

**CITY OF WEST ALLIS
ORDINANCE O-2021-0005**

ORDINANCE TO CREATE STRUCTURE FIRE RESPONSE FEE

AMENDING SECTION 5.03(8)

WHEREAS, the West Allis Fire Department provides fire suppression activities when requested to respond to structures that are on fire; and

WHEREAS, the City incurs costs to respond to structure fires and current fees are insufficient to recuperate the cost of the Fire Department response; and

WHEREAS, the Fire Department's Fire Prevention Bureau has performed a cost analysis and has provided recommendations for including fees for responding to structure fires;

NOW THEREFORE, the common council of the City of West Allis do ordain as follows:

SECTION 1: **AMENDMENT** "5.03 Fire Chief" of the City Of West Allis Municipal Code is hereby *amended* as follows:

A M E N D M E N T

5.03 Fire Chief

1. Appointment and Term. See Section 2.20 of this Code.
2. Duties. The Chief of the Fire Department shall have command and supervision over all the members, apparatus and operations of the Fire Department, subject to the rules and regulations which may be prescribed by the Board of Police and Fire Commissioners and by the Common Council. He shall keep all appliances belonging to the City and used for the purpose of the Fire Department in good repair and ready for immediate and efficient service.
3. To Appoint Subordinates. The Chief shall appoint subordinates subject to the approval of the Board of Police and Fire Commissioners. Such appointments shall be made by promotion, when this can be done with advantage, otherwise from an eligible list provided by examination and approval by the Board of Police and Fire Commissioners and kept on file with the City Clerk.
4. To Make Rules for Department. The Chief may make rules and regulations for the good government of the Fire Department, consistent with the regulations prescribed by the Board of Police and Fire Commissioners.
5. Emergency Destruction of Property. The Chief and his assistants may direct the firemen to remove, tear down or otherwise dispose of any building or other structure when it shall become absolutely necessary to do so for the purpose of stopping or checking the

progress of a fire.

6. Other Duties; Fire Inspector.

- a. The Chief shall perform all duties delegated to him by the laws of Wisconsin, particularly sec. 101.14(2) of the Wisconsin Statutes, and by the ordinances of the City.
- b. An Annual Fire Prevention Inspection Fee shall be charged to the property owner for required inspections of each building, structure and premises.
- c. The fee for required annual fire inspections shall be as follows:
 - i. Residential:

Building Type	Fee
3 - 36 units	\$5.00 per unit
37 - 60 units	\$200.00
61 - 100	\$225.00
100 or more units	\$250.00

ii. Commercial:

Building Type	Fee
Under 1,000 sq. ft.	\$10.00 per unit
1,000 to 5,000 sq. ft.	\$25.00
5,000 to 25,000 sq. ft.	\$50.00
25,000 to 100,000 sq. ft.	\$100.00
100,000 to 250,000 sq. ft.	\$200.00
250,000 to 500,000 sq. ft.	\$300.00
500,000 to 1,000,000 sq. ft.	\$500.00
Over 1,000,000 sq. ft.	\$750.00

iii. Industrial:

Building Type	Fee
Under 5,000 sq. ft.	\$50.00
5,000 to 25,000 sq. ft.	\$100.00
25,000 to 100,000 sq. ft.	\$150.00
100,000 to 175,000 sq. ft.	\$250.00
175,000 to 350,000 sq. ft.	\$500.00
350,000 to 1,000,000 sq. ft.	\$750.00
1,000,000 to 2,000,000 sq. ft.	\$1,250.00
Over 2,000,000 sq.	\$2,000.00

iv. Churches and Schools:

Building Type	Fee
Under 1,000 sq. ft.	\$10.00
1,000 to 5,000 sq. ft.	\$25.00
5,000 to 25,000 sq. ft.	\$50.00
25,000 to 100,000 sq. ft.	\$100.00
100,000 to 250,000 sq. ft.	\$200.00
250,000 to 500,000 sq. ft.	\$300.00
500,000 to 1,000,000 sq. ft.	\$500.00
Over 1,000,000 sq. ft.	\$750.00

- d.
 - i. The fee for hotels and motels shall be the same as for residential property, except that the fee shall be calculated on a per room basis.
 - ii. The fee for mobile homes shall be the same as for residential property, except that the fee shall be calculated on a per mobile unit basis.
 - iii. Premises located within the City shall be inspected, pursuant to Sec. 101.14 of the Wisconsin Statutes.
 - iv. Square footage above refers to total floor area of any building or structure.
- e. The annual fee shall constitute a special charge against the property inspected. The annual fee shall be extended upon each year's tax roll for collection. If not paid on or before July 31 of each year, the fee shall become a lien on the property inspected and shall automatically be extended upon the current tax roll as a delinquent tax against the property. All proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply

to such special charge. The annual fee represents payment for fire inspections for the year in which payment is due.

- f. All buildings owned by the United States government, the State of Wisconsin, Milwaukee County, the Milwaukee Area Technical College, the West Allis - West Milwaukee School District, the Milwaukee Metropolitan Sewerage District and the City of West Allis, shall be exempt from this fire inspection fee.
- g. Severability. If any provision, clause, sentence, paragraph, section or part of this ordinance, or application thereof to any person, firm, corporation or circumstance shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this ordinance and the application of said provision, clause, sentence, paragraph, section or part of this ordinance to other persons, firms, corporations or circumstances, but shall be confirmed in its operation to the provision, clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person, firm, corporation or circumstance involved. It is hereby declared to be the legislative intent of the Common Council that this ordinance would have been adopted had such invalid provision or provisions not been included.

7. Ambulance Fee. [Ord. 6044, 10/5/1993; Ord. 6595, 11/20/2001]

- a. Whenever an ambulance of the City of West Allis shall convey a person, a fee shall be charged for such service to the person, his/her insurance company, or his/her estate. [Ord. O-2009-0031, 11/17/2009; Ord. O-2016-0059, 12/20/2016; Ord. O-2017-0058, 12/5/2017]
- b. The fee shall be established annually by the Common Council and shall be kept in the City Clerk's office. [Ord. 6537, 10/17/2000; Ord. O-2005-0029, 6/7/2005; Ord. O-2009-0031, 11/17/2009; Ord. O-2016-0059, 12/20/2016; Ord. O-2017-0058, 12/5/2017]
- c. The Fire Chief or his designee shall be responsible for obtaining the name, address, identification number and health insurance data of the person conveyed, as possible. The Treasurer shall be responsible for the billing and collection of the fee from the person conveyed.

8. ~~Crash and Vehicle Fire Billing~~ Fire Department Service Fees. [Ord. O-2012-0044, 12/4/2012; Ord. O-2017-0042, 10/3/2017; Ord. O-2018-0045, 1/15/2019]

- a. ~~Except as otherwise noted herein, whenever t~~The Fire Department of the City of West Allis Chief may impose a fee of up to \$500 if the Fire Department provides any of the following services:
 - i. ~~responds~~ A qualified response to a ~~crash~~ vehicle accident that does not involve a vehicle fire, ~~within the City limits, involving a vehicle or vehicles that is/are not registered to an address within the City of West Allis at the time of the event,~~ The fee shall be charged, ~~as set forth in Subsection (c) below, for such service~~ to the vehicle owner(s). The owner of any such vehicle that is legally parked shall not be charged a fee for such service. The owner of a vehicle that is registered to an address within the City of West Allis at the time of the event shall not

- be charged a fee for this service.
- ii. A qualified response to a vehicle fire, whether it involves a crash or not, within the City limits. The fee shall be charged to the vehicle owner(s).
 - iii. A qualified response to a structure fire within the City limits. The fee shall be charged to the owner of the real property.
- b. ~~Whenever the Fire Department responds to a vehicle fire, whether it involves a crash or not, within the City limits, a fee shall be charged as set forth in Subsection (e) below, for such service to the owner(s) (Reserved.)~~
- c. ~~Except as specified in Subsection (a) above, the fee for the Fire Department service shall be five hundred dollars (\$500) per owned vehicle. This fee shall apply only~~ The Fire Department has made a qualified response when all the following conditions are met. ~~Bill generated only when following conditions are met:~~
- i. The Fire Department responds with a fire apparatus (engine or truck). An ambulance only response does not qualify.
 - ii. The accident or fire takes place within City limits (mutual aid responses are not billed).
 - iii. The responding fire company takes one (1) or more of the following actions to mitigate the results of the accident or fire.
 - (1) Extricate occupants from vehicle.
 - (2) Clean up fluids/deploy absorbent material.
 - (3) Deploy hoseline for safety.
 - (4) Render vehicles safe.
 - (5) Return roadway/scene to navigable and/or safe condition (including securing an area to maintain scene safety from electrical hazards resulting from the crash: downed power lines, power poles, etc.).
 - (6) Engage in extinguishment activities, including but not limited to, the application of water, the application of firefighting foam, or the discharge of fire extinguishers
- d. There will be no bill issued if a fire apparatus responds and only provides traffic control, scene safety (roadway blocking), or assistance with medical care.
- e. The Fire Chief, or his or her designee, shall be responsible for obtaining the name, address, identification number, and insurance data of the owner, if possible. The Treasurer shall be responsible for the billing and collection of the fee.

SECTION 2: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 3: EFFECTIVE DATE This Ordinance shall be in full force and effect on and after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio	_____	_____	_____	_____
Ald. Vince Vitale	_____	_____	_____	_____
Ald. Tracy Stefanski	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Thomas Lajsic	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Rosalie Reinke	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____

Attest

Presiding Officer

 Rebecca Grill, City Clerk, City Of
 West Allis

 Dan Devine, Mayor City Of West
 Allis