SUCCESSION FOR EMERGENCY MANAGEMENT DECLARATION DECISIONS**

- A. Mayor  
The Mayor is empowered to declare an emergency, as emergency is defined in this chapter.

- B. Alternates  
In the state of absence of the Chairperson alternates in the line of succession are:
  - 1. Common Council President
  - 2. Public Safety and Code Enforcement Committee – Chairperson
  - 3. Common Council members in ascending order of Ward number (Ward 1,2,3,etc.)
  
- C. Emergency Management Director Absence  
In the event the County Emergency Management Director is absent, the Wisconsin Emergency Management Regional Director may, upon request of law enforcement or emergency responders responding to an emergency, request a local declaration of emergency.  
Cross Ref. (Wisconsin Statutes s. 59.02, 59.12, 9.17(2), 59.18)

**5.0305 EMERGENCY DELCARATIONS AND EMERGENCY POWERS**

- (1) **Declaration by Common Council.**
  - (a) The City of Marinette Common Council may declare by resolution, an emergency existing within the City whenever conditions arise or an imminent threat of a disaster, as defined in this chapter exist or are likely to exist.
  - (b) A state of emergency shall not exceed 60 days, unless the state of emergency is extended by resolution of the Common Council. The existing declaration of emergency may be revoked at the discretion of the Common City by resolution.
  
- (2) **Powers of the Emergency Management Director.** During a state of emergency declared by the governor or the Common Council, the County Emergency Management Director, may obtain supplies, equipment, and services or contract with any person to provide equipment and services on a cost basis to be used to respond to a disaster, or the imminent threat of a disaster.
  
- (3) **Emergency Powers of the Mayor.** In the event of a declaration of local emergency or the proclamation of a state of emergency by the Governor or the Administrator of Wisconsin Emergency Management, the Mayor is empowered as follows:
  - (a) Whatever is necessary and expedient for the health, safety, protection, and welfare of persons and property within the City; including the power to bar, restrict, or remove all unnecessary traffic from the streets and roadways, notwithstanding any provision of Wisconsin Statutes chapters 341 to 349.
  - (b) If, because sudden onset disaster conditions exist or are likely to exist the Mayor may exercise by proclamation a local state of emergency. The Common Council shall ratify the proclamation by resolution when the Common Council can meet.
  
- (4) **Initial Emergency Measures.** All emergency measures taken by the Emergency Management Director prior to the issuance of an official proclamation of emergency, or prior to any decision of the Common Council not to issue such proclamation, shall be legal and binding upon the City.

- (5) **Expenditures.** Any expenditure made in connection with such emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the City of Marinette.

**5.0306 EMERGENCY MANAGEMENT COMMITTEE**

The Public Safety and Code Enforcement Committee is designated as the Emergency Management Committee. The Public Safety and Code Enforcement Committee shall be an advisory and planning group and shall advise the County Emergency Management Director and the Mayor and the Common Council on all matters pertaining to emergency management.

**5.0307 EMERGENCY MANAGEMENT DIRECTOR**

Duties and responsibilities of the Emergency Management Director shall be:

- (1) Develop and promulgate emergency management plans for the County, including planning for joint action with municipalities consistent with the State plan of emergency management.
- (2) Coordinate and assist in the development of municipal emergency management plans within the County and integrate such plans with the County plans.
- (3) Direct the County and joint action municipality emergency management programs.
- (4) Direct countywide emergency management training and exercises.
- (5) Advise the State Administrator of all emergency management planning for the County and render such reports as may be required by the State Administrator.
- (6) In case of a state of emergency proclaimed by the Governor, direct the County and joint action municipalities' emergency management activities and coordinate the municipal emergency management activities within the County, subject to the coordinating authority of the State Administrator.
- (7) Perform such other duties relating to emergency management as may be required by the County Board and or Common Council.
- (8) Act as a Municipal Emergency Management Director as provided for in Chapter 323 of the Wisconsin Statutes and work in consultation with the Northeast Regional Hazardous Materials Team, Marinette County Hazardous Materials Team, and Local Emergency Planning Committee as the Emergency Information Coordinator and Community Emergency Coordinator until such time as that Committee has revoked those responsibilities.

**5.0308 JOINT ACTION**

The Emergency Management Director shall coordinate and assist in developing city, village, and town emergency management plans within the County, integrate the plans with the County plan, advise the department of military affairs of all emergency management planning in the County and submit to the adjutant general the reports that he or she requires, direct and coordinate emergency management

activities throughout the County during a State of emergency, and direct Countywide emergency management training programs and exercises.

- (1) **Joint Action Ordinance.** Municipalities entering into a joint action agreement with the County shall provide for utilization of existing services of municipal government by enactment of an ordinance parallel to this ordinance.
- (2) **Municipal Emergency Management Coordinator.**
  - (a) Each municipality enacting a joint action agreement with the County shall appoint an Emergency Management Coordinator.
  - (b) The municipal Emergency Management Coordinator will operate under the administrative direction of the County Emergency Management Director.
  - (c) Remuneration, if any, for the municipal Emergency Management Coordinator will be determined and paid by the governing body of that municipality.

## 5.0309

### MARINETTE COUNTY EMERGENCY OPERATIONS PLAN (EOP)

(1) **Development:** Under the direction of the Board of Supervisors, the Emergency Management Director shall be responsible for ensuring the development and maintenance of the Marinette County Emergency Operations Plan, which shall provide for the effective mobilization of all of the resources of the County, both public and private, to meet any condition constituting a local emergency, State of emergency, or State of war; and shall provide for the organization, powers and duties, and staff of the emergency organization.

(2) **Compliance:** The plan shall comply with applicable local, State and federal planning criteria. The plan shall contain an analysis of the risks faced by the County, assign functional responsibilities to County agencies/departments and personnel, and assign lines of succession for the members of the emergency organization.

(3) **Functional assignments:** The plan shall include the functions assigned to County agencies or departments and it shall be the responsibility of each agency director/department head to develop and maintain an agency/department plan to fulfill the roles and responsibilities in the County Emergency Operations Plan and appoint coordinators who shall report to the Emergency Operations Center and carry out assigned duties as appropriate.

(4) **Adoption:** The Emergency Operations Plan shall not be effective until adopted by the Board of Supervisors. Nothing in this section shall be construed so as to limit the Emergency Management Director from immediately commencing organizational and planning programs as required by the County Emergency Response Plan adopted by the County Board.

**5.0310            EMERGENCY MANAGEMENT LEGAL BASIS**

A.    Joint Action Municipalities

In the event of an emergency disaster, the County Emergency Management Director will activate and direct the emergency management services at the appropriate level of government affected by the emergency.

B.    Non-joint Action Municipalities

In the event of an emergency or disaster, the County Emergency Management Director will coordinate the municipalities affected and render such assistance as is required and available from county resources.

Note: The following is Ordinance No. 27 of Marinette County adopted by reference by the City of Marinette:

A GENERAL ORDINANCE OF THE COUNTY OF MARINETTE, WISCONSIN TO  
CREATE AN ORDINANCE GOVERNING EMERGENCY GOVERNMENT IN THE  
COUNTY OF MARINETTE, ENTITLED "EMERGENCY GOVERNMENT FOR  
MARINETTE COUNTY"

The Marinette County Board of Supervisors of Marinette County, Wisconsin, do ordain as follows:

**SECTION 1 POLICY AND PURPOSE.**

- (1) To ensure that the County of Marinette will be prepared to cope with emergencies resulting from enemy action and with emergencies resulting from natural disasters, an emergency government organization is created to carry out the purposes set out in Chapter 22 of Wisconsin Statutes, 1959.
  
- (2) Definitions. As used in this ordinance:
  - (A) The term "enemy action" means any hostile action taken by a foreign power which threatens the security of the State of Wisconsin.
  - (B) The term "emergency government" means all those activities and measures designed or undertaken:
    1. To minimize the effects upon the civilian population caused or which would be caused by enemy action;
    2. To deal with the immediate emergency conditions which could be created by such enemy action; and
    3. To effectuate emergency repairs to, or the emergency restoration of, vital public utilities and facilities destroyed or damaged by such enemy action.
  - (C) The term "natural disaster" includes all other extraordinary misfortunes affecting the county, natural or manmade, not included in the term "enemy action."

**SECTION 2 COUNTY EMERGENCY GOVERNMENT COMMITTEE**

- (1) How constituted. The County Board shall create a joint County-Municipal Emergency Government Committee, including chairman of the County Board as chairman of the committee, four (4) or more additional members of the County Board as determined by the committee on committees and approved by the County Board at its re-organizational meeting.

- (2) Duties of County Emergency Government Committee. The County Emergency Government Committee shall be an advisory and planning group and shall advise the County Emergency Government Director and the County Board of Supervisors on all matters pertaining to emergency government. It shall meet upon call of the chairman.

### **SECTION 3 COUNTY EMERGENCY GOVERNMENT DIRECTOR**

- (1) Joint Director. There is hereby created the office of County-Municipal Emergency Government Director. The County Emergency Government Director shall also hold the office of Emergency Government Director of such municipalities of Marinette County as may hereafter enact an ordinance parallel to this ordinance. In addition to his duties as County Emergency Government Director he shall have the additional duties and responsibilities of a Municipal Emergency Government Director as provided in Section 66.30 of the Wisconsin Statutes.
- (2) Tenure, Term, Appointment and Statutory Provision.
  - (A) Tenure. The County Director of Emergency Government shall be a fulltime, part-time position. The salary of the Director and members of the ' staff shall be set from time to time by the County Board.
  - (B) Term. The term of the Marinette County Emergency Government Director shall be at the pleasure of the County Board.
  - (C) Appointment. The Emergency Government Director shall be appointed in accordance with the standard employment procedure as used by the County Board.
  - (D) Statutory Provision. The provisions of Section 22.01(11), Laws of 1961, Wisconsin Statutes, relating to personnel, shall apply to the selection of the Director and his staff.
- (3) Status. The County Emergency Government Director shall be considered to be an employee of the county and under civil service and shall be entitled to all of the rights, privileges and benefits that county employees have. He shall report to the County Emergency Government Committee.
- (4) Municipal Deputy Emergency Government Director.
  - (A) Each municipality passing a joint action ordinance with the county may appoint a Deputy Emergency Government Director.
  - (B) The Municipal Deputy Emergency Government Director will operate under the administrative direction of the County Emergency Government Director.
  - (C) Remuneration, if any, for the Deputy Municipal Emergency Government Director will be determined and paid by the governing body of that municipality.

#### **SECTION 4 SHARING OF COSTS**

- (1) Office and Staff. The Marinette County Board shall provide offices, office furniture, stenographic help and such office supplies as may be necessary to carry out the functions of the County Emergency Government Director and the cost thereof shall be defrayed by the County of Marinette, with the help of federal matching funds.
- (2) Major Equipment and Services. Costs of equipment and services shall be borne 100 percent by the municipal government requiring such procurement with federal matching funds procured by the County-Municipal Director when applicable Federal matching funds reimbursements shall be returned to the Treasurer of the municipality procuring the equipment or services.
- (3) Budget. At the appropriate date, the Emergency Government Committee shall submit an annual budget in the form prescribed therefore, to the County Board for its consideration and approval.

#### **SECTION 5 JOINT ACTION MEETINGS**

Whenever it is deemed necessary by either the County Emergency Government Committee or the Emergency Government Committee of a municipality participating in joint action, there shall be a joint meeting of the committees to decide such matters as may arise.

#### **SECTION 6 DUTIES OF THE COUNTY EMERGENCY GOVERNMENT DIRECTOR**

- (1) County Wide Duties. The Director, in his capacity as County Director, subject to the control and direction of the County Emergency Government Committee and under the general supervision of the County Board, shall:
  - (A) Develop and promulgate Emergency Government plans for the County, including planning for joint action municipalities, consistent with the State Plan of Emergency Government;
  - (B) Coordinate and assist in the development of non-joint action municipal Emergency Government plans within the County, and integrate such plans with the County plan;
  - (C) Direct the County and joint action municipality Emergency Government programs;
  - (D) Direct county-wide Emergency Government training programs and exercises;
  - (E) Advise the State Director of all Emergency Government planning for the County and render such reports as may be required by the State Director;

- (F) In case of a state of emergency proclaimed by the Governor, direct the County and joint action municipalities Emergency Government activities and coordinate the non-joint action municipal Emergency Government activities within the County, subject to the coordinating authority of the State Director; and
  - (G) Perform such other duties relating to Emergency Government as may be required by the County Board.
- (2) Municipal Duties. The Director in his capacity as Director for a municipality participating in joint action, shall:
- (A) Direct the municipal Emergency Government organization;
  - (B) Develop, promulgate, and integrate into the County plan, emergency Government plans for the operating services of the municipality;
  - (C) Direct participation of the municipality in such Emergency Government training programs and exercises as may be required on the County level or by the State Directors;
  - (D) Direct the municipal Emergency Government training programs and exercises;
  - (E) Perform all administrative duties necessary for the rendering of reports and procurement of matching federal funds for each municipality requesting federal matching funds;
  - (F) In case of a state of emergency proclaimed by the Governor, direct the activities of the municipal Emergency Government organization;
  - (G) Perform such other duties relating to Emergency Government as may be required by the municipal governing body.

**SECTION 7 UTILIZATION OF EXISTING SERVICES AND FACILITIES**

- (1) Policy. In preparing and executing the Emergency Government program, the services, equipment, supplies and facilities of the existing departments and agencies of the County shall be utilized to the maximum extent practicable, and the officer and personnel of all such departments and agencies are directed to cooperate with and extend such services and facilities as are required of them.
- (2) Responsibility. In order to assure that in the event of an emergency all the facilities of the existing County government are expanded to the fullest to meet such emergency, the following specific responsibilities are assigned to the following department heads named as directors of Emergency Government service. The Emergency Government Director will assist them in organizing and planning for the expansion of their departments prior to and during an emergency and for recruiting necessary Emergency Government volunteers to supplement regular department employees:

County Sheriff, Director of Police Services.

County Highway Commissioner, Director of Engineering Services. Purchasing Agent, Director of Supply Service.

Director of Public Welfare, Director of Emergency Welfare Service.

County Coroner, Director of Mortuary Services.

District Attorney, Director of Intelligence.

Other department heads not specifically named will fulfill emergency and non-emergency duties as assigned under the County survival plan. Nothing in this section shall be construed so as to limit the Emergency Government Director from immediately commencing organizational and planning programs as required by the County survival plan adopted by the Marinette County Board of Supervisors.

- (3) Joint Action. Municipalities entering into joint action with Marinette County will provide for utilization of existing services of municipal government by enactment of an ordinance parallel to this section of the County ordinance.

## **SECTION 8. OTHER EMERGENCIES**

- (1) Joint Action Municipalities. In the event the Governor determines that an emergency exists growing out of natural or man-made disasters, the County Emergency Government Director will activate and direct the Emergency Government services at the appropriate level of government affected by the emergency.
- (2) Non-Joint Action Municipalities. In the event of a natural or man-made disaster, the County Director will coordinate the municipalities affected and render such assistance as is required and available from County resources.

## **SECTION 9 PENALTIES**

- (1) It shall be unlawful for any person willfully to obstruct, hinder, or delay any member of the Emergency Government organization in the enforcement of any order, regulation or plan issued pursuant to this ordinance, or to do any act forbidden by any order, rule, regulation, or plan issued pursuant to the authority contained in this ordinance. For a violation of any of the provisions of this ordinance he shall forfeit not less than One Hundred (\$100.00) Dollars nor more than Five Hundred (\$500.00) Dollars, and in default of payment thereof, shall be imprisoned in the County Jail for a period not exceeding ninety (90) days.

## **SECTION 10 REPEAL OF PRIOR ORDINANCES AND RESOLUTIONS**

All ordinances or resolutions hereinbefore adopted by the County Board inconsistent with the provisions of this ordinance are hereby repealed.

## **SECTION 11 CONSTITUTIONAL VALIDITY**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, it is the intent of the County Board that such decision shall not affect the remaining portions of this ordinance.

The Marinette County Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

## **SECTION 12. EFFECTIVE DATE**

This ordinance shall take effect and be in force upon passage and publication.

Submitted by: Legislative, Tax and Health Committee  
Terrence Giese

Gerald Oehler  
John E. Brickert

Passed this 16th day of April, 1968, by the Marinette County Board of Supervisors:

Countersigned:

Nelson C. Johnson Chairman of the Board

Attested: Donald W. John County  
Clerk

