

37.



# City of West Allis Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

File Number	Title	Status
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O-2010-0023      Ordinance      Introduced

An Ordinance to Amend Subsection 2.19(8)(b), Repeal Subsection 5.10(22), Re-number Subsection 5.10(23), Repeal and Recreate Section 5.14 and Create Section 5.18 of the West Allis Revised Municipal Code Relating to the Fire Prevention Code, Penalties and Citation Authority.

Introduced: 7/6/2010

Controlling Body: Safety & Development Committee

Sponsor(s): Thomas G. Lajsic

519

## COMMITTEE RECOMMENDATION

PASS

ACTION DATE:

7/6/10

MOVER	SECONDER	
_____	_____	Barczak
_____	_____	Czaplewski
_____	_____	Kopplin
_____	_____	Lajsic
_____	_____	Narlock
_____	_____	Reinke
_____	_____	Roadt
_____	_____	Sengstock
_____	_____	Vitale
_____	_____	Weigel

AYE	NO	PRESENT	EXCUSED
✓			
✓			
✓			
✓			
			✓

TOTAL

4    0

## SIGNATURE OF COMMITTEE MEMBER

Chair

Vice-Chair

Member

## COMMON COUNCIL ACTION

Pass

ACTION DATE:

JUL 06 2010

MOVER	SECONDER	
_____	_____	Barczak
_____	_____	Czaplewski
_____	_____	Kopplin
_____	_____	Lajsic
_____	_____	Narlock
_____	_____	Reinke
_____	_____	Roadt
_____	_____	Sengstock
_____	_____	Vitale
_____	_____	Weigel

AYE	NO	PRESENT	EXCUSED
✓			
✓			
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✓			✓

TOTAL

9    -

1



# City of West Allis

7525 W. Greenfield Ave.  
West Allis, WI 53214

## Ordinance

**File Number: O-2010-0023**

**Final Action:**

**Sponsor(s):** Thomas G. Lajsic

**JUL 06 2010**

An Ordinance to Amend Subsection 2.19(8)(b), Repeal Subsection 5.10(22), Re-number Subsection 5.10(23), Repeal and Recreate Section 5.14 and Create Section 5.18 of the West Allis Revised Municipal Code Relating to the Fire Prevention Code, Penalties and Citation Authority.

The Common Council of the City of West Allis do ordain as follows:

PART I. Subsection 2.19(8)(b) of the Revised Municipal Code of the City of West Allis is hereby amended to read:

2.19 MUNICIPAL JUDGE.

\* \* \*

(8) Stipulations.

\* \* \*

(b) Schedule of Deposits. The basic amounts of the deposits established pursuant to section 800.03(3) of the Wisconsin Statutes are set forth below for convenient reference and shall be accompanied by any penalty assessments, costs and surcharges applicable by law.

Section	Violation Description	Deposit
5.10	Fire Prevention Code	\$250.00
5.10	Cause Fire by Tobacco Smoking	\$100.00
5.10	Removal and Destruction of Tags and Signs	\$500.00

\* \* \*

PART II. Subsection 5.10(22) of the Revised Municipal Code of the City of West Allis is hereby repealed.

PART III. Subsection 5.10(23) of the Revised Municipal Code of the City of West Allis is hereby re-numbered to 5.10(22).

PART IV. Section 5.14 of the Revised Municipal Code of the City of West Allis is hereby repealed and recreated to read:

5.14 PENALTIES.

(1) Any person who shall violate any of the provisions of this Code or fails to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction, within the time limits fixed herein, shall severally for each and every violation or noncompliance, forfeit not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00), together with the costs of prosecution, and in default of payment thereof, by imprisonment in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in sec. 800.095(a) of the Wisconsin Statutes. The imposition of a penalty for any violation shall not excuse the violation, or permit it to continue, and all such persons shall be required to correct or remedy such violations within a reasonable time.

(2) Each and every day that a violation of this Chapter occurs constitutes a separate offense.

(3) The application of the above penalties shall not be held to prevent the enclosed removal of prohibited conditions by injunctive action or other legal or equitable means.

PART V. Section <sup>5.19</sup>~~5.18~~ of the Revised Municipal Code of the City of West Allis is hereby created to read:

~~5.18~~ CITATION AUTHORITY.

The Fire Chief, and designated officers, shall have the duty to enforce the Fire Prevention Code through the exercise of citation power. The form of the citation shall be determined by the Fire Chief.


PART VI. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby amended.

PART VII. This ordinance shall take effect and be in force from and after its passage and publication.

ATTO-Repeal&Recreate Sec 5.14 & Create 5:18 <sup>5.19</sup>

PASSED

JUL 06 2010



Paul M. Ziehler, City Admfn. Officer, Clerk/Treas.

APPROVED

7/7/10



Dan Devine, Mayor

corrected by  
monica schultz  
per  
Mayor Devine  
D.D.  
7/16/10





STEVEN J. HOOK  
CHIEF



Hi Darilyn - 6/24  
Here are the docs to  
include in the  
Ord. jacket on  
the Fire Prev. Code.  
Thanks! (S)

To: Honorable Mayor Devine and members of the Common Council  
From: Chief Steven J. Hook  
Re: Request for approval of modifications to the West Allis revised Municipal Code relating to the  
Fire Prevention Code, Penalties and Citation Authority  
Date: June 16, 2010

The attached information relates to modifications in the Chapter 5 of the City of West Allis Revised Municipal Code that could improve the City's ability to enforce municipal fire codes by providing the fire department with the authority to issue citations for violations in certain circumstances, when other efforts to gain compliance have failed.

The ordinance, drafted by Assistant Chief Martin King, in close cooperation with City Attorney Scott Post, is the result of several months of study and review. To arrive at final language, code compliance efforts in our city were evaluated, especially as they related to citation use in other cities. After careful consideration, these revisions are being presented in the interest of providing essential building safety for residents, visitors and businesses in West Allis.

In addition to the draft ordinance, I've attached a detailed breakdown of the specific sections of the current Revised Municipal Code that are being repealed, recreated or renumbered for your review.

On April 15, the West Allis Board of Police and Fire Commissioners voted to support our proposed modifications. I informed commissioners that I would forward the draft to the Mayor and Common Council for review and consideration.

It's important that you realize that issuing a citation is the final step in an effort to gain compliance with life safety codes that protect building occupants. Citations will be issued only after multiple site visits and verbal and written warnings have failed. Citations are not intended to help improve City revenue in any manner and will be closely regulated by the Chief's office.

With this communication, I am asking your Council's approval for this change modification of Chapter 5 of the Revised Municipal Code. Thank you for your continued interest in, and support of our fire prevention and life safety efforts. Please contact me if you have questions or concerns.



STEVEN J. HOOK  
CHIEF

CITY of WEST ALLIS  
FIRE DEPARTMENT

To: Honorable Board of Police and Fire Commissioners  
From: Steven J. Hook, Fire Chief  
Re: Request for approval of modifications to the West Allis revised Municipal Code relating to the Fire Prevention Code, Penalties and Citation Authority  
Date: April 9, 2010

Attached, please find a copy of a draft ordinance that could improve the City's ability to enforce municipal fire codes by providing the fire department with the authority to issue citations for violations in certain circumstances.

The ordinance, drafted by Assistant Chief Martin King, in cooperation with City Attorney Scott Post, is the result of several months of study and review. To arrive at final language, compliance issues in our city were evaluated, especially as they related to citation use in other cities. After careful consideration, these revisions are being presented in the interest of providing essential building safety for residents, visitors and businesses in West Allis.

In addition to the draft ordinance, I've attached sections of the current Revised Municipal Code that are being repealed, recreated or renumbered for your review.

With your Board's support, I will forward the draft to the Mayor and Common Council for review and consideration. Your Board's support is essential for this ordinance to successfully pass through the City's adoption process.

With this communication, I am requesting your Board's approval to support the modifications to the City's Revised Municipal Code relating to the Fire Prevention Code, Penalties and Citation Authority.

Thank you for your consideration. If you have questions or comments regarding this ordinance change, please don't hesitate to contact me.

*4/15/2010 : Supported by PFC, approved to refer to Mayor + CC*



(19) NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS. The Building Inspector, the officer in charge of the Fire Prevention Bureau and the Chief of the Fire Department shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which shall require permits, in addition to those now enumerated in this Code. The officer in charge of the Fire Prevention Bureau shall post such list in a conspicuous place in his office, distribute copies to interested persons and file a copy in the office of the City Clerk.

(20) INTERPRETATION. Whenever the provisions of this Code conflict with the provisions of the regulations adopted under Section 5.10(3), the provisions of this Code shall govern. Whenever the provisions of the regulations adopted under Section 5.10(3) conflict, the officer in charge of the Fire Prevention Bureau shall elect which provision is to govern.

(21) APPEALS. Whenever an application is denied, or when it is claimed that the provisions of the Code do not apply, or that the true intent and meaning of this Code have been misconstrued or wrongly interpreted, the applicant or aggrieved person may appeal from the decision to the Board of Appeals within thirty (30) days from the date the written decision is received.

(22) PENALTIES.

*Repealed*

(a) Any person who shall violate any of the provisions of this Code or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction, within the time limits fixed herein, shall severally for each and every violation or noncompliance, forfeit not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), together with the costs of prosecution, and in default of payment thereof, by imprisonment in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not more than the number of days set forth in sec. 800.095(a) of the Wisconsin Statutes. The imposition of a penalty for any violation shall not excuse the violation, or permit it to continue, and all such persons shall be required to correct or remedy such violations within a reasonable time.

(b) Each and every day that a violation of this Code occurs constitutes a separate offense.

(c) The application of the above penalties shall not be held to prevent the enforced removal of prohibited conditions by injunctive action or other legal or equitable means.

(23) Possession of Ignition Devices Prohibited.<sup>6</sup>

*Remembered*

(22) (a) Definitions. For purposes of this section, the following terms shall mean:

1. "Ignition Device" means matches, lighters and any other material used for the purpose of ignition.

2. "Minor" means a person who has not yet attained the age of eighteen (18) years.

(b) Possession Prohibited. No minor may possess any ignition device, unless under the direct supervision of an adult.

(c) Delivery Prohibited. No adult shall permit an ignition device to be served, sold, dispensed, given away or made available to any minor, unless such minor is accompanied by a parent, guardian or spouse who has attained the age of eighteen (18) years.

(d) Confiscation. Any ignition devices possessed by a minor, contrary to subsection (2), may be confiscated by a police officer.

<sup>6</sup> Ord. 6256, 10/1/96

represented members of the Fire Department shall be as provided in any applicable collective bargaining agreement in effect between the City and a bargaining unit.

5.125 SICK LEAVE.<sup>9</sup>

All sworn officers of the Fire Department, not represented by a bargaining unit, may be granted sick leave under the provisions of Section 2.76(11) of the Revised Municipal Code (except the Board of Police and Fire Commissioners shall be substituted for the Civil Service Commission), and under such rules and regulations as may be prescribed by the Board of Police and Fire Commissioners. Nothing contained in this section shall be construed as otherwise limiting any authority of the Commission granted by Section 62.13 of the Wisconsin Statutes.

5.126 VACATIONS.<sup>10</sup>

(1) All sworn officers of the Fire Department, not represented by a bargaining unit, shall be entitled to vacations as provided in Sections 2.076 (1) through (9) and (11) of the Revised Municipal Code, except the Board of Police and Fire Commissioners shall be substituted for the Civil Service Commission.

(2) Any days of assigned holiday or vacation may be suspended, in case of positive necessity caused by some sudden and serious emergency, which, in the judgment of the Chief, demands that such days not be given at such time.

5.13 FIRES BEYOND CITY LIMITS.

(1) In case of a fire or other emergency in any town, City, or village in the Milwaukee Metropolitan Target Area (Racine, Kenosha, Waukesha, Ozaukee, Walworth, Milwaukee and Washington Counties), the Chief of the Fire Department or the officer in charge of the Department, upon request of the Fire Department of such town, City or village, may, in his discretion, permit or direct any officer or member of the Fire Department to repair to the place of the fire or other emergency with or without an engine or other fire apparatus.

(2) The Chief of the Fire Department or the officer in charge shall also have the power to grant permission to any officer or member of the Fire Department to go with or without an engine or other fire apparatus to any town, City, or village in the Milwaukee Metropolitan Target Area for the purpose of civil defense exercises, demonstrations, training or for fire-fighting purposes, disasters or other emergencies, to be absent such length of time as he may direct.

(3) Whenever personnel or equipment of the Fire Department are employed outside of City limits, the Chief of the Fire Department or the officer in charge shall, within forty-eight (48) hours, file a written report with the Mayor setting forth the following information:

Location of fire or other disaster, number of personnel and pieces of equipment deployed, time absent from the City, any losses to personnel or equipment and any other pertinent information.

(4) Nothing contained in this section shall be construed as otherwise limiting any authority of the Board of Police and Fire Commissioners granted by sec. 62.13 of the Wisconsin Statutes.

5.14 PENALTIES.

The violation of any subsection of sections 5.10 and 5.11 of this Chapter shall subject the violator to a forfeiture of not less than ten dollars (\$10) nor more than two hundred dollars (\$200), together with costs of prosecution, for each day such violation continues and, in default of the payment thereof, to imprisonment in the Milwaukee County House of Correction until such forfeiture and costs are paid, but not exceeding thirty (30) days. In addition, appropriate legal or equitable action may be commenced to enjoin any person, firm or corporation from further violation.

5.15 LABOR AGREEMENTS.

<sup>9</sup> Ord. O-2008-0021, 5/6/2008

<sup>10</sup> Ord. O-2008-0021, 5/6/2008

*Repealed and recreated*





**CITY OF WEST ALLIS**

**Notice of  
Newly Enacted Ordinance**

Please take notice that the City of West Allis enacted Ordinance No. O-2010-0023, Ordinance to Amend Subs. 2.19(8)(b), Repeal Subs. 5.10(22), Re-number Subs. 5.10(23), Repeal and Recreate Sec. 5.14 and Create Sec. 5.19 of the West Allis Revised Municipal Code Relating to the Fire Prevention Code, Penalties and Citation Authority, on July 7, 2010. The ordinance is amending the schedule of deposits for various fire prevention code violations, recreating the penalties for violations of the fire prevention code and giving the Fire Chief the authority to issue citations. The full text of Ordinance No. O-2010-0023 may be obtained at the City Clerk/treasurer's Office, 7525 W. Greenfield Ave., West Allis, WI 53214 and through the Legislative Information Center on the City's Website at <http://www.ci.west-allis.wi.us>. Clerk/Treasurer's telephone: (414) 302-8200.

Paul M. Ziehler,  
City Administrative Officer,  
Clerk/Treasurer

Published: 7/22/10