

CITY OF FRANKLIN  
COMMON COUNCIL MEETING\*  
FRANKLIN CITY HALL – COMMON COUNCIL CHAMBERS  
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN  
AGENDA\*\*  
TUESDAY, NOVEMBER 5, 2019 AT 6:30 P.M.

- A. Call to Order and Roll Call.
- B. Citizen Comment Period.
- C. Approval of Minutes - Regular Common Council Meeting of October 15, 2019.
- D. Hearings:
- E. Organizational Business.
- F. Letters and Petitions.
- G. Reports and Recommendations:
  - 1. Consent Agenda:
    - (a) Approval by Common Council to Allow the Fire Department to Dispose of a Staff Vehicle That is no Longer in Service by Sending it to Auction.
    - (b) Donation from the Residents of Brenwood Park in the Amount of \$1020.25 to the Fire Department.
    - (c) Donation from Rose Spang in the Amount of \$200 to the Police Department to be Deposited into the Police Donation Account.
  - 2. Concept Review for a Proposed Challenge Tower (Similar to and Sometimes Referred to as Compact Aerial Courses or High Rope Courses)(to be Located at The Rock Sports Complex, North of the Umbrella Bar, at Approximately 7005 South Ballpark Drive) (Rock Snow Park, LLC, Applicant).
  - 3. Project Updates for Ballpark Commons.
  - 4. Authorization to Execute Project Documents with SKC Communications and Avaya for an Amount not to Exceed \$75,000 to Replace the Police Department Phone System and Make Recommended Phone System Enhancements.
  - 5. Police and Fire Commission Request to Revise the Job Descriptions for Police Patrol Officer and Firefighter/Paramedic.
  - 6. An Ordinance to Repeal and Recreate Chapter 133 Fire Prevention, Protection, and Control Code, of the Municipal Code of the City of Franklin.
  - 7. Request from the Director of Health and Human Services to Authorize Officials for the City of Franklin to Sign the Addendum to the 2019-2022 Contract to Administer the Retail Food and Recreation Programs for the Wisconsin Department of Agriculture, Trade and Consumer Protection.
  - 8. Request from Director of Health and Human Services to Accept the 2020 Consolidated Contract Grants for the Following Programs: Childhood Immunizations, Maternal Child Health, Lead, Communicable Disease, Emergency Preparedness and Preventive Health Services.
  - 9. Electric Service Installation Agreement for the Pleasant View Park Pavilion (4901 W. Evergreen Street) From We Energies in the Amount of \$7,303.68.

Common Council Meeting Agenda

November 5, 2019

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10. An Ordinance to Amend Ordinance 2018-2345, an Ordinance Adopting the 2019 Annual Budgets for TID 3 to Appropriate Additional Developer Grant Funds Delayed from 2018.
11. Release of Escrow Deposit for the Public Improvements at The Wellness Center Located at 8800 S. 102nd Street.
12. Franklin Economic Development Annual Report.
13. Staff Direction Regarding Infrastructure Development for Franklin Corporate Park and Purchasing Pump Station Equipment from USEMCO for \$182,816.00.
14. Submittal of the W. Puetz Road Surface Transportation Urban Program (STP) Grant Applications for the Wisconsin Department of Transportation (WISDOT) 2020-2025 Program Cycle.
15. Employee Benefit-Related Insurance Coverages, Carriers and Premium Shares, Including Health Insurance, Stop Loss, Broker Services, Voluntary Long-Term Disability Insurance (LTD), Life and Accidental Death and Dismemberment Insurance (AD&D), Including Voluntary Supplemental Life Insurance and a Voluntary Vision Plan.
16. September 2019 Monthly Financial Report.
17. Recommendation to Opt-Out of the Federal Negotiation Class Pertaining to the National Prescription Opiate Litigation.
18. Recommendation from the Committee of the Whole Meeting of November 4, 2019: Johns Disposal Services, Inc. Contract Amendment Options to Provide Weekly Recycling and Automated Garbage Services.
19. Tax Incremental District No. 6 Mixed-Use Industrial, Commercial, Retail, Single-Family Residential and Open Space Uses (of an approximate 164-acre site generally located north and south of West Loomis Road, south of West Ryan Road, west of South 112th Street, east of South 124th Street and north of West Oakwood Road) Project Development; Tax Incremental District No. 6 Development Agreement Between the City of Franklin and Loomis and Ryan, Inc.; Acknowledgement of Development Agreement by Strauss Investments, LLC; Tax Assessment Agreement (Tax Incremental District No. 6) between the City of Franklin and Strauss Investments, LLC. The Common Council may enter closed session pursuant to Wis. Stat. § 19.85(1)(e), to deliberate upon the Tax Incremental District No. 6 Mixed-Use Industrial, Commercial, Retail, Single-Family Residential and Open Space Uses Project Development, the Tax Incremental District No. 6 Development Agreement Between the City of Franklin and Loomis and Ryan, Inc., the Acknowledgement of Development Agreement by Strauss Investments, LLC, and the Tax Assessment Agreement (Tax Incremental District No. 6) between the City of Franklin and Strauss Investments, LLC terms and status, the negotiation of provisions and terms and the investing of public funds in relation thereto, for competitive and bargaining reasons, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.
20. Potential commercial/industrial/manufacturing development(s) and proposal(s) and potential development(s) agreement(s) in relation thereto for the +/- 73 acres property at the Southwest corner of South 27th Street and West Oakwood Road. The Common Council may enter closed session pursuant to Wis. Stat. § 19.85(1)(e), for market competition and bargaining reasons, to deliberate and consider terms relating to potential commercial/industrial/manufacturing development(s) and proposal(s) and the investing of public funds and governmental actions in relation thereto and to effect such development(s), including the terms and provisions of potential development agreement(s)

for the development of +/- 73 acres propert(ies) at the Southwest corner of South 27th Street and West Oakwood Road, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

- 21. Potential development and proposal and potential development agreement by and with ZS Enterprises, LLC for Franklin Corporate Park property located on the south side of West Elm Road in the approximately 3500 block area were West Elm Road to be extended to the west, consisting of approximately 79.79 acres and bearing Tax Key No. 979-9997-000. The Common Council may enter closed session pursuant to Wis. Stat. § 19.85(1)(e), for market competition and bargaining reasons, to deliberate and consider terms relating to potential development and proposal and the investing of public funds and governmental actions in relation thereto and to effect such development, including the terms and provisions of a potential development agreement for the development of property located on the south side of West Elm Road in the approximately 3500 block area were West Elm Road to be extended to the west, consisting of approximately 79.79 acres and bearing Tax Key No. 979-9997-000, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

H. Bills.

Request for Approval of Vouchers and Payroll.

I. Licenses and Permits.

Miscellaneous Licenses from License Committee Meeting of November 5, 2019.

J. Adjournment.

\*Notice is given that a majority of the Economic Development Commission may attend this meeting to gather information about an agenda item over which the Economic Development Commission has decision-making responsibility. This may constitute a meeting of the Economic Development Commission, per State ex rel. Badke v. Greendale Village Board, even though the Economic Development Commission will not take formal action at this meeting.

\*\*Supporting documentation and details of these agenda items are available at City Hall during normal business hours.

[Note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, contact the City Clerk's office at (414) 425-7500.]

REMINDERS:

November 7	Plan Commission Meeting	7:00 p.m.
November 19	Common Council Meeting	6:30 p.m.
November 21	Plan Commission Meeting	7:00 p.m.
November 28 & 29	City Hall Closed for Thanksgiving Holiday	
December 3	Common Council Meeting	6:30 p.m.
December 5	Plan Commission Meeting	7:00 p.m.
December 17	Common Council Meeting	6:30 p.m.
December 19	Plan Commission Meeting	7:00 p.m.
December 24 & 25	City Hall Closed for Christmas Holiday	

CITY OF FRANKLIN  
COMMON COUNCIL MEETING  
OCTOBER 15, 2019  
MINUTES

ROLL CALL

A. The regular meeting of the Common Council was held on October 15, 2019 and called to order at 6:30 p.m. by Mayor Steve Olson in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Alderman Mark Dandrea, Alderman Dan Mayer, Alderwoman Kristen Wilhelm, Alderman Steve F. Taylor (arrived at 6:47 p.m.), Alderman Mike Barber, and Alderman John R. Nelson. Also present were City Engineer Glen Morrow, Dir. of Administration Mark Luberda, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski.

CITIZEN COMMENT

B.1. Citizen comment period was opened at 6:31 p.m. and closed at 6:43 p.m.

RES. 2019-7552  
RENAME SEWER &  
WATER OPERATIONS  
CENTER

G.12. Alderman Mayer moved to adopt Resolution No. 2019-7552, A RESOLUTION TO RENAME THE SEWER AND WATER OPERATIONS CENTER AT 5550 W. AIRWAYS AVENUE TO THE "JOHN M. BENNETT, P.E., UTILITIES OPERATION CENTER" and further to direct staff to apply for a sign permit and have signage on building changed. Seconded by Alderman Nelson. All voted Aye; motion carried. (See Item G.12. following Item D.1.)

MAYOR  
ANNOUNCEMENT

B.2. Mayor Olson presented Certificates of Appreciation for Serving as Kayla's Playground Ambassadors to the following: Michelle "Shelly" Runte, Joseph Zolecki, Samantha Lemke, Ashlyn Kucharski, Beverly Garves, Dan Crass, Ellen Crass, Jeffery Steier, Doug Milinovich, Christine Dunn, Kamryn Witkowiak, Luanne McGregor, Mark Laing, Jim Collins, Cindy Knueppel, Marta Cruciani, Fred Knueppel and Joe Collins.

Alderman Taylor arrived at 6:47 p.m.

MINUTES-COW MTG  
SEPTEMBER 30, 2019

C.1. Alderman Dandrea moved to approve the minutes of the Committee of the Whole meeting of September 30, 2019 as presented at this meeting. Seconded by Alderman Barber. All voted Aye; motion carried.

MINUTES-CC MTG  
OCTOBER 1, 2019

C.2. Alderman Barber moved to approve the minutes of the regular Common Council meeting of October 1, 2019 as presented at this meeting. Seconded by Alderman Nelson. All voted Aye; motion carried.

- MINUTES-SPECIAL CC  
OCTOBER 9, 2019
- C.3. Alderman Barber moved to approve the minutes of the special Common Council meeting of October 9, 2019 as presented at this meeting. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- HEARINGS  
2025 COMP MASTER  
PLAN  
8429 & 8459 W. FOREST  
HILL AVE.
- D.1. A public hearing was called to order at 6:52 p.m. regarding a proposed Ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the Future Land Use Map use designation for property generally located at 8429 and 8459 West Forest Hill Avenue, from Residential Use and Areas of Natural Resource Features Use to Institutional Use and Areas of Natural Resource Features Use (Franklin Public Schools, Applicant, Ronald S. Pesche and Susan D. Pesche, property owners). Alderman Barber moved to hold over the public hearing until December 3, 2019. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- RES. 2019-7552  
RENAME SEWER &  
WATER OPERATIONS  
CENTER
- G.12. Alderman Barber moved to reconsider action taken to adopt Resolution No. 2019-7552, A RESOLUTION TO RENAME THE SEWER AND WATER OPERATIONS CENTER AT 5550 W. AIRWAYS AVENUE TO THE "JOHN M. BENNETT, P.E., UTILITIES OPERATION CENTER" and further to direct staff to apply for a sign permit and have signage on building changed. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- It was then moved by Alderman Mayer to adopt Resolution No. 2019-7552, A RESOLUTION TO RENAME THE SEWER AND WATER OPERATIONS CENTER AT 5550 W. AIRWAYS AVENUE TO THE "JOHN M. BENNETT, P.E., UTILITIES OPERATION CENTER" and further to direct staff to apply for a sign permit and have signage on building changed. Seconded by Alderman Nelson. On roll call, all voted Aye; motion carried.
- HEARINGS  
2025 COMP MASTER  
PLAN  
S. SCEPTER DR./W.  
CHURCH ST.
- D.2. A public hearing was called to order at 6:59 p.m. regarding a proposed Ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the Future Land Use Map use designation for property generally located at South Scepter Drive and West Church Street, from Mixed Use to Residential Multi-Family Use (William Bodner, Managing member, Bodner Property Management, LLC, applicant). The property which is the subject of this application bears Tax Key No. 795-9999-008, consisting of approximately 5.723 acres of land. The public hearing was closed at 6:59 p.m.
- ORD. 2019-2392  
AMEND 2025 COMP
- G.3. Alderman Taylor moved to adopt Ordinance No. 2019-2392, AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025

MASTER PLAN TO CHANGE FUTURE LAND USE MAP AT S. SCEPTER DR. & W. CHURCH ST. (BODNER PROPERTY MANAGEMENT, LLC, APPLICANT)

COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN 2025 FUTURE LAND USE MAP FOR PROPERTY GENERALLY LOCATED AT SOUTH SCEPTER DRIVE AND WEST CHURCH STREET FROM MIXED USE TO RESIDENTIAL, MULTI-FAMILY USE (APPROXIMATELY 5.723 ACRES) (WILLIAM BODNER, MANAGING MEMBER, BODNER PROPERTY MANAGEMENT, LLC, APPLICANT). Seconded by Alderman Barber. On roll call, Alderman Nelson, Alderman Barber, Alderman Taylor, Alderwoman Wilhelm, and Alderman Dandrea voted Aye; Alderman Mayer voted No. Motion carried.

CONSENT AGENDA

G.1. Alderman Taylor moved to approve the following consent agenda items:

EHLERS & ASSOC. DISSEMINATION AGENT

G.1.(a) Direct staff to engage Ehlers & Associates for Dissemination Agent for Issuer Continuing Disclosure services for 2020 Required under Securities and Exchange Commission Rule 15c2-12.

DONATIONS

G.1.(b) Accept donations received during August and September, 2019 to the Police, Fire, Health and Parks.

DONATIONS TO POLICE DEPT. & POLICE K-9

G.1.(c) Accept the following donations for the Franklin Police Department for deposit into their respective accounts: General, Robert Jester, \$100; K-9 Fund, Franklin Police Citizen Academy Association, \$5,000.

Approval of the Consent Agenda items was seconded by Alderman Nelson. All voted Aye; motion carried.

ORD. 2019- AMEND THE 2025 COMP MASTER PLAN TO CHANGE FUTURE LAND USE AT 8429 & 8459 W. FOREST HILL AVE. (FRANKLIN PUBLIC SCHOOLS, APPLICANT)

G.2. An update reference adopting an Ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land use Map for properties located at 8429 and 8459 West Forest Hill Avenue from Residential Use and Areas of Natural Resource Features use to Institutional Use and Areas of Natural Resource Features use (approximately 13.974 acres) (Franklin Public Schools, Applicant, Ronald S. Pesche and Susan D. Pesche, Property Owners), was tabled until the December 3, 2019 Common Council Meeting. (See Item D.1.)

ORD. 2019-2393  
REZONE FROM R-3 TO  
R-8 AT S. SCEPTER DR.  
& W. CHURCH ST.

G.4. Alderman Taylor moved to adopt Ordinance No. 2019-2393, AN ORDINANCE TO AMEND UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE A CERTAIN PARCEL OF LAND FROM R-3 SUBURBAN/ESTATE SINGLE-FAMILY RESIDENCE DISTRICT TO R-8 MULTIPLE-FAMILY RESIDENCE DISTRICT (GENERALLY LOCATED AT SOUTH SCEPTER DRIVE AND WEST CHURCH STREET) (APPROXIMATELY 5.723 ACRES). (WILLIAM BODNER, MANAGING MEMBER, BODNER PROPERTY MANAGEMENT, LLC, APPLICANT). Seconded by Alderwoman Wilhelm. On roll call, Alderman Dandrea, Alderwoman Wilhelm, Alderman Taylor, Alderman Barber, and Alderman Nelson voted Aye; Alderman Mayer voted No. Motion carried.

RES. 2019-7553  
SPECIAL USE FOR  
MULTI-FAMILY  
APARTMENT  
BUILDINGS AT S.  
SCEPTER DR. & W.  
CHURCH ST.

G.5. Alderman Taylor moved to adopt Resolution No. 2019-7553, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A FIVE 8-UNIT MULTI-FAMILY RESIDENTIAL APARTMENT BUILDINGS (40 UNITS) USE UPON PROPERTY LOCATED AT APPROXIMATELY SOUTH SCEPTER DRIVE AND WEST CHURCH STREET (WILLIAM BODNER, MANAGING MEMBER, BODNER PROPERTY MANAGEMENT, LLC, APPLICANT) subject to technical corrections. Seconded by Alderman Dandrea. Alderman Nelson, Alderman Barber, Alderman Taylor, Alderwoman Wilhelm, and Alderman Dandrea voted Aye; Alderman Mayer voted No. Motion carried.

ORD. 2019-2394  
AMEND 2019 BUDGET  
FOR TID 4

G.6. Alderman Taylor moved to adopt Ordinance No. 2019-2394, AN ORDINANCE TO AMEND ORDINANCE 2018-2345, AN ORDINANCE ADOPTING THE 2019 ANNUAL BUDGETS FOR TID 4 TO APPROPRIATE \$10,000 OF APPRAISER PROFESSIONAL SERVICES. Seconded by Alderman Nelson. On roll call, all voted Aye; motion carried.

RES. 2019-7554  
AMEND TASK ORDER  
NO. 5 & NO. 6,  
AUTHORIZE TO SIGN  
CONTRACT FOR LAND  
ACQUISITION SVCS. &  
TO SOLICIT SUPPLIERS  
FOR SANITARY SEWER  
LIFT STATION  
EQUIPMENT

G.7. Alderman Taylor moved to adopt Resolution No. 2019-7554, A RESOLUTION TO AMEND TASK ORDER NO. 5 AND NO. 6 OF RUEKERT & MIELKE, INC.'S CONTRACT FOR FRANKLIN CORPORATE PARK, PHASE 1 DATED NOVEMBER 4 2014. ALSO AUTHORIZE STAFF TO OBTAIN AND SIGN A CONTRACT WITH LAND APPRAISER FOR LAND ACQUISITION SERVICES RELATED TO THIS PROJECT AND SOLICIT EQUIPMENT SUPPLIERS FOR PROVIDING MAJOR SANITARY SEWER LIFT STATION EQUIPMENT. Seconded by Alderman Dandrea. All voted Aye; motion carried.

- ORD. 2019-2395  
AMEND 2019 BUDGET  
FOR TID 7 FOR LEGAL  
COSTS
- G.8. Alderman Taylor moved to adopt Ordinance No. 2019-2395, AN ORDINANCE TO AMEND ORDINANCE 2019-2381, AN ORDINANCE CREATING THE 2019 ANNUAL BUDGETS FOR TID 7 TO PROVIDE FOR LEGAL COSTS IN THE TID. Seconded by Alderman Barber. On roll call, all voted Aye; motion carried.
- REQUEST TO REPEAL  
AND RECREATE  
CHAPTER 133 OF THE  
MUNICIPAL ORD.
- G.9. Alderman Mayer moved to accept the request to Repeal and Replace Chapter 133 of Municipal Ordinance (Fire Prevention, Protection, and Control Code) with the revised version submitted with this document, with revisions explained herein. Seconded by Alderman Taylor. All voted Aye; motion carried.
- FIRE PROTECTION  
PLAN REVIEW AND  
INSPECTION SVCS. FOR  
FIRE DEPT.
- G.10. Alderman Mayer moved to approve an agreement between the City of Franklin (Fire Department) and Fire Safety Consultants, Inc. to provide Fire Protection Plan Review and Inspection Services. Seconded by Alderman Barber. All voted Aye; motion carried.
- WATERMAIN  
EXTENSION S. 27 ST. &  
W. ACRE AVE.
- G.11. Alderman Taylor moved to deny the request to survey property owners to extend watermain along South 27th Street and West Acre Avenue. Seconded by Alderman Barber. All voted Aye; motion carried.
- DPW TO SELL SURPLUS  
EQUIPMENT
- G.13. Alderman Mayer moved to authorize staff to accept the highest bids received on the Wisconsin Surplus auction website and sell the surplus equipment (per the recommendations distributed at the meeting for the bids received on October 15, 2019). Seconded by Alderman Nelson. All voted Aye; motion carried.
- STAR FIRE SYSTEMS  
FOR LIBRARY AND  
CITY HALL
- G.14. Alderman Taylor moved to authorize the Director of Administration to accept the three-year proposal from Starfire Systems, Inc. for City Hall and Library Fire Alarm and Fire Extinguisher Service and Maintenance. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- REPORT ON STATE  
REQUIREMENT TO  
IMPLEMENT POWTS
- G.15. Alderman Taylor moved to receive and place on file a report on the new State requirement for each Municipality to develop and implement a Comprehensive Private Onsite Wastewater Treatment System (POWTS) Maintenance Program. Seconded by Alderman Nelson. All voted Aye; motion carried.
- CITY HALL PROJECT  
UPDATE AND MAIN  
ENTRANCE EXTRAS
- G.16. Alderman Barber moved to accept the update on the City Hall Roof, HVAC, and Fascia Wood Replacement Project, including contingent project costs, and authorize the Director of Administration to not use

more than \$4,000 of the contingency funds for acquisition of two benches, a waste receptacle and a cigarette receptacle for the main entrance. Seconded by Alderman Mayer. All voted Aye; motion carried.

- CITY HALL SIDEWALK REPAIR WITH MUDTECH, LLC      G.17.      Alderman Dandrea moved to authorize the Director of Administration to accept a proposal for sidewalk repair (mudjacking) at City Hall for \$8,150 with MUDTeCH, LLC, with the work to become part of the City Hall Roof, HVAC and Fascia Wood Replacement Project appropriation. Seconded by Alderman Barber. All voted Aye; motion carried.
- CLERK'S OFFICE ASBESTOS ABATEMENT CONTRACT TO INTEGRITY ENV. SVCS.      G.18.      Alderman Mayer moved to accept the proposal for asbestos abatement in the area comprising the City Clerk's Offices from Integrity Environmental Services, Inc. for an amount not to exceed \$8,400, and authorize the Director of Administration to execute such a contract once it is incorporated into the City's contract template format. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- CARPETING CONTRACT TO STU'S FLOORING, LTD. FOR CLERK'S OFFICE AND C. COAKLEY FOR OFFICE HANDLING      G.19.      Alderman Barber moved to use contingency appropriations from the City Hall roof, HVAC and Fascia Wood Replacement Project to accept the proposals and award contracts to Stu's Flooring LTD for carpeting the City Clerk's Offices for \$13,545, subject to publication of a notice as required and to C. Coakley Relocation Services for workstation and furniture handling for \$9,450, for a total of \$22,995. Seconded by Alderman Mayer. All voted Aye; motion carried.
- AUGUST 2019 FINANCIAL REPORT      G.20.      Alderman Taylor moved to receive and place on file the August, 2019 Monthly Financial Report. Seconded by Alderman Barber. All voted Aye; motion carried.
- BS&A'S WATER UTILITY BILLING SOFTWARE      G.21.      Alderman Barber moved to authorize the purchase of BS&A's Water Utility Billing Software including execution of the Software Licenses and Services Agreement and to authorize the Director of Administration to execute the necessary documents. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- VOUCHERS AND PAYROLL      H.1.      Alderman Dandrea moved to approve the following:  
City vouchers with an ending date of October 10, 2019 in the amount of \$3,230,053.54; and payroll dated October 11, 2019 in the amount of \$388,560.71 and payments of the various payroll deductions in the amount of \$204,374.45, plus City matching payments; and estimated payroll dated October 25, 2019 in the amount of \$393,000.00 and payments of the various payroll deductions in the amount of \$416,000.00 plus City matching payments; and Property Tax

investments with an ending date of October 10, 2019 in the amount of \$325.00. Seconded by Alderman Mayer. On roll call, all voted Aye. Motion carried.

LICENSES AND  
PERMITS

- I.1. Alderman Nelson moved to approve the following license recommendations from the License Committee meeting of October 15, 2019:  
Grant 2019-2020 Operator licenses to Aimee M Arndt, 2955 W Drexel Ave, #408; Brianna S Boyden, 2801 S Chicago Ave., South Milwaukee; Jessica M Curler, S69 W15092 Cornell Cir., Muskego; Grant Change of Agent for Wal-Mart Stores East, LP, Veronica Wright, 11321 W Oklahoma Ave, #43, West Allis; and  
Grant Temporary Entertainment & Amusement to Victory of the Lamb Lutheran Church for a Classic Car Display and Free Family Fun Day (Samantha Goodger) on 10/26/19 and a Free Community/Family Holiday Festivities (Samantha Goodger) on 12/06/19 at 11120 W Loomis Rd.  
Seconded by Alderman Barber. All voted Aye; motion carried.

ADJOURNMENT

- J. Alderman Taylor moved to adjourn the meeting at 7:38 p.m. Seconded by Alderman Nelson. All voted Aye; motion carried.

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<p><b>APPROVAL</b></p> <p><i>Slw</i></p>	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p><i>11/5/2019</i></p>
<p><b>REPORTS AND RECOMMENDATIONS</b></p>	<p><b>Request Common Council approval to allow the Fire Department to dispose of a staff vehicle that is no longer in service by sending it to auction.</b></p>	<p><b>ITEM NUMBER</b></p> <p><i>G.I.(a)</i></p>

The Fire Department is seeking council approval to dispose of an older staff vehicle that is not currently in service with the Department. The vehicle would be sent to auction, and any funds recovered through their sale would be returned to the general fund.

The vehicle is a 2014 Ford Explorer that was formerly a Police Department Patrol squad. It has approximately 100,000 miles and is in need of costly repairs to the transmission and catalytic converters. The vehicle would be sent to auction, and replaced by a newer police vehicle that is being rotated out of service.

**COUNCIL ACTION REQUESTED**

**Motion to approve Fire Department request to dispose of a 2014 Ford Explorer vehicle by sending them it auction, with proceeds returned to the general fund.**

Fire: AJR

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<p>APPROVAL</p> <p><i>slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p><i>11/5/2017</i></p>
<p>REPORTS AND RECOMMENDATIONS</p>	<p>Donation from the Residents of Brenwood Park in the amount of \$1020.25 to the Fire Department</p>	<p>ITEM NUMBER</p> <p><i>G.I.(b)</i></p>

The residents of Brenwood Park Senior Apartments have generously donated the proceeds of their annual bake sale and craft fair to the Franklin Fire Department. The department relies on donations to help fund fire prevention educational programs and other safety initiatives in the community.

**COUNCIL ACTION REQUESTED**

Request approval to accept \$1020.25 donation from the residents of Brenwood Park, to be used toward funding fire prevention activities.

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<p>APPROVAL</p> <p><i>slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p><i>11/5/2019</i></p>
<p>REPORTS &amp; RECOMMENDATIONS</p>	<p>FRANKLIN POLICE DEPARTMENT DONATIONS</p>	<p>ITEM NUMBER</p> <p><i>G. I. (e)</i></p>

The Franklin Police Department received the following donation:

**POLICE DONATIONS - GENERAL**

10/15/19	Rose Spang	\$200 00
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**COUNCIL ACTION REQUESTED**

Respectfully request that the above donation be approved for deposit into the Police Donation account.

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<p style="text-align: center;">APPROVAL <i>slw</i></p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b> 11/05/19</p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>CONCEPT REVIEW FOR A PROPOSED CHALLENGE TOWER (TO BE LOCATED AT THE ROCK SPORTS COMPLEX, NORTH OF THE UMBRELLA BAR, AT APPROXIMATELY 7005 SOUTH BALLPARK DRIVE) (ROCK SNOW PARK, LLC, APPLICANT)</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b> <i>G.2.</i></p>

**INTRODUCTION:**

The applicant, Rock Snow Park LLC (operator of the Crystal Ridge Ski Hill), has submitted information about a proposed Challenge Tower to be located north of the Umbrella Bar at The Rock Sports Complex. It can be noted that challenge towers (similar to and sometimes referred to as compact aerial courses or high rope courses) are typically tall structures designed to provide rope courses comprised of numerous swinging, climbing, and balancing challenges.

The applicant is proposing to relocate an existing challenge tower in central Indiana to The Rock Sports Complex. The challenge tower is an approximately 50' tall, three level structure, with an observation deck, and an approximately 50' x 50' octagonal footprint. The applicant also indicates that: a foundation will be engineered for this structure; a fence, pathways and seating will be placed around the structure; the area will be well lit; and security cameras will be installed.

The applicant has not indicated if additional accessory uses or structures will be constructed, such as: parking, loading, unloading, or storage areas; or challenge tower related elements such as zip lines, quick jump/free fall devices, etc. In addition, the applicant has not indicated what the hours of operation or signage would be for the Challenge Tower.

**STAFF COMMENTS:**

Staff would note that the proposed Challenge Tower would require:

- A Planned Development District (PDD) Major Amendment to allow the challenge tower/aerial ropes course as a permitted or special use.
- A Site Plan or Special Use to allow the tower and any associated accessory uses and signage to be constructed, and to remove or revise the reserved area for future parking that is located within the subject area.
- A Building Permit, and associated fill/soils disturbing, erosion control, stormwater management, structural analysis, etc. permits and approvals.

City staff also has the following comments/concerns:

- The Challenge Tower has been proposed within an area reserved for future parking (approximately 56 parking spaces) as set forth in the Ballpark Commons Parking Study that was adopted as part of PDD No. 37. Staff has concerns with removal of any reserved parking areas, particularly if it is to accommodate additional uses and activities which would generate additional parking demands.
- The applicant has not indicated how much of the proposed site and tower would be lit. If the entire tower were to be lit, that would create another significant source of light, and in this case, extending at least 50 feet into the air.

- The applicant has not provided any details about mandatory and recommended safety precautions, who would regulate/enforce them, and how that would be done.
- It appears the proposed Challenge Tower would be slightly higher than the Umbrella Bar and the ski chalet, but significantly shorter than the ski hill or the proposed indoor/outdoor golf facility's fencing/netting.

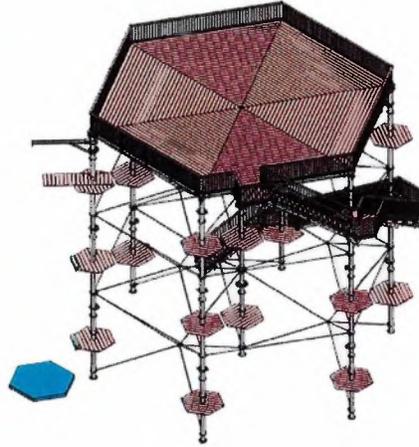
**COUNCIL ACTION REQUESTED**

Provide direction to the applicant regarding the proposed Challenge Tower to be located at The Rock Sports Complex, north of the Umbrella Bar, at approximately 7005 South Ballpark Drive (Rock Snow Park, LLC, Applicant).

# Rock Snow Park, LLC

## Concept Review

Project Summary & Preliminary Site/Development Plan



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## Overview

Rock Snow Park, LLC is looking to build a challenge tower at the Rock Sports Complex. Some features of the tower include:

- 50 elements, including a kids course
- 50' x 50' octagonal footprint
- 50' tall, with 3 levels of obstacles and an observation deck on the top

## Consultant

In preparing to do this study, we hired a challenge course expert to perform a feasibility study on the location. In his executive summary, he concluded:

---

*The Rock Snow Park Aerial Park has the potential to be a profitable attraction. The site provides easy access and infrastructure, and the attraction would provide a great adventure experience for many of the area's visitors and residents. Not only would the venture benefit from the proposed location, but the unique aerial attraction may incentivize new customers to visit the area, creating a mutually beneficial relationship with other local businesses.*

*If positioned correctly and marketed well to residents throughout the area, the park should draw a large number of new visitors and see additional growth over time. The Strategic Adventures team has concluded that this project should take next steps, assuming that the projected returns fit within the owner's requirements.*

***-Paul Cummings, Strategic Adventures***

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## The Tower

The challenge tower is currently constructed and standing in central Indiana. It was installed in 2016 and closed for numerous reasons, primarily location. The tower is a KristallTurm KT-7. KristallTurm is a reputable German company that has installed numerous challenge towers in the around the world and in the United States. Two of the more popular KT towers are:

<https://soaradventure.com/>

<https://castlerockziplinetours.com/sky-trek.html>

The challenge tower industry has oversight from the Association for Challenge Course Technology [ACCT]. ACCT is an American National Standards Institute (ANSI) accredited standards developer for the global challenge course, aerial adventure park, canopy tour, and zip line industry.

<https://www.acctinfo.org/>

If approved, the tower will be deconstructed, transported, and re-constructed by Adventure Development Team, and American based ACCT member. Once installed, the work of Adventure Development Team will be inspected and approved by another ACCT member.

### Foundation

If approved, the foundation will be engineered by Glynn Engineering, a structural and soils engineering firm that has done foundation engineering for adventure towers in the past. We will work closely with the WDNR to determine limitations and restrictions given the nature of the landfill. At the proposed location.

### Costs

We project the total project cost to be \$741,030.

Start-up Costs		
Land and Improvements		\$ 35,000
Attractions		\$ 350,000
Equipment		\$ 40,000
FF&E		\$ 8,250
Personnel		\$ 27,750
Marketing		\$ 75,000
Professional Services		\$ 92,600
<b>Total Start-Up Costs</b>		<b>\$ 628,600</b>
Other Costs		
Contingency Capital	5% of Startup Cost	\$ 31,430
Beginning Working Capital	3 Months Fixed Cost	\$ 81,000
<b>Total Project Cost</b>		<b>\$ 741,030</b>

### Safety

Safety is of the utmost concern both for guests and employees of the adventure park. All more current challenge towers, including the one at our proposed site, use a smart-belay system. Once a participant enters the course, it is virtually impossible for them to unclip from the system until they are back safely on the ground. If anyone falls from an obstacle, they never fall more than a few feet. If they are unable to rescue themselves, there are numerous course workers that can assist them. The course is designed so that course workers can safely customers to ground from anywhere on the course.

The ACCT as well as Adventure Development Team, offer numerous trainings and certifications to our staff to make sure that they and the guests are safe. All harnesses and equipment used are routinely inspected and certified annually to ensure proper function.

### Access

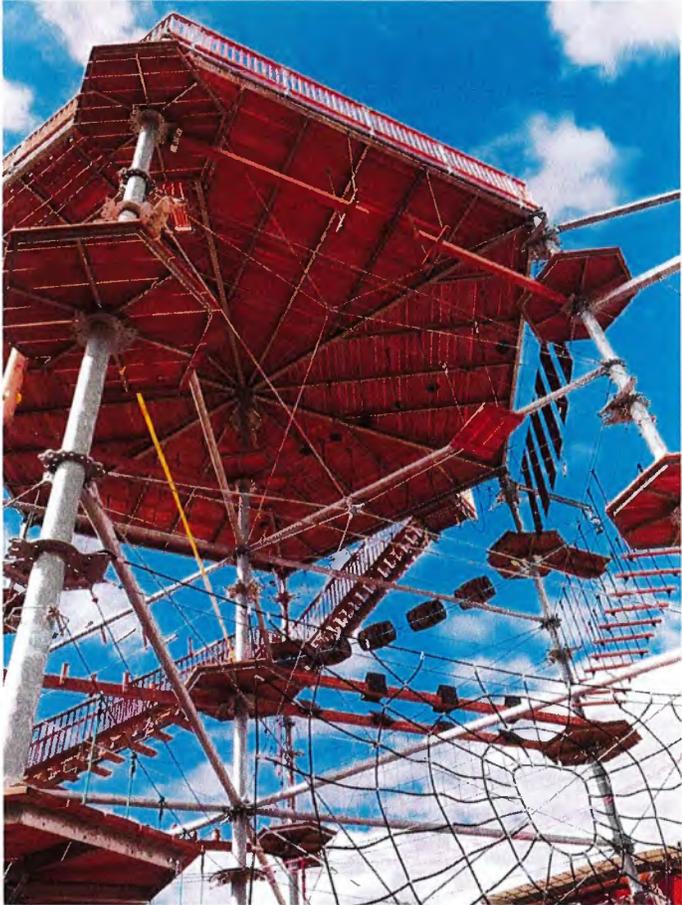
Access to the course outside of operating hours is a concern that we take very seriously. The entire course will be fenced off and well lit at night. All points of access will have high-definition security cameras. The staircase (only point to enter the tower) is also gated and locked. Warning and No Trespassing signs will be made clearly visible from all points of access.

### Summary

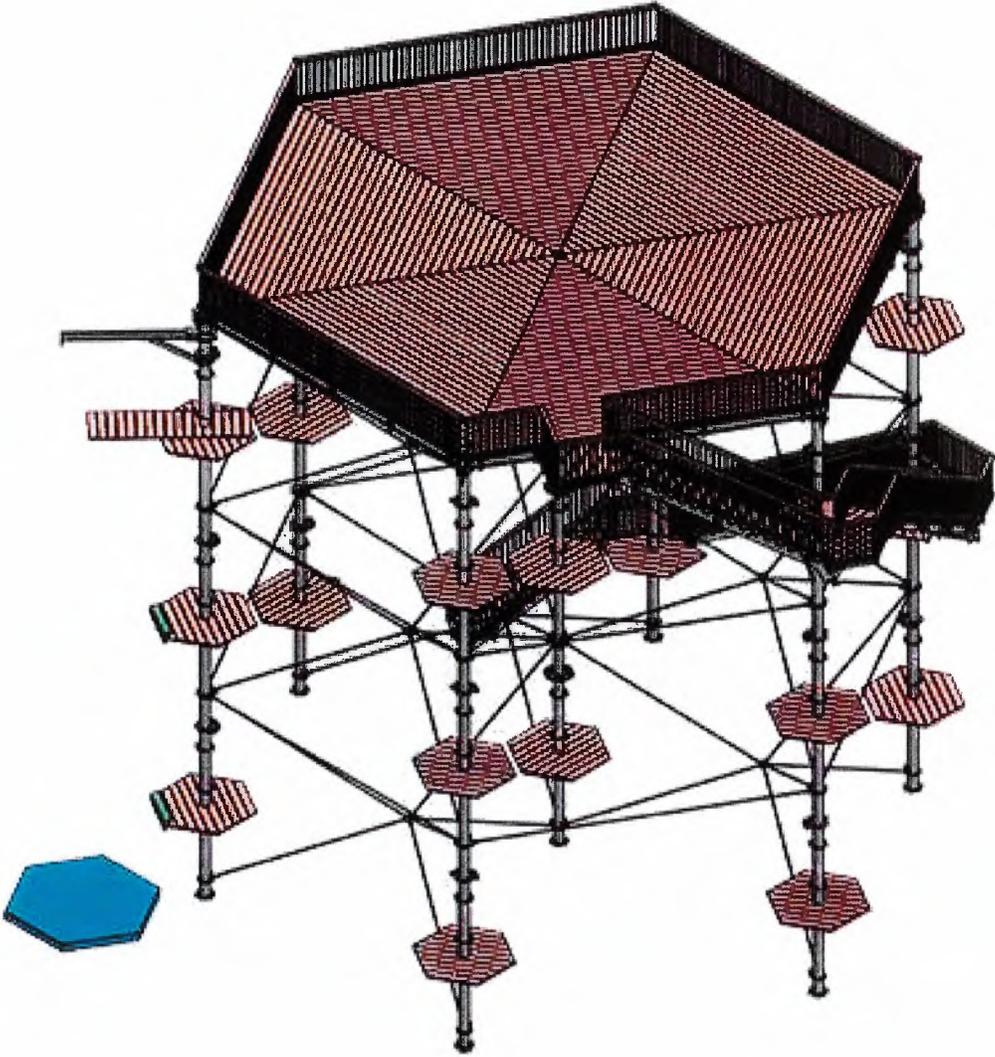
We believe that the proposed challenge tower matches the mission of Rock Snow Park to provide healthy, safe, outdoor recreation for families. The tower will not only provide a healthy and fun outlet for numerous current visitors to Ballpark Commons, but it will draw thousands of visitors to city on its own.



Photos of Complete KT-7 Towers



3-D Rendering of Complete Tower



# Foundation Engineering from Original Install



2015-05-28 -  
Rugged Adventures



## Foundation Layout



Fundament-Mini-Pl  
attform.pdf



Additional Drawings



KT\_03900.pdf



KT\_04\_Stern.pdf



KT\_7\_Pole\_Mini\_To  
p.pdf



overview.pdf

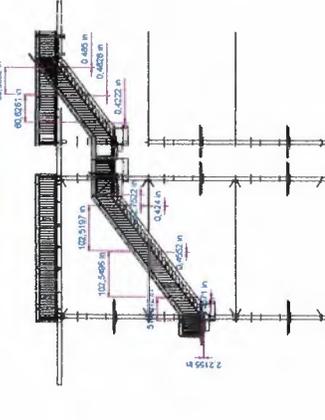
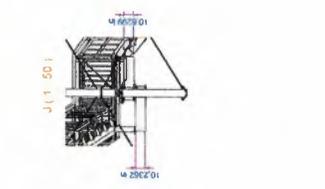
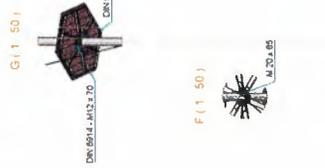
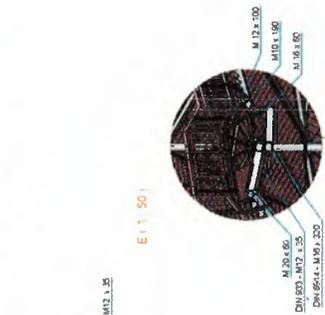
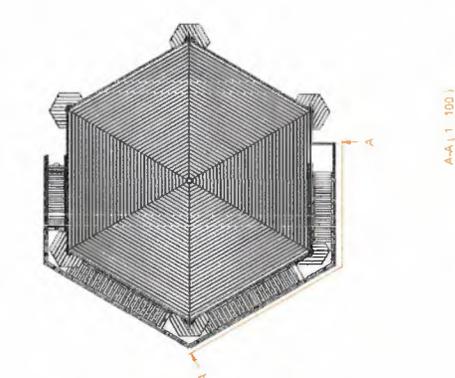
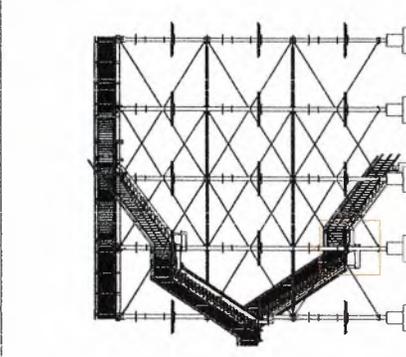
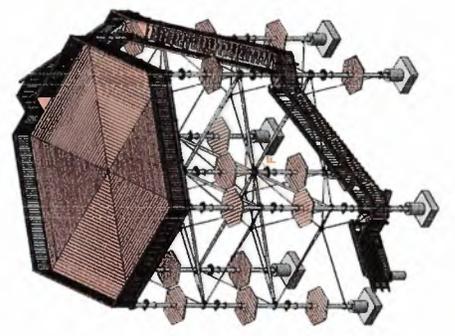
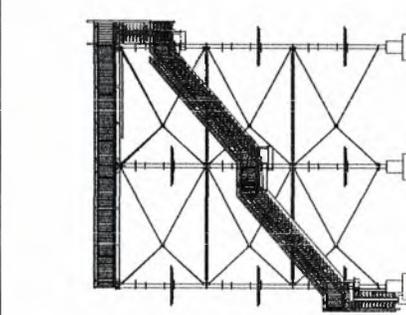
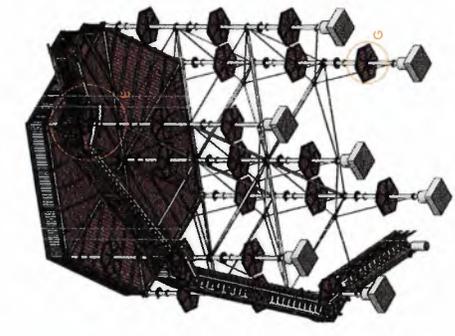
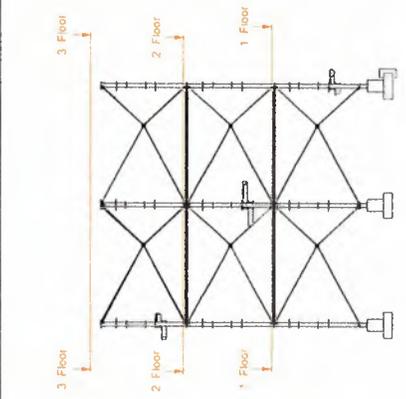
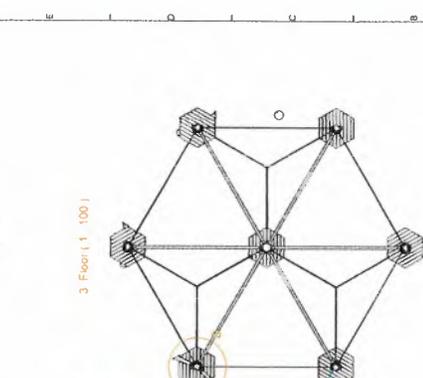
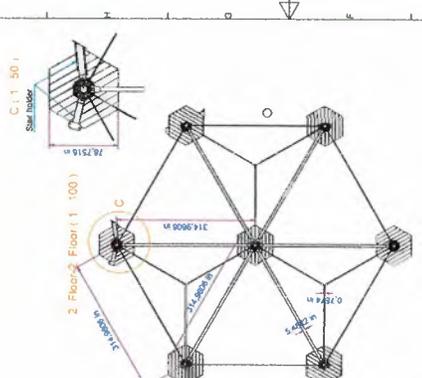
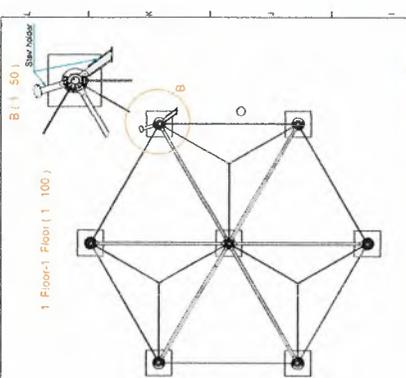


Ziplinefoundations\_game to tower.pdf  
plan.pdf



end station and  
tower.pdf

Project No.	DN 742.1520
Client	CO
Scale	1/4" = 1'-0"
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Disc Date	11/11/11
Disc Author	...
Disc Checker	...
Disc Approver	...

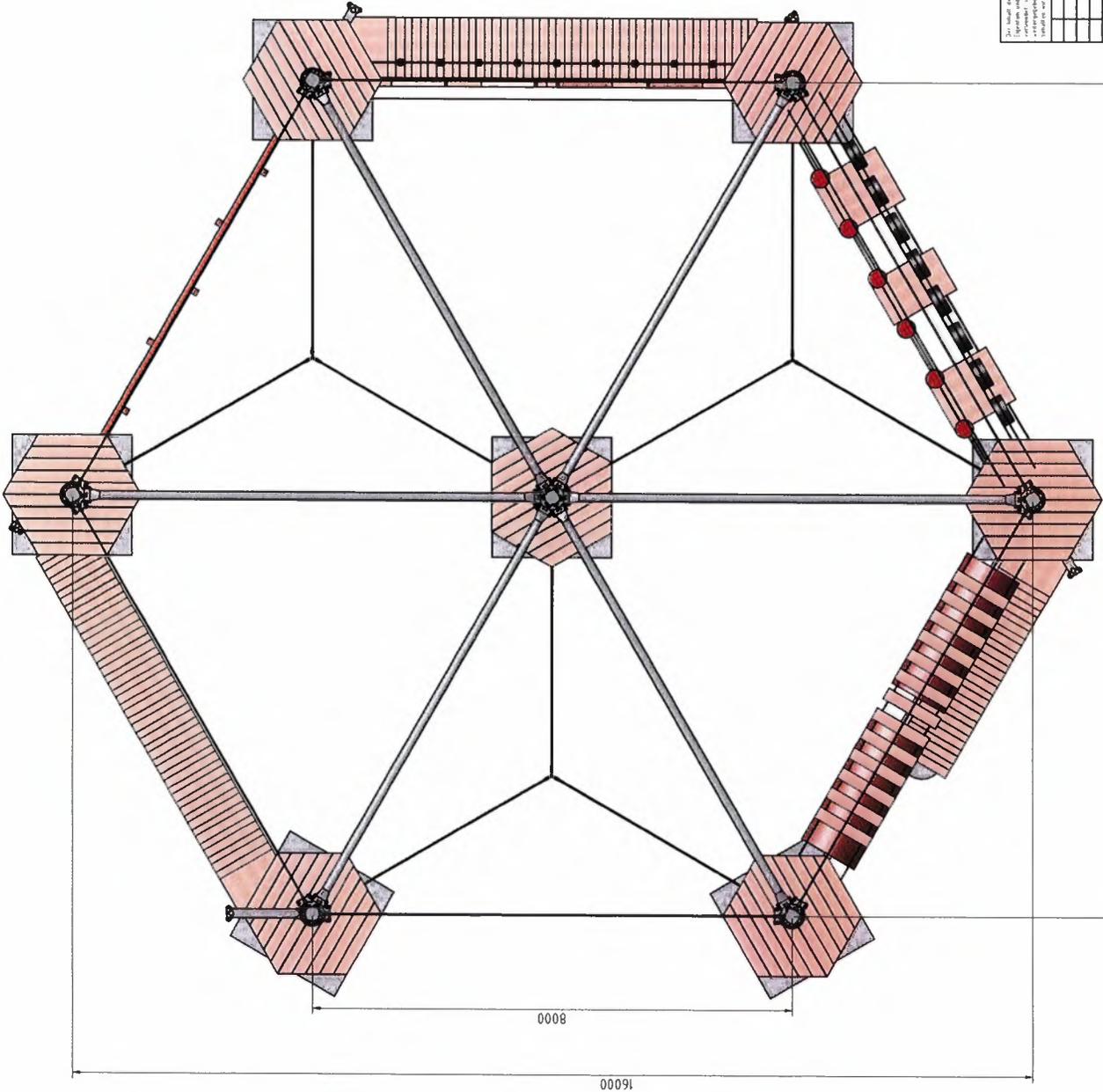




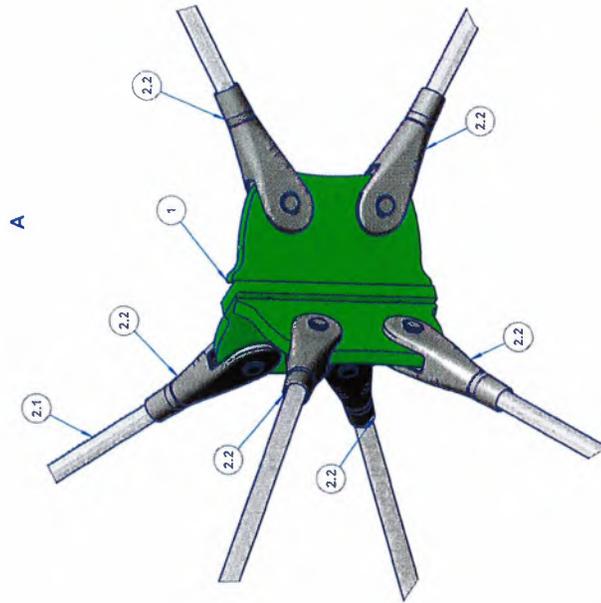
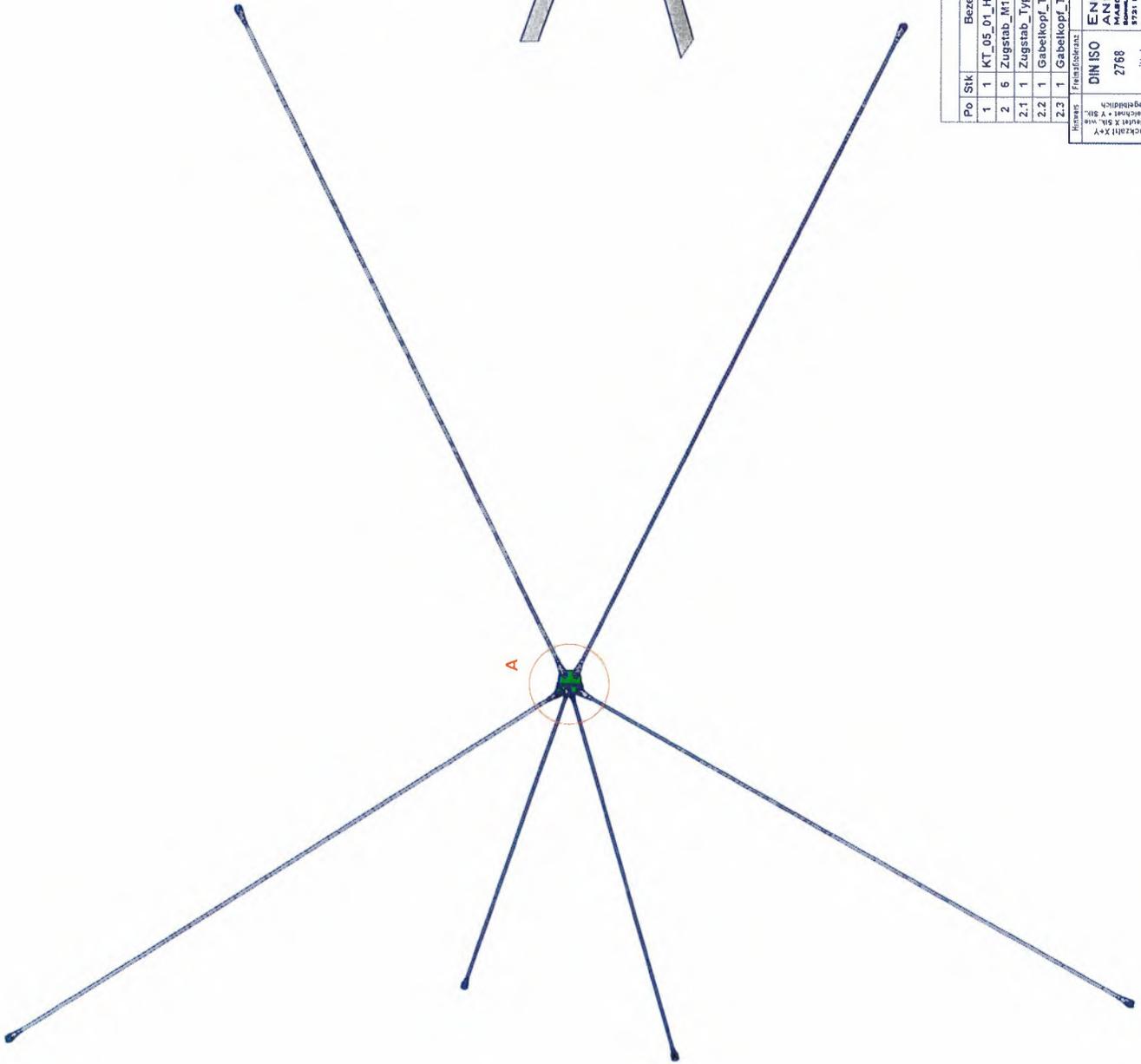
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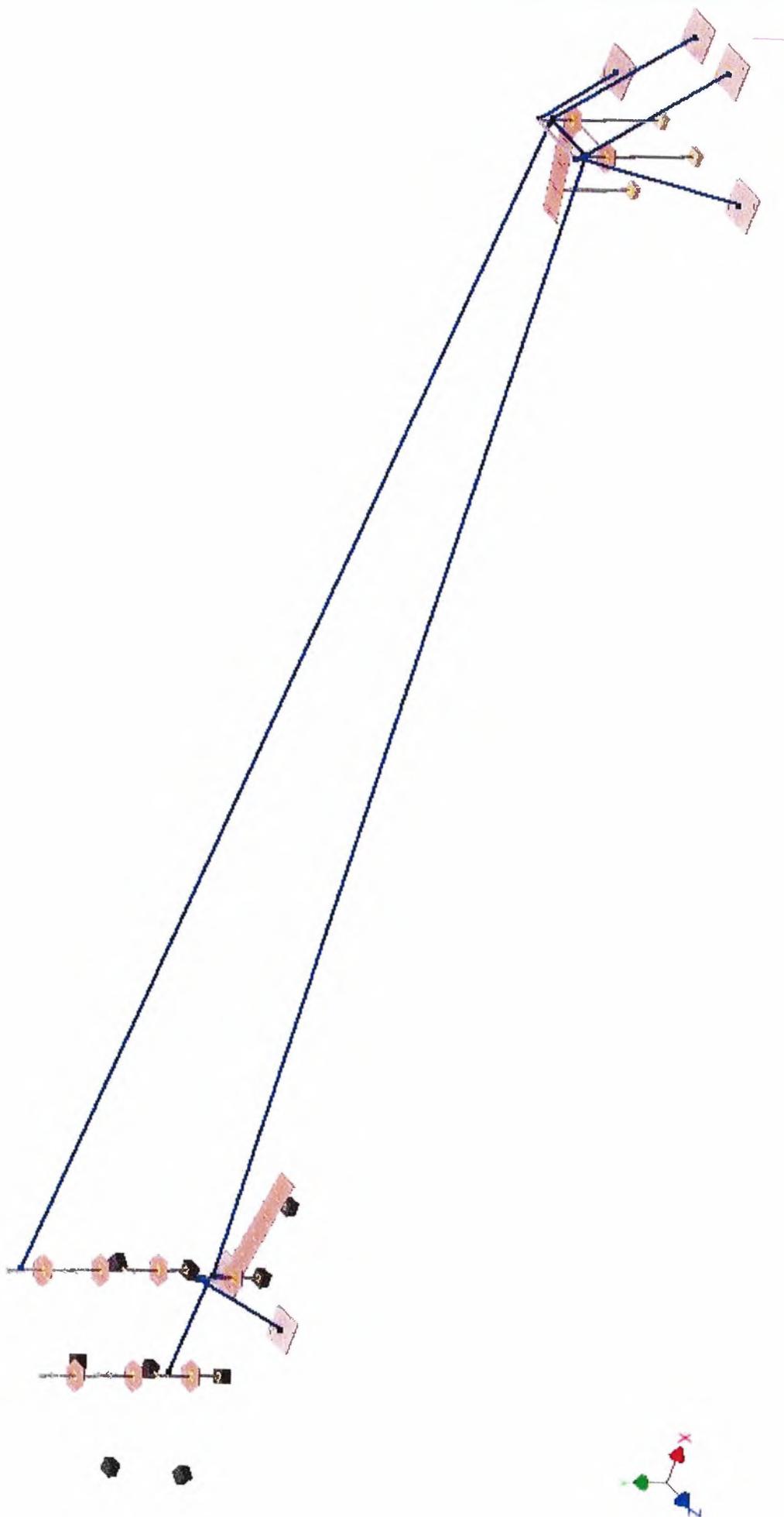
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- zwei Ebenen 24Stk.
- drei Ebenen 36Stk.
- vier Ebenen 48Stk.

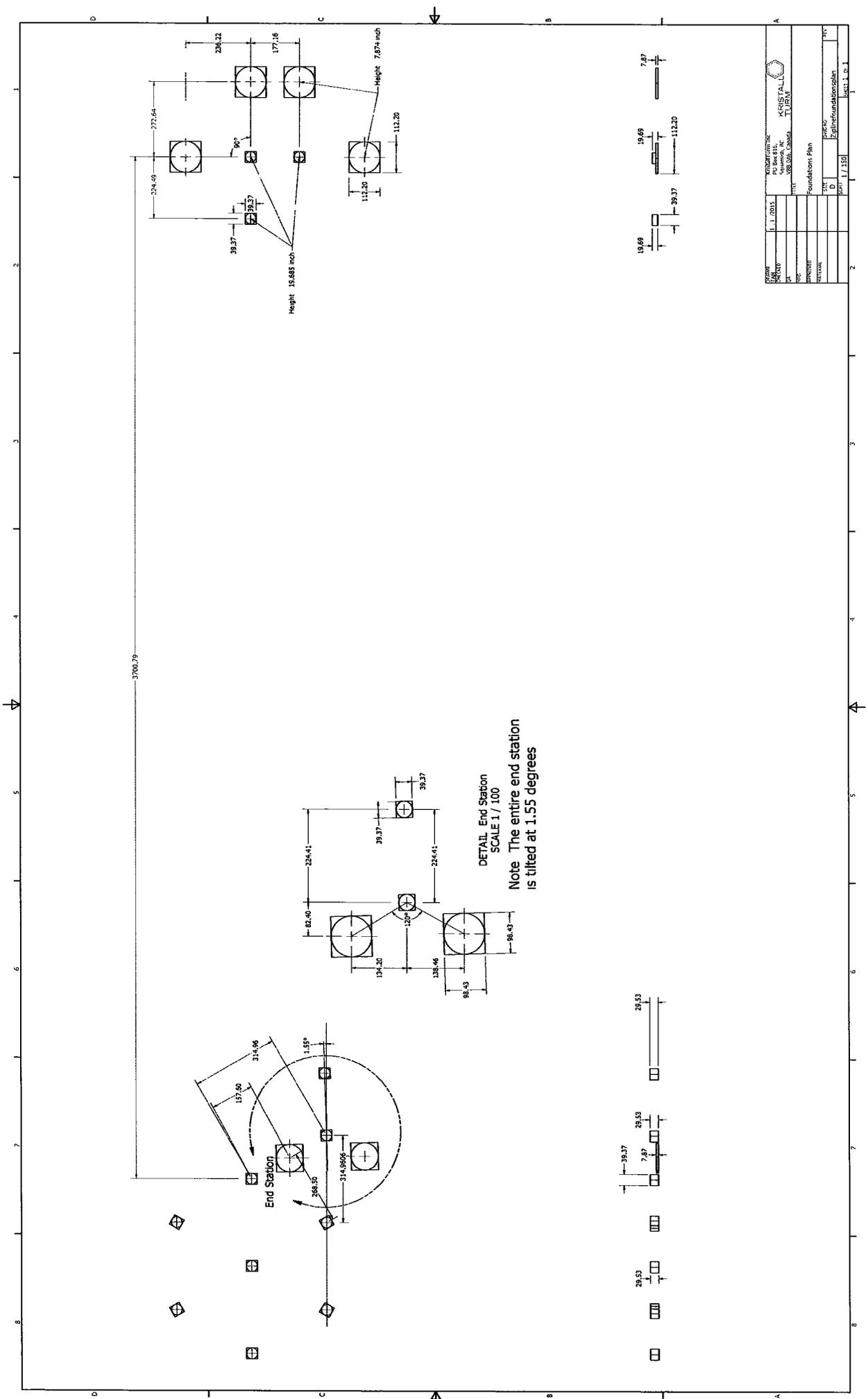


Gewicht: 44231651 kg Nachstufe: Oberfläche:		Freiwahlstrich: <b>DIN ISO 2768</b> mit Teil		Name: Datum: 01.08.2012 Zeichner: Name: Datum:		Beschreibung: <b>KristallTurm</b>		Bauzeichnung: KT_Mini		Blatt: 1	
Für jede Ebene: Zeichnung 27-0000-0001-0001 (Spezial und Lini mit allen unter Berücksichtigung der verschiedenen Varianten werden die Varianten werden vor der nächsten Ausgabe zur		Material: 100% 2012 Datum:		Name: Datum:		Beschreibung: KristallTurm		Bauzeichnung: KT_Mini		Blatt: 1	
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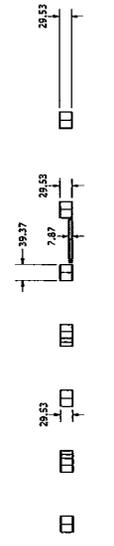
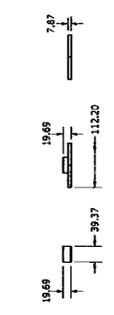


Stückliste							
Pos	Stk	Bezeichnung	Dimension	Werkstoff	Länge	Oberfläche	Gewicht
1	1	KT_05_01_HauptStrebe	BG KONS		XXX	Fverzinkt	4,4
2	6	Zugstab_M16_A	BG ZUS		XXX		7,9
2.1	1	Zugstab_Typ-860_M16_A	Pfeifer	S460N	4903,090 mm	verzinkt	7,7
2.2	1	Gabelkopf_Typ-860_M16_RE	Pfeifer	EN-GJS-400-18-LT		verzinkt	0,1
2.3	1	Gabelkopf_Typ-860_M16_LI	Pfeifer	EN-GJS-400-18-LT		verzinkt	0,1
Hinweis: Feinsolbranz Stück						Bezeichnung	
DIN ISO 2768 mittel						KT_05_Stern	
Gezeichnet v. SH Gezeichnet v. SH Spiegelsbildlich						Gezeichnet am	Projekt
10.1.2023 08:00:00 1.1.17 8751 Pflaster - AUSTRIA ENGINEERING - SOLVA						Version	<b>Kristallturm</b>
						22.07.2009	
						Version 2	

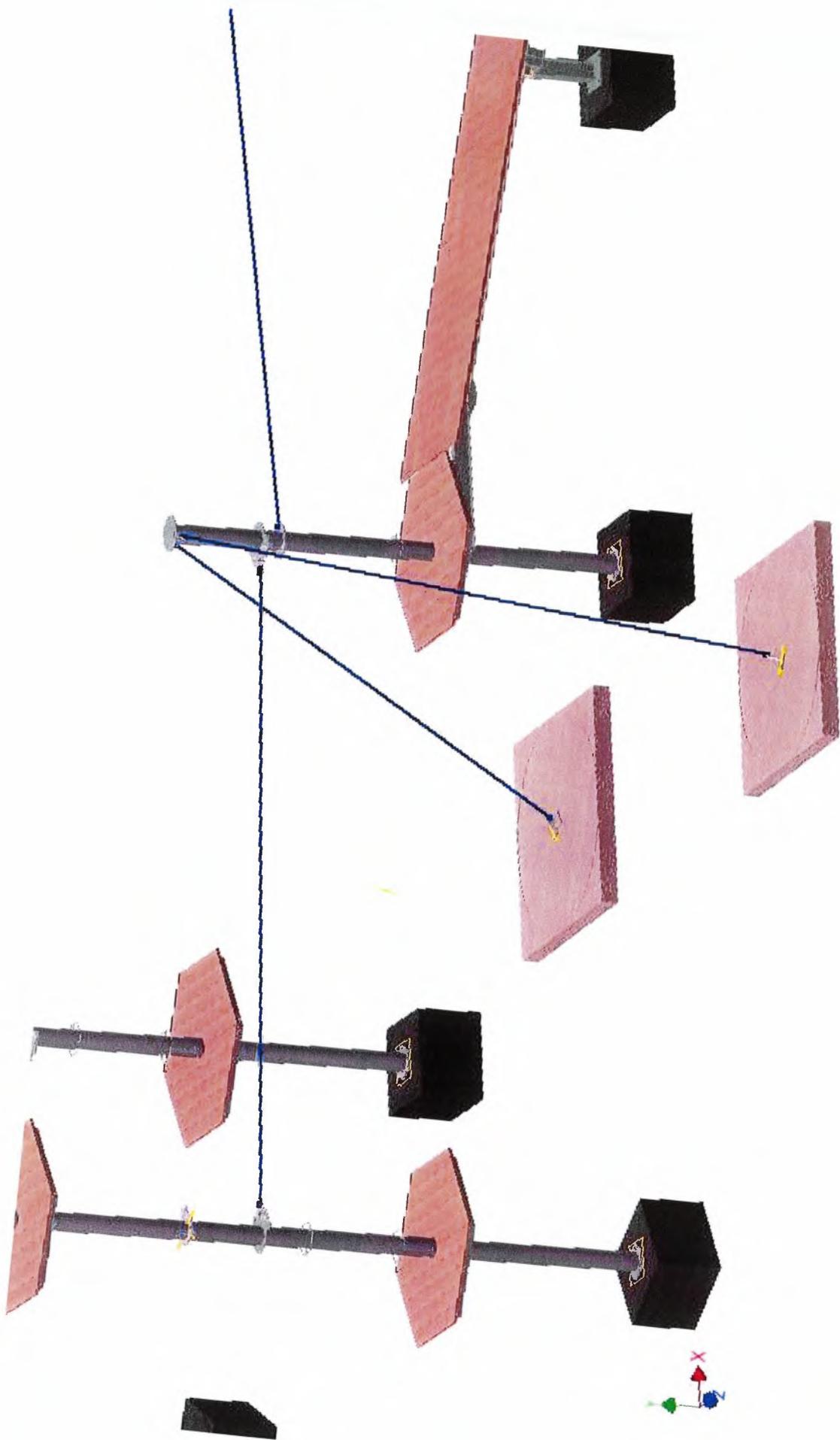


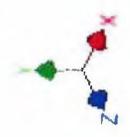
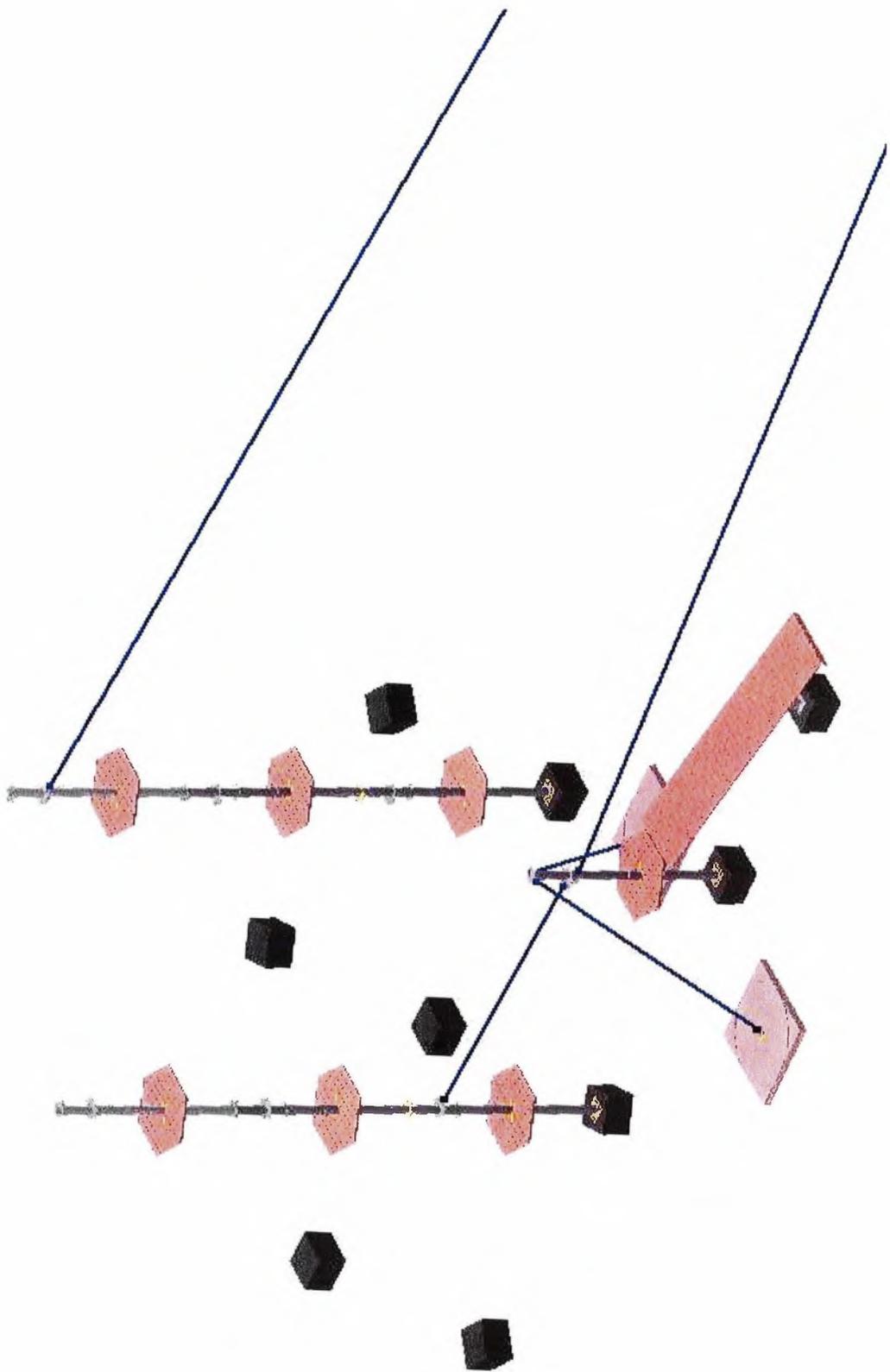


DATE	1.1.2015	PROJECT	Kristalline
BY		CLIENT	Kristalline
CHECKED		DESIGNER	U. S. S. S. S.
SCALE		FOUNDATION PLAN	
NO.		NO.	
REV.		REV.	
DRAWN		CHECKED	
D		D	
1 / 150		1 / 150	
1		1	



DETAIL End Station  
SCALE 1 / 100  
Note The entire end station  
is tilted at 1.55 degrees





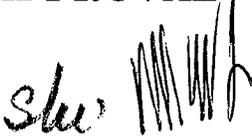
<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>November 5, 2019</p>
<p>REPORTS &amp; RECOMMENDATIONS</p>	<p>Project Updates for Ballpark Commons</p>	<p>ITEM NUMBER</p> <p><i>G.3,</i></p>

Representatives from Ballpark Commons will present an update on the development.

**COUNCIL ACTION REQUESTED**

No action requested. This presentation is only for providing updates on the Ballpark Commons project.

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<b>APPROVAL</b> 	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  <b>11/5/2019</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Authorization to execute project documents with SKC Communications and Avaya for an amount not to exceed \$75,000 to replace the Police Department phone system and make recommended phone system enhancements</b>	<b>ITEM NUMBER</b>  <b>G.4.</b>

The 2019 Budget has \$75,000 for replacement of the phone system at the Police Department. The current system is around 18 years old and is no longer serviced by Avaya. Although some third-party, unauthorized vendors can still provide hardware technical support, if something happens with the software, support would not be available. In 2018, when the City Hall replaced its phone system, the City Hall components were sized to allow a new Police Department system to link in and tie together making that system less expensive.

Attached is the proposal from SKC Communications for the work and is based upon the analysis and discussion between Information Services, the Police Department, and the Director of Administration. Four of the six project components are recommended for consideration. The following components of the proposal are recommended by staff.

1. Core Components	\$60,133
2. 1 Gateways for Local 911 Service (Library)	\$5,105
3. "Air Gap" Work	\$1,273
4. Enhanced Survivability at Police	<u>\$7,733</u>
<b>TOTAL</b>	<b>\$74,244</b>

The key to the project is the core components, naturally. It is being set up in a manner that allows the Police Department phone system to remain functional if the City Hall network goes down or network connection is broken. It is not a separate, free-standing system, but it is survivable from City Hall interruptions. Therefore, redundancy is provided in the system. Note that a number of the items are refurbished. That was done to reduce costs, but the risk of that is limited because, except for the IP phones, if the refurbished items fail they are still covered under Avaya's warranty and would be fixed or replace.

The "enhanced survivability at Police" provides redundancy for the City Hall. This is not an essential component, but the Director of Administration believes it is a good risk management investment. This add-on increases the size of the server installed at the PD so that if the City Hall phone system failed, the PD system could support the entire phone system, which includes the City Hall, the Library, and Fire Station #1 phones. The full network phone system does not survive if the City's full network burns or floods or if the network line is severed, but if the network is functioning, the City Hall system has redundancy and the Library and Fire Station #1 have phones even if the City Hall phone system isn't functioning. There is a low risk to the phone system going down, but adding the feature later is more likely a \$12,000 to \$13,000 cost as compared to making the decision

up front. A second reason for including it is having a duplicate copy of the phone system programming easily available to Avaya technicians should the main phone system have problems. Overall the system redundancy seems to make the investment appropriate.

One additional risk management feature that can be addressed within the approved budget pertains to the Library. Currently the Library system feeds off the connection to the City Hall. As such, if 911 is dialed at the Library, the address reported to 911 is that of City Hall. Investing the \$5,105 will allow any 911 calls to divert out from a dedicated local land line and report the Library's address immediately to the 911 dispatch. (The Library will have to provide the local land line.) Given the amount of public traffic through the Library, staff recommends adding this enhancement. (A similar cost, in the future, would be required at any of the City's other remote sites that might want to tap into or through the City's phone system.)

The "air-gap" work is a security enhancement that will ensure full separation of the phone system portion of the network from the computer network itself. The small investment is recommended as a worthwhile way to further secure a potential back door to the City's computer network. The session manager/SIP server and unified messaging components do not bring additional sufficient functionality to warrant the amount of the cost.

The proposal leaves \$756 for contingency, most likely to address cabling or a miscellaneous component.

Prices were sought from and negotiated with SKC Communications while they were under the expectation that I would very likely pursue other vendors. The reality is that SKC did the City Hall project and would be in the best position to install these components, particularly in the light of the redundancy components being incorporated. They are very knowledgeable and were very good to work with in addressing all of the details that come with system set up. The City has actually relied upon the specific individuals for many years and has received a lot of free consulting from them. When they were selected for the City Hall project last year, their cost was a couple thousand dollars more, but it was determined that the added cost was worth the high level of service and familiarity with our system. Obtaining pricing from other vendors would convert this from a project to ready to go, to a big project. Using the last pricing differences as a basis, the lost productivity and additional delay would not likely be worth any savings that might occur.

### **COUNCIL ACTION REQUESTED**

Motion to authorize the Director of Administration to execute project documents with SKC Communications and Avaya for an amount not to exceed \$75,000 to replace the Police Department phone system and make the recommended phone system enhancements.



Revised October 31, 2019



## AVAYA COMMUNICATION MANAGER R8 UPGRADE & MERGE OF POLICE DEPARTMENT

<u>QTY</u>	<u>COMPONENTS – CITY HALL</u>
1	Avaya CM Upgrade R8 & License Merge --(200) Core CM Licenses --(200) Extension-to-Cellular/EC500 Licenses
1	Communication Manager Messaging System License Merge --(200) Licenses

<u>QTY</u>	<u>COMPONENTS – POLICE DEPARTMENT</u>
1	Avaya CM Upgrade R8 & Merge --To Run on Avaya-Provided S8300E Server
1	G450 Gateway with Dual Power Supply
1	MM710 T-1 Cards with CSU (Refurbished)
1	MM711 8-Port Analog Trunk Card (Refurbished)
3	MM716 24-Port Analog Station Cards (Refurbished)
2	MM717 24-Port Digital Station Cards (Refurbished)
20	9611G Speakerphone/Display IP Sets (Refurbished)
5	25' Extension Cables for Equipment Room
2	Merlin Splitter Break-out Cables
	Complete SKC Planning, OT Installation, & Project Management On-Site First Day of Business Support

### FINANCIALS

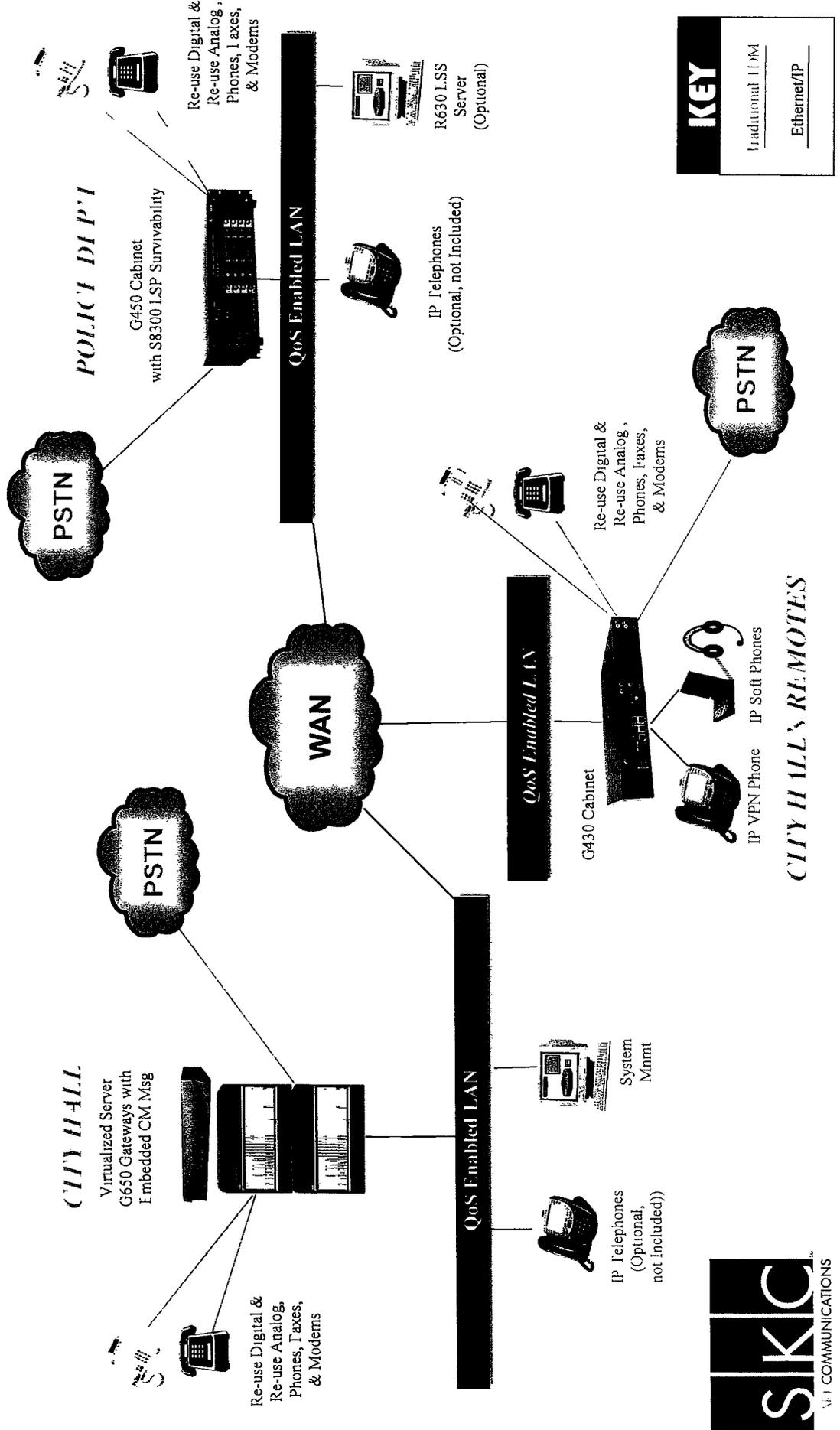
**NET INVESTMENT**

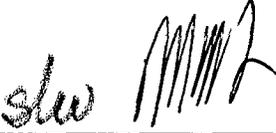
**\$60,133.00**





## Efficiently Mixing TDM and IP-Based Telephony



<b>APPROVAL</b> 	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>11/5/2019</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Police &amp; Fire Commission Request to Revise the Job Descriptions for Police Patrol Officer and Firefighter/Paramedic</b>	<b>ITEM NUMBER</b> <i>G.5.</i>

At the Police & Fire Commission meeting held on 8/13/2019, the Commission, along with the Police Chief and the Fire Chief, requested a change to the educational requirements for the positions of Police Patrol Officer and Firefighter/Paramedic. This change was requested due to the shortage of applicants in today's labor market.

On 10/21/2019, the Personnel Committee unanimously recommended that the Common Council approve the recommended changes to the two job descriptions. Red-lined versions of the job descriptions showing all changes are attached for your review. Proposed changes include:

**Police Patrol Officer**

1. Eliminated the requirement to have an Associate Degree. The State of Wisconsin minimum requirement for a police officer is to have 60 college credits. We propose matching this requirement. It is also proposed that an applicant must be 21 at the time of hire, instead of at the time of application.
2. Elimination of the reference to performing Drug Abuse Resistance Education (DARE) due to recent elimination of the program.
3. Changed the reference to certifying for firearms four times per year to annually.

**Firefighter/Paramedic**

1. Change the education requirement to state that an Associate's Degree in Fire Science is preferred but not required. The Fire Chief believes this may open the door to a more diverse group of applicants and may allow for more lateral transfers from other departments.
2. Update current requirements for being able to practice as a Paramedic in Milwaukee County and the correct State agency names.
3. Correct actual practice that physicals are required every three years at a minimum, not yearly.

**COUNCIL ACTION REQUESTED**

Motion to approve the revised job descriptions for Police Patrol Officer and Firefighter/Paramedic.

**CITY OF FRANKLIN**  
**Job Description**

**Job Title:** Patrol Officer

**Department:** Police

**Appointing Authority:** Chief of Police/Fire and Police Commission

**Reports To:** Sergeant of Police

**Salary Grade:**

**FLSA Status:** Non-Exempt

**Prepared By:** Dana Zahn

**Prepared Date:** ~~December 4<sup>th</sup>, 2017~~ October 1 2019

**Approved By:** Common Council

**Approved Date:** ~~January 23<sup>rd</sup>, 2018~~

**Summary**

The Patrol Officer performs a variety of law enforcement and social services work that enhances the safety, security, civil order, and stable atmosphere of the community. Duties include but are not limited to security and crime prevention patrols; traffic control and traffic law enforcement; investigation and first aid at accident scenes; response to calls for service including rescues, crimes, and community service; and detection, investigation, apprehension, and arrest of persons involved in crimes or misconduct.

**Essential Duties and Responsibilities**

Essential duties and responsibilities include the following. Other duties may be assigned.

Enforce all City and State codes, ordinances, laws and regulations (both traffic and criminal) in order to ensure public safety, prevent crime, and promote security.

Perform security patrols, traffic control, investigation and first aid at accidents; detect, investigate, apprehend, and arrest persons involved in crimes or misconduct.

Use sound judgment in deciding course of action, handle difficult and emergency situations, with or without assistance, in a manner appropriate for the situation and exercises rational judgment in all job responsibilities

Carry out duties in conformance with Federal, State, County, and City laws and ordinances.

Work cooperatively with supervisors and coworkers, direct traffic, patrol City streets, parks, commercial and residential areas to preserve the peace and enforce the law, control vehicular traffic, prevent, detect and investigate misconduct involving ordinance violations, misdemeanors, felonies and other law violations and to otherwise serve and protect.

Respond to emergency radio calls and investigate accidents, robberies, civil disturbances, domestic disputes, fights, drunkenness, missing children, prowlers, abuse of drugs, etc. Take appropriate law enforcement action.

Interrogate suspects. Question witnesses and drivers. Gather and preserve evidence. Apprehend and arrest violators. Investigate and render assistance at scenes of vehicular accidents. Summon ambulances and other law enforcement vehicles. Take measurements, and photographs, document information, and draw diagrams of scenes.

Conduct follow-up investigations of crimes committed during assigned shift. Seek out and question victims, witnesses and suspects. Develop leads and tips. Search scenes of crimes for clues. Protect, collect, preserve and describe evidence. Analyze and evaluate evidence and apprehend/arrest offenders. Prepare thorough documentation. Prepare cases and testify in court proceedings.

Prepare a variety of reports and records in conformance with department policy, procedure and standards of accuracy including officers' daily logs, reports of investigation, field interrogation reports, alcohol reports, influence reports, intoximeter check list, bad check form, vehicle impoundment form, traffic hazard reports, etc.

Undertake community oriented police work, and assist citizens with such matters as locked or stalled vehicles, crime prevention, ~~Drug Abuse Resistance Education (DARE)~~, traffic safety, etc.

Coordinate activities with other officers or other City departments as needed; promptly notify and exchange information with officers in other law enforcement agencies, and obtain advice from the City Attorney, Court Administrator, and Municipal Prosecutor's Office regarding cases, policies and procedures, as needed and assigned.

Maintain contact with police supervisory personnel to coordinate investigation activities, provide mutual assistance during emergency situations and provide general information about Department activities.

Effectively communicate with suspects, witnesses, victims, the public and other law enforcement personnel.

The ability to maintain confidentiality of information.

Maintain departmental equipment, supplies and facilities.

Serve as a member of various committees as requested.

Regular, predictable and punctual attendance.

Ability to work extended or irregular hours.

Enforces all City and State codes, ordinances, laws and regulations (both traffic and criminal) in order to ensure public safety, prevent crime, and promote security.

Exercises rational judgment in all job responsibilities.

Maintains the confidence and trust of peers, subordinates, superiors, and citizens.

Thorough knowledge of modern law enforcement principles, procedures, techniques, and equipment.

Other duties as assigned by supervisors.

Any and all other duties as assigned by the Chief of Police.

### **Supervisory Responsibilities**

Works under the close supervision of the Sergeant of Police.

### **Qualifications**

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

### **Education and/or Experience**

~~Must have either a 2-year associate degree or a 4-year degree from an accredited college. The WI State requirement of 60 college credits will be acceptable only if the applicant has been continuously employed as a law enforcement officer for three years. Must have either completed a Wisconsin 520 or 720 hours basic law enforcement training course (certifiable) or another state's equivalent or must be certified as a Wisconsin Law Enforcement Officer or another state's equivalent. An applicant must be at least 21 years of age at time of application hire.~~

### **Language Skills**

Ability to read, analyze, and interpret professional journals, technical procedures, or governmental regulations. Ability to write reports, business correspondence, and procedure manuals. Ability to effectively present information and respond to questions from groups of managers, clients, customers, and the general public.

### **Mathematical Skills**

Ability to add, subtract, multiply, and divide in all units of measure, using whole numbers, common fractions, and decimals. Ability to work with mathematical concepts such as probability and statistical inference. Ability to apply concepts such as fractions, percentages, ratios, and proportions to practical situations.

### **Reasoning Ability**

Ability to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists. Ability to interpret a variety of instructions furnished in written, oral, diagram, or schedule form.

### **Computer Skills**

To perform this job successfully, an individual should have knowledge of Microsoft Word and other police department related software. Ability to work with various computer hardware and other computer related equipment.

### **Certificates, Licenses, Registrations**

Valid Wisconsin Driver's License

Maintain a current Basic Law Enforcement Training Certification

Firearms Certification, and must qualify for firearms four times annually.

Ability to meet Department's physical standards.

Maintain Intoximeter Certification.

Maintain Preliminary Breath Test Certification.

Radar Certification.

Maintain CPR/First Responder Certification.

Firearms Certification, and must qualify for firearms, ~~four times~~ annually.

The following certifications are to be obtained as assigned:

Wisconsin Drug Screen Test Kit

Narcotics Identification Kit

Canine Certification

~~D.A.R.E. Certification~~

Field Training Officer Certification

### **Physical Demands**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to use hands to finger, handle, or feel; reach with hands and arms and talk or hear. The employee is frequently required to stand; walk and sit. The employee is occasionally required to climb or balance; stoop, kneel, crouch, or crawl and taste or smell. The employee must frequently lift and/or move up to 10 pounds and occasionally lift and/or move more than 100 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception and ability to adjust focus.

### **Work Environment**

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently exposed to fumes or airborne particles and outside weather conditions. The employee is occasionally exposed to wet and/or humid conditions; moving mechanical parts; high, precarious places; toxic or caustic chemicals; risk of electrical shock; explosives and vibration. The noise level in the work environment is usually moderate. At certain times the noise level may be very loud (fire arms training and emergency vehicle response).

### **Other Qualifications**

**Tools and Equipment:** Police car, police radio, handgun, ECD, and other weapons as required, baton, handcuffs, first aid equipment, personal computer, telephone, cell phone, fax, copy machine, calculator, ~~typewriter~~keyboard, intoximeter, and oleoresin capsicum spray.

### **Other Skills and Abilities**

Analyze and recommend improvements to equipment and facilities, as needed.

Schedule and conduct meetings.

Maintain liaison with community groups.

Confer with citizens and officials on law enforcement and community problems, attempting to resolve problems and recommend appropriate programs and activities.

Answer telephone; provide information, advice and guidance; take and relay messages and/or direct calls to appropriate personnel; return calls as necessary. Prepare various reports, forms, invoices, correspondence, and other documentation; Process, complete, maintain, and/or forward, as appropriate; files and logs.

Attend meetings, training sessions and seminars as required to remain knowledgeable of City/departmental operations, to promote improved job performance, and to stay current with changing policies and procedures, codes, and criminal/civil case law.

Thorough knowledge of modern law enforcement principles, procedures, techniques, and equipment. Ability to learn the applicable laws, ordinances, and department rules and regulations

Skill in operating the tools and equipment listed above.

Ability to perform work requiring good physical condition and stable/balanced mental condition

Ability to establish and maintain effective working relationships with peers, and supervisors.

Ability to identify problems and opportunities, reviewing possible alternative course of action before selecting one, utilizing information resources available when making decisions, sometimes under extreme pressure or stress.

Ability to develop feasible realistic solutions to problems, recommending actions designed to prevent problems from occurring and referring problems to supervisions when necessary.

Ability to establish systematic methods of accomplishing goals.

Ability to effectively convey ideas and information both in written and oral form

Ability to effectively read and understand information contained in memos, reports, bulletins, etc.

Ability to evaluate or make independent decisions, based upon experience or knowledge, without supervision, sometimes under extreme pressure or stress.

Ability to follow instructions from supervisor, verbally or in written form.

Ability to set priorities in order to meet assignment deadlines

Any and all other duties as assigned by the Chief of Police.

#### **Miscellaneous**

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the

employer and requirements of the job change.

CITY OF FRANKLIN  
Job Description

**Job Title :** Fire Fighter/Paramedic  
**Department :** Fire  
**Appointing Authority:** Fire Chief/Fire & Police Commission  
**Reports To :** Battalion Chief  
**Salary Level :** ~~48 Represented~~Per Labor Agreement  
**FLSA Status:** Non-exempt  
**Prepared By :** ~~James Martins, Fire Chief~~Dana Zahn, Human Resources Coordinator & Adam Remington, Fire Chief  
**Prepared Date :** ~~May 15, 2003~~October 1, 2019  
**Approved By :** ~~Resolution 2003-5582~~Common Council  
**Approved Date:** ~~September 9, 2003~~

**Summary :**

Under the general direction of the Battalion Chief, the Firefighter/ Paramedic protects life and property by performing fire fighting, emergency aid, hazardous materials, and fire prevention duties. ~~Maintain~~ Maintenance of fire equipment, and apparatus, and fire stations and facilities.

**Essential Duties and Responsibilities :** ~~include the following. Other duties may be assigned.~~

Perform fire fighting activities including driving fire apparatus; operating pumps, and related equipment; laying hose; and performing fire combat, containment and extinguishment tasks.

~~Perform~~ Provide emergency medical care and transport as a licensed EMT-Paramedic to the standards established by the department, the County, and the State of Wisconsin. ~~aid activities including administering first aid and providing other assistance as required.~~

Participate in fire drills, ~~and~~ attend classes in fire fighting, emergency medical hazardous materials, and related subjects.

Receive and relay ~~fire phone calls and fire alarms~~ alarm information.  
Operate radio and other communication equipment.

Participate in the inspection of buildings, hydrants, and other structures in fire prevention programs.

Maintain fire equipment, apparatus and facilities. Perform minor repairs to departmental equipment.

Create and maintain thorough and accurate records of patient care provided. Required documentation may be in written or digital format, as required by the department and other agencies.

Perform general maintenance work in the upkeep of fire facilities and equipment; clean and wash walls and floors; care for grounds around station; make minor repairs; wash, hang and dry hose; wash, clean, polish, maintain and test apparatus and equipment.

Must meet all department requirements for training and callbacks.

Assist in developing plans for special assignments such as emergency preparedness, hazardous communications, training programs, fire fighting, hazardous materials, and emergency aid activities.

Present programs to the community on safety, medical, and fire prevention topics.

Perform salvage operations such as throwing salvage covers, sweeping water, and removing debris.

Perform duties as a ~~certified EMT-D~~, or Licensed EMT-P, according to criteria and standards set forth by department, Milwaukee County, and the State of Wisconsin when assigned.

May act as a Fire-Lieutenant when necessary.

~~May participate as paid on-call firefighter when not scheduled to work a normal duty shift.~~

Assists in department administrative activities as assigned.

Assists in supervising other firefighters as required.

Assists in training new employees as assigned.

Conducts basic fire inspection.

Other duties as assigned by supervisors.

**Qualifications :** To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

**Education and/or Experience :**

~~An Associates Degree in Fire Science or an occupationally related field as determined by the Franklin Fire and Police Commission. A Bachelor's Degree in any field of study will also be accepted in lieu of the Fire Science Associates Degrees preferred but not required. (A degree is required for advancement opportunities.)~~

~~State of Wisconsin Firefighter II (new) or Firefighter III certification.~~

~~WI Emergency Medical Technician – Paramedic (EMT-P) required at time of appointment and Firefighter I courses.~~

National Registry as a Paramedic (NREMT-P) is a condition of practice within Milwaukee County and must be obtained within six months of employment.

Working knowledge of driver safety.

~~Working knowledge of first aid.~~

Ability to learn the operation of fire suppression and other emergency equipment.

Ability to perform strenuous or peak physical activity during emergency, training or station maintenance activities for prolonged periods of time under conditions of extreme heights, intense heat, cold or smoke.

Ability to perform in team-based activities and in an often times stressful environment.

**Language Skills :**

Ability to follow verbal and written instructions.

Ability to effectively communicate in writing and verbally.

**Reasoning Ability :**

Ability to learn to apply standard fire fighting, emergency aid, hazardous materials, and fire prevention techniques.

Ability to act effectively in emergency and stressful situations.

Ability to make independent judgements which have considerable impacts on the organization.

**Tools And Equipment Used :**

~~Typewriter; calculator~~ Calculator; copy machine; computer; fax machine; telephone; measuring devices; camera; power tools; hand tools; chainsaws; shovels; brooms; ladders; exhaust fans; automobile; fire truck; ambulance; patient restraints; first aid equipment; oxygen; electronics test

equipment; general medical equipment; patient lifting devices; breathing apparatus; steel-tip boots; hearing and eye protection; fire fighting clothing; and hazardous chemical clothing.

**Certificates, Licenses, Registrations :**

Valid WI driver's license.

Current CPR certification.

~~Wisconsin EMT-D license, when offered.~~

Meet requirements of COMM DSPS 330 with respect to Wisconsin Fire Apparatus Drivers/Operator, when offered.

**Physical Demands :** The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

~~Must successfully pass medical exam consistent with NFPA 1582 upon appointment and every three years at a minimum., after completion of firefighter I training.~~

~~Must pass annual physical fitness assessment.~~

While performing the duties of this job, the employee is frequently required to stand; walk; use hands and fingers to feel, handle, or operate objects, tools, or controls; and reach with hands and arms. The employee is occasionally required to sit; climb and balance; stoop, kneel, crouch, and crawl; talk and hear; and taste smell.

The employee must frequently lift and/or move up to 10 pounds and occasionally lift and/or move up to 130 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

**Work Environment :** The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee regularly works in outdoor weather conditions including temperature extremes, during day and night shifts. Work is often performed in emergency and stressful situations. Individuals are exposed to hearing alarms and hazards associated with fighting fires and rendering emergency medical assistance, including smoke, noxious odors, fumes, chemicals, liquid chemicals, solvents and oils. The noise level in the work environment is

usually moderate, except during certain fire fighting or EMT activities when noise levels may be loud.

### **Job Responsibilities Related to Patient Privacy**

It is expected to protect the privacy of all patient information in accordance with the City of Franklin Fire Department's privacy policies, procedures, and practices, as required by federal [and state] law, and in accordance with general principles of professionalism as a health care provider. Failure to comply with The City of Franklin Fire Department's policies and procedures on patient privacy may result in disciplinary action up to and including termination of employment.

The Firefighter/Paramedic may access protected health information and other patient information only to the extent that is necessary to complete their job duties. The Firefighter/Paramedic may only share such information with those who have a need to know specific patient information you have in your possession to complete their job responsibilities related to treatment, payment or other Fire department operations.

The Firefighter/Paramedic is encouraged and expected to report, without the threat of retaliation, any concerns regarding The City of Franklin Fire Department's policies and procedures on patient privacy and any observed practices in violation of that policy to the designated Privacy Officer.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

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<p><b>APPROVAL</b></p> <p><i>Slw</i></p>	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p>November 5, 2019</p>
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<p><b>REPORTS AND RECOMMENDATIONS</b></p>	<p>An Ordinance to Repeal and Recreate Chapter 133 Fire Prevention, Protection, and Control Code, of the Municipal Code of the City of Franklin</p>	<p><b>ITEM NUMBER</b></p> <p><i>G.6.</i></p>
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This subject matter was before the Common Council at its meeting on October 15, 2019, and was referred to this meeting to provide for a copy of the ordinance draft before the Common Council to be returned in standard ordinance for potential adoption form. A copy of the action sheet from that meeting is attached hereto. The standard form ordinance draft for potential adoption by the Common Council, with the content of the provisions to become part of the Municipal Code being without change from that before the Council at its last meeting, except for some spacing, font color and underline technical format changes, is also annexed hereto.

**COUNCIL ACTION REQUESTED**

A motion to adopt An Ordinance to Repeal and Recreate Chapter 133 Fire Prevention, Protection, and Control Code, of the Municipal Code of the City of Franklin.

<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b></p> <p style="text-align: center;"><i>10/15/2019</i></p>
<p style="text-align: center;"><b>REPORTS AND RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>Request that Council Repeal and Replace Chapter 133 of Municipal Ordinances, with the Draft Proposed by the Fire Chief, incorporating language and requirements that are consistent with State Administrative Rules and National Fire Protection Association (NFPA) Codes and Standards.</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;"><i>G.9.</i></p>

**Background:**

The City of Franklin's current Fire Prevention Protection and Control Code (Chapter 133 of Municipal Ordinances), has existed in its present form since approximately 1996. There have been additions and revisions over the years, with the last extensive revision occurring in 2012. Since that time, the state Department of Commerce (commonly referred to as "Comm"), of which the fire department operates as an authorized agent with regard to fire prevention activities and code enforcement, has been restructured as the Department of Safety and Professional Services (DSPS). The existing fire code contains references to the Department of Commerce and the various "Comm codes" (administrative rules) that the department is responsible for enforcing, rather than current DSPS title and list of administrative codes. Also, the state legislature has approved administrative rule changes that now prohibit municipalities from enforcing requirements for fire protection systems that are more or less stringent than those required by the state. The existing fire code contains requirements and allowances that are no longer enforceable or allowable under state administrative rules. The existing fire code also contains extensive lists of technical specifications for data and components related to fire alarm and fire sprinkler plan submissions that are immaterial to a local fire prevention code. It also defines specific procedures, processes, and fee schedules for permit applications and plan submittals. The fire department feels that the interests of stakeholders can better be served by having the ability to establish processes and procedures, and to adjust or modify them (as necessary) based on efficacy and efficiency, irrespective of the actual fire prevention code.

**Overview:**

The fire chief has developed a draft revision of the Fire Prevention, Protection, and Control code that aligns with the DSPS language and administrative rules. The revision also adopts by reference a number of National Fire Protection Association (NFPA) codes and standards, including NFPA 1 *Fire Code* (essentially a national/international fire prevention code), as well as the state DSPS chapters related to fire prevention and fire protection. By adopting a code, standard, or rule by reference rather than incorporating specific language directly into the municipal fire code, the fire department can enforce the most recent version of the document, without having to amend or revise the local code. NFPA codes are revised by technical committees every three years; however the State does not always immediately act to adopt and enforce the revision. By adopting the "(...) *the most current version that is legislatively adopted by reference by the State of Wisconsin (...)*" Chapter 133 of Franklin's Municipal Ordinances will always be current, enforceable, and consistent with state law. S

**Summary of Changes:**

Most of the draft revision retains the exact language of the existing fire prevention code; however, the draft is considerably more concise (29 pages compared to 68). This was accomplished by removing redundant language, with some paragraphs appearing in substantially identical language multiple times throughout the document. As stated above, several pages of technical component and data requirements for sprinkler and alarm plan submissions were also removed. These specification requirements are already defined in the NFPA codes and/or standards relative to those systems, which are adopted by reference, and the language is not necessary in the fire prevention code. None of the language that was removed or added makes Franklin and "less safe" in terms of fire protection and prevention. Rather, the revision adds some prohibitions (e.g., "sky lanterns"), and clarifies areas of the code that were open to misinterpretation, including the following:

- Removes language regarding fire sprinkler and fire alarm requirements that is not consistent with state DSFS and International Building Code (IBC) requirements.
- Clarifies language regarding grills on balconies of multi-family residences (only electric “George Foreman” type grills are permitted).
- Categorizes types of outdoor burning as permissible (recreational fires, as defined by NFPA 1), or restricted and thus requiring a permit (bonfires, seasonal burning of yard waste).
- Adds language allowing prescribed burns to be conducted by environmental engineering contractors, under certain conditions and restrictions, in order to restore native prairie plant species and animal habitat (with fire chief approval and detailed plan on file).
- Adds language prohibiting “sky lanterns” (this is prohibited in current NFPA codes, but not yet enforced in state code).
- Removes confusing and potentially misleading language regarding certain plan reviews, permit issuances, and denial appeals for which the Building Inspector (not the fire department) is the legally recognized enforcing authority as defined per state law.
- Removes procedural language regarding plan submissions for fire alarm and fire sprinkler systems. (New process and procedural instructions will be mailed to contractors and posted on the city website.)
- Condenses language related to fire protection systems into single specific subchapters (rather than having language regarding submission requirements, application process, review and approval process, systems acceptance testing, maintenance, and inspection in multiple fragmented in multiple subchapters throughout the document).
- Removes the “pass through” fee structure for fire alarm and sprinkler plan submittals. The city currently pays an independent consultant to perform more complex plan reviews, and then invoices the applicant to recoup costs. The department plans to partner with a consulting firm to which the applicant would directly pay the review fees. The applicant would also pay a flat permit fee to the city which more accurately reflects the time that staff dedicates to the project, as required by state law. The fire chief does not expect this to have a significant effect on revenue or expenditure, as the two lines nearly balance out under the present “pass through” system.
- Minor grammatical and formatting corrections have been incorporated.

The fire chief recommends repealing the existing Chapter 133 and replacing it with the draft revision submitted. The fire chief believes additional revisions are necessary at a future point when staff has more time available for a more comprehensive review.

## **COUNCIL ACTION REQUESTED**

Request that Council Repeal and Replace Chapter 133 of Municipal Ordinances (Fire Prevention, Protection, and Control Code) with the revised version submitted with this document, with revisions explained herein.

ORDINANCE NO. 2019-\_\_\_\_\_

AN ORDINANCE TO REPEAL AND RECREATE CHAPTER 133 FIRE PREVENTION, PROTECTION, AND CONTROL CODE, OF THE MUNICIPAL CODE OF THE CITY OF FRANKLIN

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WHEREAS, the Fire Chief and Fire Department staff having reviewed Chapter 133 of the Municipal Code and having provided a redraft of the entirety of the Chapter to in part provide for updates for consistency with the applicable State of Wisconsin Administrative Code and National Fire Prevention Association Code requirements and regulations, and to provide for further efficiency in the provision of fire prevention, protection and control as has been developed through the years since the last update of the Chapter some more than twenty years ago, and the Fire Chief having recommended approval of such revisions; and

WHEREAS, the Common Council having considered the recommendation and having determined same to be in furtherance of the protection of the health, safety and welfare of the Community.

NOW, THEREFORE, the Mayor and Common Council of the City of Franklin, Wisconsin, do ordain as follows:

SECTION 1: Chapter 133 Fire Prevention, Protection, and Control Code, of the Municipal Code of the City of Franklin, Wisconsin, is hereby repealed and recreated to read as follows:

**Chapter 133  
Fire Prevention, Protection, and Control**

- §133-1. General Provisions.
- §133-2. Definitions.
- §133-3. Adoption of Wisconsin Administrative Code.
- §133-4. Adoption of International Code Council (ICC), Inc. Codes.
- §133-5. Adoption by reference of National Fire Prevention Association (NFPA) publications.
- §133-6. Automatic fire sprinkler control and/or fire suppression system protection.
- §133-7. Liability for Damages.
- §133-8. Service of correction orders.
- §133-9. Variances.
- §133-10. Revocation of permits.
- §133-11. Closing and vacating buildings.
- §133-12. Investigative powers; police powers.
- §133-13. Standpipes.
- §133-14. Fire alarm systems.

- §133-15. Automatic fire protection for cooking areas.
- §133-16. Miscellaneous construction provisions.
- §133-17. Miscellaneous use provisions.
- §133-18. Flammable, combustible, and hazardous materials.
- §133-19. Special inspections required.
- §133-20. Fire inspection fees.
- §133-21. Fees.
- §133-22. Violations and penalties.
- §133-23. Appeals.

**§ 133-1. General Provisions.**

A. Intent. The intent of this chapter is:

- (1) To provide the municipality with comprehensive regulations to improve public safety by attempting to control, limit, restrict, and/or eliminate fire hazards.
- (2) To improve life safety for residents occupants, employees, firefighters, and frequenters of places of employment and public buildings.
- (3) To regulate the installation, use and maintenance of equipment; to regulate the use of structures, occupancies, and open areas.
- (4) To require the removal and/or reduction of fire hazards; to establish the responsibilities and procedures for code enforcement; and to set the minimum standards for compliance and achievement of those objectives.
- (5) To protect property from the hazards of fire and explosion by establishing minimum standards for the use, operation, maintenance and inspection of buildings structures and premises.

B. Applicability.

- (1) The provisions of this code shall apply to all public buildings and places of employment. Exceptions: The following buildings and uses are not public buildings or places of employment and are not subject to the provisions of this code:
  - a. One- and two-family dwellings.
  - b. Buildings used exclusively for farming as described in §102.04(3), Wis. Stats.
  - c. Nothing contained in this section shall be construed as applying to the transportation of any article or thing shipped in conformity with the regulations prescribed by the Interstate Commerce Commission, or as applying to the military forces of the United States.
- (2) The provisions of this code shall apply equally to new structures, including additions to existing structures and existing conditions, except that existing conditions not in strict compliance with the terms of this subsection shall be permitted to continue where the exceptions do not constitute a distinct hazard to life or adjoining property as determined by the Authority Having Jurisdiction (AHJ).
- (3) The provisions of this code apply equally to the property owner and/or occupant.
- (4) Sections 133-8, 133-9, 133-10, 133-11, 133-15C: (1), (2), (3), (4), (5), 133-17, and 133-22 apply to all individuals and/or properties within the jurisdiction of the municipality.

C. Additions to, change of use, renovated, altered or remodeled buildings.

- (1) If 50% or more of the total area of a building is renovated, altered or remodeled and/or added to the existing building, the entire building shall be brought into compliance with the requirements of this code.
- (2) If 25% to 49% of the total floor area of a building is renovated, altered or remodeled, the portion of the building that is remodeled shall be brought into compliance with the requirements of this code.
- (3) All percentages of remodeling shall be cumulative as applied to subsection C (1) and (2) above.
- (4) If any addition is made to an existing building and/or structure that currently has a fire sprinkler, fire suppression, fire control or fire alarm system installed, the addition shall comply completely with this code.
- (5) If any addition is made to an existing building and/or structure that currently has a fire sprinkler, fire suppression, fire control or fire alarm system installed, the addition shall have a fire sprinkler, fire suppression, fire control or fire alarm system installed.
- (6) If the use of and/or contents of any existing building are changed and become more hazardous as determined by the authority having jurisdiction (AHJ), the building shall be brought into compliance with this code
- (7) Those portions, elements, systems, or components of existing buildings and structures to be renovated, altered, remodeled or modified on or after the effective date of the rules under this code and where the alteration, modification, or the addition affects a building element or component relating to subject matters regulated by this code shall be designed, constructed and maintained in accordance with the applicable rules of this code as it exists on one of the following
  - a. The date the local building permit is issued
  - b. The date the replacement is initiated, where Subsection C (7)(a) does not apply.

D. Permits required.

- (1) The fire department shall be responsible for issuing the following permits:
  - a. Fireworks permits.
  - b. Bonfire permits.
  - c. Outdoor burning of yard waste (Outdoor Burning Permit must be purchased from the Office of the City Clerk, Franklin City Hall).
- (2) Certificates of occupancy. The AHJ shall have dual authority with the building inspector in the issuance of certificates of occupancy for multifamily, public buildings, places of employment, commercial structures, places of public assembly and schools to the extent that the AHJ shall inspect and have approval authority over proposed occupancies to ensure compliance with this chapter

E. Stop-work order.

- (1) The AHJ may request that the building inspector issue a stop-work order upon any permit issued subject to the inspection and approval authority of this chapter, where the AHJ finds that any of the conditions for issuance have not been maintained or where there has been any false statement or misrepresentation of any material fact made in the application or plans upon which the issuance was based.

- (2) If the AHJ determines requirements of this code are not complied with or there may be life safety issues, the AHJ may issue a stop-work order on any project or portion thereof.
- F. Inspection and testing.
- (1) All fire suppression systems and fire alarm systems required under this code shall be inspected by an authorized agent of the AHJ prior to having any of their parts covered up or concealed in any manner whatsoever. The authorized reviewing agent shall be given a 72 hour notice prior to any system inspection
  - (2) An authorized agent of the AHJ shall witness all tests of fire control systems, fire alarm initiating devices, notification appliances, and any other required system requiring an operational test. The authorized reviewing agent shall be given a seventy-two (72) hour notice prior to any system witness test.
  - (3) All testing shall be conducted in accordance with the NFPA standard applicable to the system being tested.
- G. Right of entry.
- (1) The AHJ and/or his or her authorized representative may, at all reasonable hours, enter any place of employment and/or public building within its jurisdiction for the purposes of making any inspection or investigation which, under the provision of this section, is deemed necessary.
  - (2) The AHJ shall inspect, or cause to be inspected, all places of employment and public buildings as often as may be necessary, but not less than once a year.
  - (3) The purpose of any inspection and/or investigation is to determine if any violations of the provisions or intent of this code and/or the codes or standards adopted by reference exist and to order corrections of the violations observed.
  - (4) The AHJ or his or her authorized representative, upon the complaint of any person or whenever he or she deem necessary, shall inspect any place of employment and/or public building and premises within its jurisdiction.
  - (5) Any owner or occupant of any place of employment and/or public building who refuses to permit, prevents or interferes with entry into or upon the premises by anyone authorized by the AHJ shall be guilty of violating this chapter and shall be subject to penalties under §133-22. Exception: The interiors of dwelling units will not be inspected unless an inspection is specifically requested by the owner or occupant and/or as allowed by state statutes.
- H. Enforcement and documentation.
- (1) The fire chief, as the AHJ, or anyone the fire chief has designated as an authorized representative or agent of the AHJ, shall enforce the provisions of this code.
  - (2) Whenever any authorized representative or agent of the AHJ shall discover fire hazards due to conditions that are not in compliance with the requirements of NFPA 1, this code, and any and all other applicable codes and adopted standards, he or she shall order such conditions or materials to be removed or remedied in such manner as may be specified. These hazards may include, but are not limited to, the following:
    - a. Dangerous or unlawful amounts of flammable, combustible, or explosive material as determined by the AHJ

- b. Hazardous conditions arising from defective or improperly installed equipment for handling or using flammable, combustible, or explosive material
    - c. Dangerous accumulations of rubbish, waste paper, boxes, shavings, or other highly flammable materials as determined by the AHJ.
    - d. Accumulations of dust, grease, or waste materials in air conditioning systems, exhaust ducts or vent hoods
    - e. Obstructions to or in fire escapes, stairs, passageways, doors, or windows liable to interfere with the operation of the fire department or egress of occupants. This includes snow.
    - f. Any building, structure, or premises which for want of repairs, lack of exit facilities, fire alarm apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any cause, creates a fire hazard.
  - (3) The AHJ may use any means necessary in documentation of inspections or conditions, including but not limited to the use of electronic equipment.
- I. Notification of use or occupancy changes.
  - (1) Whenever there is a change in occupancy or in the agent(s), (property manager, facilities supervisor, after-hours emergency contact, etc ) of that occupancy, the owner or his or her duly authorized agent shall submit the changes in writing to the Fire Department within five working days. The information shall consist of the following:
    - a. Name and address of occupancy
    - b. Owner's name, address, E-mail address and phone number(s).
    - c. Agent's name, address, E-mail address and phone numbers(s).
  - (2) Whenever a change in the service and/or monitoring company for the alarm system has occurred within the occupancy, the owner or authorized agent shall submit the changes in writing to the fire department within five working days. The information shall consist of the following:
    - a. All information required in Subsection J(1).
    - b. Type(s) of fire protection systems.
    - c. Service company name, address and phone number(s)
  - (3) No change can be made in the use or occupancy of any building or structure, or any space within a building or structure, either in a different division of the same occupancy group or in a different occupancy group, unless the building or structure complies with this code's requirements for the new division of occupancies, as these requirements exist. Exception: This subsection does not apply to an approved temporary use or to a new use that will be less hazardous, based on life and/or fire risk, than the existing use.
  - (4) An inspection by the fire department or an authorized representative or agent of the AHJ shall be required for any new or change of occupancy.
- J. Temporary use. The AHJ may allow a building or portion of a building to be used temporarily in a manner that differs from the approved use for the building or space, or may approve a temporary building to be used by the public, subject to all of the following provisions:
  - (1) The AHJ shall determine the time frame within which the temporary use is permitted, based on the extent hazards are created by the temporary use

- (2) The AHJ shall determine maximum occupancy load.
- (3) The AHJ shall determine any fire protection and/or control devices and life safety provisions that may be needed.

**§133-3 Definitions.**

- A. Unless otherwise expressly stated in this code, all definitions, including those of occupancy types, shall be as stated in the most current versions of NFPA 1 (Chapter 3), NFPA 101 (Chapter 3) and/or the NFPA standard(s) or code(s) applicable to the specific subject material, that are legislatively adopted by state statute.

**§133-3. Adoption of Wisconsin Administrative Code.**

- A. The most current legislatively enacted versions by the State of Wisconsin of the Wisconsin Administrative Code, on the effective date of this Code, shall apply.

SPS 303	Administrative Procedures
SPS 305	Licenses, Certification and Registration
SPS 307	Explosives and Fireworks
SPS 308	Mines, Pits and Quarries
SPS 310	Flammable, Combustible and Hazardous Liquids
SPS 314	Fire Prevention
SPS 316	Electrical
SPS 318	Elevators, Escalators and Lift Devices
SPS 326	Manufactured Home Communities
SPS 328	Smoke Detectors and Carbon Monoxide Detectors
SPS 333	Passenger Ropeways
SPS 334	Amusement Rides
SPS 335	Infectious Agents
SPS 340	Gas Systems
SPS 341	Boilers and Pressure Vessels
SPS 343	Anhydrous Ammonia
SPS 345	Mechanical Refrigeration
SPS 348	Petroleum and Other Liquid Fuel Products
SPS 361-366	Wisconsin Commercial Building Code
SPS 371	Solar Energy Systems
SPS 375-379	Existing Buildings

- B. Any violation of the incorporated provisions constitutes a violation of this code.
- C. In cases of conflict between local and state codes, the most restrictive provisions, as determined by the AHJ, shall govern.

**§133-4. Adoption of International Code Council (ICC), Inc., codes.**

- A. The latest ICC publication(s) listed below and published on or before the effective date of this code are adopted by reference, enforced, and incorporated into this code as fully set forth herein:
  - 1) International Fire Code (applies only to sections specifically referenced in this code).

**§133-5. Adoption by reference of National Fire Prevention Association (NFPA) publications.**

- A. The latest version of NFPA 1 (*Fire Code*) that is legislatively adopted by reference by the State of Wisconsin, including all of the publications, codes, standards, and documents adopted by reference by the State of Wisconsin in Chapter 2 of that code, are hereby adopted by reference, enforced, and incorporated into this code as if fully set forth herein.

**§133-6. Automatic fire sprinkler control and/or fire suppression system protection.**

- A. Intent. The intent of this section is to require the installation of automatic fire sprinkler fire control and/or fire suppression systems to improve the protection of life and property within the municipality. It will establish a minimum standard for fire safety through the standardization of the design, installation, testing and maintenance requirements for automatic fire sprinkler suppression.
- B. Code Compliance. Automatic fire sprinkler systems shall be required, designed, installed and/or modified, tested, inspected, and maintained as set forth in the most current versions legislatively enacted by the State of Wisconsin of NFPA 1, NFPA 101, NFPA 13, NFPA 13D, NFPA 13R, NFPA 25, the Wisconsin Administrative Code, and any and all other applicable codes and adopted standards.
- C. Code conflicts. If any conflicts exist between this code and any NFPA code and/or standard, the most restrictive, as determined by the AHJ, shall be enforced by the AHJ.
- D. Working plans. Working plans shall be submitted to the fire department or its authorized reviewing agent for conditional approval before any equipment is installed, modified, or remodeled.
  - 1) Deviation from approved plans shall require permission of the AHJ.
  - 2) All working plans submitted for conditional approval must be signed and sealed by at least one of the following.
    - a An architect registered in the State of Wisconsin.
    - b An engineer registered in the State of Wisconsin
    - c A person who holds a designer of engineering systems permit in the State of Wisconsin.
    - d An individual who holds a valid automatic fire sprinkler contractor's license and is responsible for the system installation.
  - 3) Working plans shall be drawn to an indicated scale, on a sheet of uniform size, with a plan of each floor. Plans must comply with the requirements of the most current legislatively enacted version of NFPA 13 adopted by the State of Wisconsin; and plan submissions must include all required design elements, details, calculations, and specifications set forth in Chapter 23 of that standard.
- E. Installation required. Automatic fire sprinkler systems shall be installed in all structures where the floor area exceeds the thresholds established in Table 133-6F of the specific occupancy type and construction type involved, and where required by State codes. For the purpose of determining square footage as it relates to the required installation of fire sprinklers in a building, firewalls shall not be considered dividers unless the firewall is

rated at four hours without penetrations and extends a minimum of three feet above the roof.

<b>Table 133-6F</b>					
<b>Occupancy Type</b>	<b>Type I</b>	<b>Type II</b>	<b>Type III</b>	<b>Type IV</b>	<b>Type V</b>
E*	All	All	All	All	All
F-2	5,000 SF	5,000 SF	3,000 SF	3,000 SF	3,000 SF
I-2	All	All	All	All	All
I-3	All	All	All	All	All
I-4	All	All	All	All	All
R-4	All	All	All	All	All
U	5,000 SF	5,000 SF	3,000 SF	3,000 SF	3,000 SF
Note *excludes single-family-home day cares					

- F. Additional automatic fire sprinkler system installations required. An automatic sprinkler system shall be installed in all:
- 1) Parking structures above and below ground with ceilings
  - 2) CBRFs (community based residential facilities).
  - 3) Adult family homes.
  - 4) Throughout all dormitories, fraternities and sorority houses.
  - 5) Throughout every building, new or existing, which by reason of its construction or combustible occupancy involves a life hazard to its occupants or in the judgment of the AHJ constitutes a fire menace.
  - 6) Throughout all mini-warehouses and unattached multifamily parking garages that exceed the following:
    - a Five thousand square feet or more in area on any floor.
    - b Two stories in height.
    - c Any portion of the structure is below grade
- G. Basements and garages are to be designed to protect as a minimum, for ordinary hazard occupancy.
- H. When an automatic fire sprinkler system is required to be installed by this code but not the Wisconsin Department of Safety and Professional Services (DSPS), in a structure that is not currently serviced by a municipal water source
- 1) All fire sprinkler systems shall be installed in complete compliance with the appropriate NFPA code(s) and/or standard(s). Exception: An automatic water supply for any fire sprinkler system(s) required to be installed by this code but not required by the Wisconsin Department of Safety and Professional Services Code,

if acceptable to the AHJ the automatic water supply shall be allowed to comply with the following:

- a The automatic water supply for the automatic fire sprinkler system(s) shall be conditionally approved by the AHJ
  - b The fire sprinkler system(s) shall be installed and connected to a conditionally approved automatic water supply
  - c The required automatic water supply must be capable of delivering the required quantity of water at the required pressure as determined by hydraulically calculating the system demand in accordance with NFPA 13 for the most hydraulically demanding area.
  - d A letter from a licensed fire protection engineer or a State of Wisconsin permitted fire protection designer attesting to the ability of the system to comply with the above requirement shall be required prior to occupancy.
- 2) Within 90 days after a municipal water system becomes available, the sprinkler system shall be connected to the municipal water supply.
- 3) For the purpose of this code, an available municipal water supply shall be any of the following:
- a A municipal water main located at or near the streets adjacent to the property on which the structure that is required to be sprinklered is located.
  - b. A municipal water main located in a utility easement on or near the property on which the structure that is required to be sprinklered is located.
  - c A municipal water main located at or near the streets within 1,500 lineal feet of any part of the property on which the structure that is required to be sprinklered is located.
  - d A municipal water main located in a utility easement within 1,500 lineal feet of any part of the property on which the structure that is required to be sprinklered is located.
- i. All automatic fire sprinkler, fire control and/or fire suppression systems shall comply with the following:
- 1) Be designed in accordance with the appropriate NFPA standards and/or codes.
  - 2) Be designed to protect the highest hazard present at any time in the protected area.
  - 3) Be monitored by a Underwriter's Laboratories (UL) listed central station
  - 4) Have sprinkler control rooms located with adequate access for Fire Department and sprinkler maintenance and inspection personnel, and shall not be located within private dwellings with the exception of NFPA 13D systems.
  - 5) Have direct access from the exterior to the sprinkler control valve acceptable to the AHJ.
  - 6) Have a bell (minimum ten-inch) and strobe installed, located above the Fire Department connection (FDC).

- 7) The FDC must be located at least 40 feet from all gas meters, electrical-meters and transformers.
  - 8) The FDC must be installed in a location acceptable to the AHJ
  - 9) Be designed for the hazard being protected or as specifically specified in this code and/or as acceptable to the AHJ.
  - 10) All automatic fire sprinkler systems hydraulic designs are to be based on a maximum of 90% of the available water supply (a minimum of a ten-percent safety margin shall be maintained).
  - 11) All sprinkler systems designed shall be based on the most current water flow test conducted in accordance with NFPA 291 that is acceptable to the AHJ.
  - 12) An authorized representative or agent of the AHJ shall witness all water flow tests.
  - 13) Sprinkler protection for exposed plastics must comply with all FM Global testing and standards.
- J. Application to existing buildings.
- 1) Adult family homes and community-based residential facilities (CBRF), regardless of number of occupants or class, must be retrofitted with fire sprinkler protection complying with NFPA 13.
  - 2) Where the AHJ finds that an existing building, because of current occupancy or a change in occupancy, constitutes a hazard to its occupants or adjoining property, the AHJ may order compliance with the provisions of this section. A hazard shall be determined by the existence of one or more of the following conditions:
    - a Any building which by reason of its construction or highly combustible occupancy involves a hazard to its occupants or, in the judgment of the AHJ, constitutes a fire menace, e.g., paint shop and other occupancies involving processing, mixing, storing, and dispensing of volatile liquids or solids.
    - b Non-fire-resistive characteristics of a structure.
    - c Accumulation of flammable or combustible materials.
    - d Lack of accessibility to the premises for fire-fighting equipment.
    - e Substantial number of fire calls or complaints on the premises.
    - f Traffic patterns for pedestrian ingress and egress which require protection under this section.
    - g Insufficient ventilation systems
    - h Where there is a lack of an internal communication system, or due to the size or type of building making regular fire department radio communication inoperable, the building owner is required to install a repeater system or something comparable to assist radio communications. If any inspection reveals a need for a new, replacement or other comparable system, the inspection report shall order such correction within 180 days of the inspection [Amended 7-24-2012 by Ord. No. 2012-2086]



### **§133-9. Variances.**

- A. Except as otherwise prohibited by state law, the AHJ shall have power to modify any of the provisions of this code upon application in writing by the owner or occupant, or a duly sworn authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. [Amended 7-24-2012 by Ord No. 2012-2086]
- B. The AHJ thereon shall enter upon the records of the department, and a signed copy shall be furnished to the applicant, the particulars of such variances when granted.
- C. The AHJ may require tests as proof of compliance with the intent of this code. Such tests are to be made by an approved agency at the expense of the person requesting approval of the alternate material or method of construction.
- D. If technical expertise is unavailable within the municipality because of new technology, process, products, facilities, materials and uses attending design, operation or use of a building premises subject to the inspection of the municipality, the AHJ may require the owner or the person in possession or control of the building or premises to provide without charge to the municipality a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire safety organization, acceptable to the AHJ and owner, and shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, and prescribe the necessary recommended changes. The department may also acquire technical assistance from a consultant and may charge a fee to the owner or occupant for the service provided.

### **§133-10. Revocation of permits.**

- A. The AHJ may revoke any permit issued in accordance with this code in any case where it may find that any of the conditions for the issuance have not been maintained or where there has been false statement or misrepresentation of any material fact in the application or plans on which the issuance was based.
- B. The AHJ shall promptly notify the permit holder of the request for revocation and, if so requested by the permit holder, the effective date of the revocation shall be deferred pending a hearing before the chief of the fire department. The decision of the fire chief for revocation, following the hearing, shall be final.

### **§133-11. Closing and vacating buildings.**

- A. The AHJ may order compliance with this section and all other lawful orders or laws relating to fire prevention and fire protection in existing building and structures.
- B. Where the public is exposed to immediate danger, the AHJ shall order the closing and vacating of the building at once.

### **§133-12. Investigation of fires**

- A. The Fire Department shall investigate the cause and origin, and circumstances of fires occurring within their jurisdiction to determine if the fire is of carelessness or design. Such investigations may begin immediately upon the occurrence of such a fire, and if it appears to the officer making such an investigation that such fire is of suspicious origin and of a significant nature, the fire chief shall be notified of the facts. The AHJ shall notify the proper authorities designated by law to pursue the investigation of such matters and shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case. A member of the fire investigation team shall file a written report of damage associated with every fire in a timely manner. It shall contain a statement of all facts relating to cause and origin and circumstances of such fire and other information as may be required.

### **§133-13. Standpipes.**

- A. Intent. The intent of this section is to require fire department standpipe systems to be installed in certain structures to help fire fighters effectively extinguish a fire and to help reduce property damage and losses.
- B. Where required.
  - 1) Fire department standpipe systems shall be installed in the following structures:
    - a. Any structure required by the State of Wisconsin codes
    - b. In all new structures over two stories in height
    - c. In any structure in which the AHJ deems standpipes are necessary for firefighting purposes.
  - 2) Temporary standpipes must be installed in an approved location for all of the following structures:
    - a. All combustible structures exceeding two stories in height.
    - b. All noncombustible structures exceeding three stories in height.
- C. Installation requirements. Fire department standpipes shall be designed and installed in accordance with this section. Where any requirement in this section is more restrictive than any NFPA standard and/or code and/or state code, the requirements in this section must be complied with
  - 1) The installation of standpipes shall be in accordance with this section and NFPA 14.
  - 2) All standpipe systems hydraulic designs are to be based on a maximum of 90% of the available water supply (a minimum of a ten-percent safety margin shall be maintained). Pumping pressure at the FDC may not exceed 200 pounds and the system shall maintain 100 pounds of pressure at its most remote location.
  - 3) The location of standpipe hose connections shall be accessible and shall be located so that all portions of the building are within 100 feet of hose to a hose valve. This distance must be measured using the normal aisles or the path a hose would be laid as determined by the AHJ.
  - 4) The locations of all hose valves shall be acceptable to the AHJ
  - 5) The AHJ may require additional standpipes and/or hose valves to be installed.

- 6) When required by the AHJ, an approved standpipe shall be installed as construction progresses to make them available for fire department use in the topmost floors constructed. Temporary standpipes shall be provided in place of permanent standpipes when required, during the period of construction on buildings required by this code.
  - 7) The location of all fire department connections for standpipes shall be approved by the AHJ.
  - 8) The fire department connections shall be at least 40 feet from all electrical transformers, gas meters, or propane storage.
  - 9) All standpipes are to be automatic standpipes unless a manual or dry standpipe is allowed by the AHJ.
  - 10) Key access shall be provided for all doors having access to standpipes.
- D. Approval requirements. Complete plans and calculations for all standpipes must be submitted to the fire department's authorized reviewing agent, and conditionally approved prior to installation of any standpipe.
- E. The Fire Department's authorized reviewing agent shall review all plans for standpipes and, upon approval of the same, issue the necessary permits to install all standpipes prior to installation.

**§133-14. Fire alarm systems.**

- A. Intent. The intent of this section is to provide a means for automatic detection of fire conditions and/or to provide warning notification throughout all buildings and occupancies built hereinafter, structurally altered, and/or added to. Fire alarm systems are intended to provide additional life safety and help reduce property loss through early detection of fires, providing warning to occupants and automatically notifying the fire department of fire.
- B. Installation required. A fire alarm system shall be installed in all structures where the floor area exceeds the thresholds established in Table 133-14B of the specific occupancy type and construction type involved, and where required by state code. All fire alarm systems shall be designed, installed, tested, inspected, and maintained as set forth in NFPA 1, NFPA 101, NFPA 70, NFPA 72, the Wisconsin Administrative Code, and any and all other applicable codes and adopted standards. All fire alarm system plans shall be designed and submitted by a person holding NICET Level II certification or higher, and monitored by a UL-listed central station monitoring service.

<b>Table 133-14B</b>					
<b>Occupancy Type</b>	<b>Type I</b>	<b>Type II</b>	<b>Type III</b>	<b>Type IV</b>	<b>Type V</b>
E*	All	All	All	All	All
I-2	All	All	All	All	All
I-3	All	All	All	All	All

I-4	All	All	All	All	All
R-3	State statutes apply				
R-4	All	All	All	All	All
S-1	3,000 SF	3,000 SF	3,000 SF	3,000 SF	3,000 SF
S-2	5,000 SF	5,000 SF	3,000 SF	3,000 SF	3,000 SF
U	5,000 SF	5,000 SF	3,000 SF	3,000 SF	3,000 SF
Note *excludes single-family-home day cares					

- C. Minimum system requirements. The following minimum system requirements shall be met when any occupancy type exceeds the limits in table 133-14B. Minimum system requirements for fire alarm systems shall include:
- 1) Audible notification appliances shall be installed throughout protected premises.
  - 2) Visible notification appliances shall be installed throughout protected premises.
 

Exceptions.

    - a. Closets and/or other similar small storage rooms that do not exceed 50 square feet in floor area and are not normally occupied.
    - b. Normally unoccupied crawl spaces
    - c. Normally unoccupied attic spaces
    - d. Any non-accessible area.
    - e. Any area for which the AHJ deems visible notification appliances are not required.
  - 3) Manual initiating devices (pull stations) shall be located at all points of egress, including all exit doors on every floor and/or building level
  - 4) Water flow detection devices shall be connected to the fire alarm system to specifically activate the notification appliances upon water flow.
  - 5) Fire suppression system activation alarms shall be connected to the protected premises' fire alarm system to specifically activate the notification appliances upon system activation. This includes but is not limited to wet chemical, CO2, clean agent, water mist, and dry chemical systems.
  - 6) Fire control and/or suppression systems' supervisory condition indicators shall be connected to and monitored by the fire alarm system. This specifically includes but is not limited to: valve supervisory switches (tamper switches), low-air indicators, low-water switches, low-temperature switches, fire pump condition indicators and/or any other situation or condition deemed necessary by the AHJ.
  - 7) Fire alarm systems shall be addressable and capable of indicating the status of all specific components at all times connected to the system
  - 8) All fire alarm systems shall be monitored by a UL-listed central monitoring station.

- 9) Fire alarm annunciators shall be installed in all protected premises. The number and locations of the fire alarm annunciators installed shall be acceptable to the AHJ.
  - 10) As determined by the AHJ, any additional notification and/or initiation appliances/devices may be required due to size, occupancy hazards, building construction, and/or occupancy use.
- D. Submittals for fire alarm systems. Submittals for fire alarm systems are intended to provide basic information consistent with the objective of installing a fully operational, code compliant fire alarm system and to provide the basis for the record drawings required by NFPA 72. Conditional approval of a fire alarm system submittal and/or any portion thereof is not intended to imply waiver or modification of any requirements of any code or any other applicable criteria.
- 1) Three sets of each fire alarm submittal shall be submitted to the fire department's authorized reviewing agent for conditional approval. The municipality may retain two copies of each submittal, and one copy will be returned to the installing contractor.
  - 2) All shop drawings/plans shall be drawn on sheets of uniform size to a recognized scale and shall comply with the requirements of the most current legislatively enacted version of NFPA 72 adopted by the State of Wisconsin, and plan submissions must include all required design elements, details, calculations, and specifications set forth in Chapter 7 of that standard.
- E. Inspections, testing and record keeping.
- 1) An authorized representative or agent of the AHJ shall inspect all fire alarm system installations prior to concealment of any wiring or devices. The Fire Department must be notified at least 72 hours prior to any fire alarm component being concealed.
  - 2) An authorized representative or agent of the AHJ shall witness all acceptance tests. The AHJ must be notified a minimum of 72 hours prior to any testing.
  - 3) Two copies of the completed fire alarm system record of completion required by NFPA 72 must be provided to the AHJ prior to final acceptance.
  - 4) Permanent records must be provided in accordance with NFPA 72. This includes completed fire alarm system inspection and testing forms.
- F. Special requirements. On all buildings over four stories in height, a fire command center for Fire Department operations shall be provided. The fire command center shall comply with NFPA 72 and shall contain the features required in the International Fire Code and NFPA 1, 13.7.2.29.
- 1) Two-way telephone communication service shall be provided for fire department use. This system shall be in accordance with NFPA 72. The communications system shall operate between the central control station and every elevator control car, every elevator lobby, and each floor level of exit stairs.
  - 2) The requirements of NFPA 1, 13.7.2.29 shall not apply where the fire department radio system is approved as an equivalent system (NFPA 101, 11.8.3.2.)

- 3) If the building components interfere with fire department radio operations, and if it is found within the first six months of the completion of the building, the owner is responsible for the cost of providing upgrades to ensure adequate radio communications throughout the building. The final system upgrade and operation must be approved by the fire chief or his designee.
- G. Maintenance. All devices shall be installed, maintained, and tested in accordance with NFPA 72 standards. If at any point a fire alarm fails to pass the annual test set forth in NFPA 72, the building owner and fire alarm tester/inspector shall notify the AHJ of the test results, and the system shall be repaired or upgraded as required in order to comply with NFPA 72 and this code.
- H. Fire alarm control panels shall display the status of the system components and be installed in a location acceptable to the AHJ. Adequate access for fire department, alarm maintenance and inspection personnel shall be maintained. Fire alarm control panels shall not be located within private dwellings with the exception of one- and two-family dwellings.

**§133-15. Automatic fire protection for cooking areas.**

- A. Intent. The intent of this section is to require automatic fire extinguishing systems in vent hoods and duct systems in all cooking areas to effectively extinguish fire at its source and reduce property damage and losses.
- B. Where required. Automatic fire extinguishing systems shall be installed in any cooking area required by the State of Wisconsin codes and in any area in which the AHJ has determined a potential fire risk exists.
- C. Installation requirements.
  - 1) All fire extinguishing systems must be submitted directly to the fire department's authorized reviewing agent for conditional approval. Plans must comply with the requirements of NFPA 17/17A; and plan submissions must include all required design elements, details, calculations, and specifications set forth in the relevant standard.
  - 2) The system shall be provided with automatic fuel shut-off.
  - 3) A class K fire extinguisher shall be installed per NFPA 10.
  - 4) Alarms shall be connected to the fire alarm system per NFPA 72.
  - 5) Cooking equipment used in processes producing smoke or grease-laden vapors shall be equipped with an exhaust system that complies with all the equipment and performance requirements of NFPA 1 and NFPA 96, and all such equipment and performance shall be maintained per NFPA 96 during all periods of operation of the cooking equipment.

**§133-16. Miscellaneous construction provisions.**

- A. Addresses and door labeling. Addresses as assigned by the City shall be placed on all structures or property supporting the same as follows:
  - 1) Placement. The address shall be put in place on the structure as soon as reasonably possible during construction at a location acceptable to the AHJ.

- 2) Description of numbers and letters. Numbers and letters shall be of contrasting colors (e.g. black and white) and readable from the road or highway and:
    - a. Arabic numbers shall be used; script and roman numerals cannot be used alone, but may be used as an addition to the requirements of this section.
    - b. All single-family and two-family residential buildings shall have street numbers, not less than four (4) inches tall and placed on the exterior wall of the principal building that faces the street or service drive providing access to the building. All such residential units shall also have street numbers, not less than three and one-half (3 ½) inches tall, placed on their respective mail box. If the building setback is greater than 100 feet from the roadway the address shall be moved no further than 25 feet from the roadway and placed within ten (10) feet of the entrance to the property. Numbers and letters shall be visible from the roadway at all times of the year
    - c. If the mailbox is on a different street from the residence, the street name and house number must be inscribed on the mailbox
  - 3) Multifamily requirements. All multifamily buildings shall have street numbers placed on the exterior of the principal building that faces the street, service drive, or parking lot and located adjacent to the individual entrances to the buildings. In addition, each building shall be identified by a letter or number, not less than 12 inches tall, located near the top of the building. At the entrance of each access drive, there shall be a directory listing of the street numbers and building identifications that are accessible from said street, service drive or parking lot. Suite numbers identifying the individual units must be placed on the primary entrance to each occupancy.
  - 4) Commercial and industrial requirements
    - a. If less than 75 feet in height, shall have street numbers, not less than six (6) inches tall, placed at the exterior wall of the principal building facing the street, service drive or parking lot providing access to that building and located adjacent to any primary entrance door
    - b. If more than 75 feet in height, shall have street numbers, not less than 24 inches tall, located on the exterior wall facing the primary street and main entrance.
    - c. All suite numbers that identify each individual unit shall be placed on the primary entrance to each business or occupancy
    - d. All commercial or industrial structures which have a rear service door shall identify the occupant and the street address conspicuously and on said rear door in contrasting and reflective letters and/or numbers not less than six (6) inches tall, and shall continually maintain same.
- B. Door, floor and stairway identification. Any occupancy having more than five exterior means of egress and/or more than two floors in height shall number the individual egress areas according to this section.

- 1) An identifying number shall be placed on the interior and exterior of each means of egress doorway not less than six inches tall, and in contrasting color and light reflective.
  - 2) Each floor shall have a sign indicating room numbers, with an arrow indicating the direction to these rooms. The location of this sign must be acceptable to the AHJ.
  - 3) Each interior door providing access to an enclosed stairway that is considered part of an accessible means of egress shall be identified with numbers and letters not less than three and one-half (3 ½) inches tall in the following manner:
    - a. Have a sign indicating floor level posted on both sides of the egress door in a location acceptable to the AHJ.
    - b. Have a sign indicating the exterior exit door egress assigned in compliance with Subsection B(1) located on both sides of the egress door in a location acceptable to the AHJ.
  - 4) Identification numbers shall be placed on the exterior windows of all hotels, motels, nursing homes, and multifamily occupancies to identify the room number or address it services. The numbers shall be not less than three and one-half (3 ½) inches tall, light reflective, and in a location acceptable to the AHJ.
- C. Fire Department access roads and fire lanes. Unobstructed fire lanes that are accessible from a public road shall be provided for every building or portion of a building in accordance with Wis. Admin. Code § SPS 362. Fire Department Access Roads shall comply with the requirements of NFPA 1, (18.2 3.1)
- D. Fire hydrants.
- 1) Intent. The intent of this section is to insure adequate water supply for fire-fighting purposes to structures, buildings, and normal premises. For the purposes of placing hydrants, "normal access routes" are defined as pavement, sidewalks, streets, driveways and paths leading to a building that are clear and maintained year round. The normal access route does not include grass, parking stalls, ditches, hills shrubs, flower beds, fences, walls or any other area typically used for ingress or regress to a building.
  - 2) Where required. Any building or structure hereafter erected shall provide, at the owner's expense, approved water hydrants. Fire hydrant location, distribution, and installation shall comply with NFPA 1 (18 5)
    - a. Mobile home parks. Any new mobile home or trailer park or any mobile home or trailer park which expands by adding additional trailers or area to the present court site shall provide an approved water hydrant when any trailer or building located in such park is more than 300 feet from an approved hydrant. Water hydrants shall be provided so that no trailer or building is more than 300 feet from an approved hydrant by normal access routes. Fire extinguishers are required in mobile home parks per Chapter 174 of Franklin municipal ordinances
    - b. Notwithstanding the above, the need and location of any fire hydrant shall be determined by the AHJ as he/she deems necessary to protect life and property. [Added 7-24-2012 by Ord No 2012-2086]

- 3) Inspection, testing, maintenance and repair
    - a. Private fire service mains and water tanks shall be inspected, tested and maintained in compliance with the requirements established in NFPA 25.
      - (1) Property owner shall immediately advise the fire department and the Water Utility as to hydrants which have been damaged, are inoperable, or have been found deficient in required fire flow.
      - (2) All inoperable hydrants shall be repaired as soon as is practically possible or within a reasonable time frame as determined by the AHJ.
      - (3) All records of inspections shall be maintained on site and made available to the AHJ upon request
    - b. Hydrants must be accessible at all times. Prohibited obstructions may include but are not limited to snow, parked vehicles, materials, equipment, storage and refuse. No obstruction shall be within a four-foot radius of the hydrant.
- E. Access box system requirements.
- 1) An access box system has been adopted for use by this fire department. The following structures shall be equipped with an access box at or near the main entrance or such location as required by the AHJ:
    - a. Commercial or industrial structures protected by an automatic alarm system or automatic fire suppression system, or such structures that are secured in a way that restricts access during an emergency
    - b. Multifamily residential structures that have restricted access through locked doors and have a common corridor for access to the living units.
    - c. Nursing homes, community-based residential facilities (CBRFs), child day-cares and other health facilities.
    - d. All educational occupancies.
    - e. The AHJ shall have the authority to require any structure to install and maintain an access box.
    - f. Exception: Any building or site that has twenty-four hour, seven-day-a-week security guard service or any occupancy that remains open 24 hours a day, seven days a week, does not require an access box, unless required by the AHJ.
  - 2) All newly constructed structures subject to this section shall have the access box installed and operational prior to the issuance of an occupancy permit. All structures in existence on the effective date of this section and that are subject to this section shall have one year from the date of being ordered by the AHJ to have an access box installed to complete installation
  - 3) The owner or agent of a structure required to have an access box shall keep the following inside the box:
    - a. Keys to locked points of ingress and egress whether on the interior or exterior

- b. The keys to locked mechanical equipment, electrical and elevator control rooms, fire alarm and/or sprinkler riser rooms
- c. The keys needed to open any alarm panels
- d. Floor plans or maps as required by the AHJ
- e. The keys to other areas as directed by the AHJ.
- f. Number of keys required: [Added 7-24-2012 by Ord No 2012-2086]
  - (1) Occupancies smaller less than 10,000 square feet shall provide a minimum of two master keys
  - (2) Occupancies of at least 10,000 square feet but less than 50,000 square feet shall provide a minimum of three master keys.
  - (3) Occupancies of 50,000 square feet or more and/or those occupancies with special hazards shall provide a minimum of four master keys.
  - (4) The access box shall be installed at the owner's expense.
  - (5) The size and type of access box must be acceptable to by the AHJ.
  - (6) If the locks to the building are changed, the AHJ must be notified and new keys placed in the access box within 24 hours
- F. Occupancy inspection The fire department shall conduct inspections of public buildings and places of employment prior to the issuance of local occupancy permits A record of the inspection shall be retained by the fire department
- G. Building plan review. The fire department shall conduct plan reviews and issue approvals of fire-safety related elements prior to construction of any public buildings or places of employment.
- H. Fire pump rooms. [Added 7-24-2012 by Ord No 22012-2086]
  - 1) All fire pump rooms at grade level shall have a minimum of one single door access and egress directly to the outside of the structure
  - 2) All egress doors shall swing out from the fire pump.
  - 3) A clear aisle of a minimum of 48 inches in width shall be provided for access to the fire pump which shall be totally accessible and have clearly labeled valves and controls capable of manipulation in full personal protective equipment (PPE), including self-contained breathing apparatus (SCBA)
  - 4) Keys for all doors to the fire pump room must be labeled and in the access box

**§133-17. Miscellaneous use provisions.**

- A. Fire-damaged buildings (securing) All dwelling and buildings within the municipality damaged from fire shall be secured within 24 hours of release of the property by the AHJ. The owner of the damaged property shall assume the liability for the protection of the public until the property is secured
- B. Fireworks.
  - 1) Sales. Except as provided in §167.10(2) and (4), Wis Stats , no person shall sell or possess with the intent to sell fireworks
  - 2) Possession. No person shall possess, manufacture, use, display, discharge or sell any fireworks without a permit

- 3) Use. Except as provided in §167.10(3), Wis Stats , no person shall possess or use fireworks without a user's permit issued pursuant to Subsection C(4) below.
- 4) User permit.
  - a. As provided in §167.10(3), Wis Stats , fireworks user's permits may be issued for festivals or celebrations after proper application to the municipality.
  - b. The AHJ shall require certificate of liability insurance or similar proof of coverage on an amount deemed appropriate.
  - c. Fireworks displays shall be required to be conducted in accordance with the conditions and requirements set forth in NFPA 1123, *Code for Fireworks Displays*.
  - d. Permits to display or discharge fireworks shall be issued as follows:
    - (1) An application for a permit may be obtained at the Fire Department.
    - (2) Applications shall be submitted not less than seven days prior to the date of such display
    - (3) No accumulating or purchase of fireworks shall be allowed prior to the issuance of the permit.
    - (4) After review of the application and inspection of the site, a permit shall be issued or denied at the discretion of the AHJ upon due consideration of the provisions of this chapter and the promotion of public safety and security of adjoining property.
    - (5) The AHJ reserves the right to reinspect the display and landing sites at any time to ensure public safety
    - (6) NFPA 1123 and 1124 will be used as a guide for these inspections.
    - (7) The cost of such permits shall be as set forth under §133-21 of this code.
    - (8) All persons applying for a permit must also submit proof of liability insurance in the amount of \$1,000,000 and a copy of any contract with companies which will be responsible in whole or part for the fireworks, storage, or display
    - (9) All display companies and personnel who are paid to set off fireworks within the city shall return to the area of fireworks display within 18 hours of the display and during daytime hours to carefully search for and dispose of unexploded fireworks
    - (10) The Franklin Police and/or Fire Department personnel are authorized to enlarge the area required to be searched by the display companies and their personnel
- 5) No permits. Permits will not be issued to sell or manufacture fireworks.
- 6) Use of caps and sparklers. No unlicensed person may use fireworks, caps, or sparklers in a municipal park or at a fireworks display for which a permit has been issued if the display is open to the public

- 7) Pyrotechnics Pyrotechnics are prohibited in public buildings and places of employment unless authorized by the AHJ and shall be used in accordance with NFPA 1123.
  - 8) The fire chief and/or his or her designee may disallow the display of fireworks due to local circumstances, such as extremely dry conditions or other unforeseen circumstances.
  - 9) Sky lanterns. The use of free-floating sky lanterns and similar devices utilizing an open flame shall be prohibited
- C. High-piled combustible storage. High-piled and rack storage of combustible commodities shall comply with any and all applicable DSPS and IBC codes and standards and the conditions and requirements of Chapter 32 of the International Fire Code (2015), which is herein adopted by reference in this code
- D. Outdoor burning.
- 1) Restricted Burning (permit required) Outdoor burning of any kind may be restricted upon issuance of a burning ban order by the AHJ for environmental conditions such as prolonged dry periods, or for other reasons at the discretion of the AHJ.
    - a. Open Burning. There shall be no open burning of any combustible waste material except as allowed by permit and subject to the following regulations.
      - (1) A Franklin Burning Permit must be obtained from the Office of the City Clerk (9229 W Loomis Rd ) by the listed property owner prior to ignition (Permits shall only be issued to owners of one- and two- family residential properties).
      - (2) Wind velocity shall not exceed nine miles per hour
      - (3) Contents of the pile may contain only dry leaves, brush, and other dry plant material
      - (4) Burning of construction or packaging materials is prohibited.
      - (5) The size of the burn pile shall not exceed four feet in width or three feet in height.
      - (6) Open burning shall be constantly supervised by a competent person, at least 16 years old, until the fire is extinguished.
      - (7) The pile to be burned shall be a minimum of 50 feet from buildings and 25 feet from any public roadways
      - (8) If smoke travels in such a manner as to cause a nuisance to neighbors, or obscure any public roadway, the fire shall be required to be extinguished
      - (9) Open burning shall only be permitted from 7 00 a m to ½ hour after sunset.
      - (10) Open burning shall be permitted from April 1 to June 15 and October 15 to November 30
      - (11) Flammable or combustible liquids shall not be used to ignite or accelerate the fire at any point

(12) A garden hose or other means of extinguishment must be present and readily accessible at all times

b. Bonfires. Bonfires may be conducted for public ceremonies, celebrations, and special events; only with a permit approved by the fire department, and subject to the following conditions and requirements:

- (1) An application shall be obtained from and submitted to the fire department no less than seven days prior to the date of the event.
- (2) The cost of such permit shall be as set forth under §133-21 of this code. (Fees shall be refunded if a bonfire permit application is denied by the AHJ)
- (3) After review of the application and inspection of the site, a permit shall be issued or denied at the discretion of the AHJ upon due consideration of the provisions of this chapter and the promotion of public safety and the security of adjoining property.
- (4) No accumulating of items to burn in the bonfire shall be allowed prior to the issuance of the permit
- (5) The AHJ reserves the right to re-inspect the bonfire site at any time to ensure public safety
- (6) Fire shall be no larger than 10 feet in diameter or 10 feet tall.
- (7) The fire area shall be protected by a fire ring or in some other fashion acceptable to the AHJ to prevent fire spread or a fire hazard
- (8) Fires shall contain only wood, other building products are prohibited
- (9) Fires shall not be started or accelerated using flammable liquids.
- (10) Fires must be attended at all times by a competent person of at least 18 years of age who has obtained the permission of the property owner.
- (11) The fire must be at least 50 feet from all structures, roadways and lot lines.
- (12) If smoke travels in such a manner that it obscures roadways, the AHJ reserves the right to require that the fire be extinguished.
- (13) A garden hose or other means of extinguishment must be present and readily accessible at all times

c. Prescribed burns. Prescribed burns may be conducted in order to control invasive weeds, grasses, and brush for the purpose of restoring native prairie plant species and improving wildlife habitat, with the following conditions and restrictions

- (1) Prescribed burns shall be conducted only by a professional environmental consulting or engineering firm demonstrating

adequate proof of insurance, and with the approval of the fire chief.

- (2) Prescribed burn requests shall be evaluated and approved or denied on a case-by-case basis at the sole discretion of the fire chief, after consideration of geographic location, present conditions, and potential impact on adjoining properties, structures, and roadways

2) Permissible burning (permit not required)

a. Grills

- (1) For other than one- and two- family dwellings, no hibachi, grill, or similar devices used for cooking, heating, or any other purpose shall be used or kindled on any balcony, under any overhanging portion, or within 10 ft (3m) of any structure.
- (2) For other than one- and two- family dwellings, no hibachi, grill, or other similar devices used for cooking shall be stored on a balcony.
- (3) Listed equipment permanently installed in accordance with its listing, applicable codes, and manufacturer's instructions shall be permitted.
- (4) Electric grills shall be permitted to be used and stored on balconies, provided that they are UL-listed and intended for outdoor use; and provided they are left uncovered so as to be readily identified as meeting the requirements of this code

b. Recreational fires:

- (1) Portable fire pits shall not be used or kindled on any combustible surface, balcony, or under any overhanging portion; or within 25 feet of any structure unless contained in an approved manner.
- (2) Total fire area shall not exceed three feet in diameter and two feet in height.
- (3) Only dry firewood may be burned, burning of yard waste, construction materials, or other refuse is prohibited.
- (4) Recreational fires shall be attended at all times by a competent person at least 16 years old, who has obtained the permission of the property owner
- (5) Flammable or combustible liquids shall not be used to ignite the fire.
- (6) Smoke shall not be a nuisance to neighbors or public roads

E. Possession of ignition devices.

1) Defined.

a. "Ignition device," for the purpose of this section shall be defined as:

- (1) Matches.
- (2) Lighters.

(3) Any other materials when used for the purpose of ignition.

b. Minor: any child under 18 years of age

- 2) Possession prohibited. No minor may possess any ignition device, unless under the direct supervision of, or with direct permission of, a parent or legal guardian.
- 3) Delivery prohibited. No person may sell, give, deliver or make accessible any ignition device to a minor without the permission of the minor's parent or legal guardian.
- 4) Confiscation. Any ignition device possessed by a minor may be confiscated by any peace officer, fire chief or authorized designee of the fire chief. Once confiscated, these ignition devices shall become the property of the confiscating authority and shall be processed accordingly as evidence in the commission of a crime or made inoperable and disposed of properly.
- 5) Penalty.
  - a. Any person who shall violate any of the provisions of this subsection shall, for each and every violation, be punishable by forfeiture, plus any costs or surcharges as required by law.
  - b. In addition to any other penalties provided for in this code, the judge of any court of any competent jurisdiction may order any person found guilty of violating this ordinance to any educational program as the court deems appropriate and include as part of the penalty therein that such person pay the costs of such educational program.

F. Christmas tree sales. For the purpose of this subsection, the following minimum standards shall apply to the storage, handling, and display of live Christmas trees and foliage:

- 1) Trees and foliage shall be stacked not closer than 10 feet to any gasoline pump or other device for the transfer of petroleum products.
- 2) Aisles or clear spaces of not less than three feet shall be maintained at all times.
- 3) A fire extinguisher with a 2A-10BC rating or greater shall be provided by the merchant for each 75 feet of travel display and/or storage area.
- 4) All storage and sales of live Christmas trees and foliage shall be held outside of buildings.
- 5) It shall be unlawful to light a match or any flame-producing device or to smoke or carry a lighted cigar, cigarette, or pipe in areas where live Christmas trees or foliage is displayed, sold, or stored. The person in charge of the Christmas tree sales shall post a "NO SMOKING" sign in locations designed to give persons entering the area notice of this regulation.

G. Blasting.

- 1) Permit required. All persons or entities who perform blasting in the city shall obtain the proper permit prior to storage or use of blasting agents or explosives. Application for a permit may be obtained at the fire department. Applications shall be submitted not less than seven days prior to the date of such blasting project. No accumulation of blasting agents or explosives shall be allowed prior to the issuance of the permit. After review of the application and inspection of the

site, a permit shall be issued or denied at the discretion of the AHJ upon due consideration of the provisions of this chapter, promotion of public safety and security of adjoining property. The AHJ reserves the right to reinspect the project site at any time to ensure public safety. The cost of such permit shall be as provided in §133-21 of this code

- 2) Exemptions. Persons or entities engaged in the active operation of quarrying activities, as a legal, nonconforming, permissive or special use of land, prior to the effective date of this chapter, shall be exempt from the permit requirement hereunder.
- H. Carbon-monoxide (CO) detectors. [Added 7-24-2012 by Ord No 2012-2086]
- 1) Intent. The intent of this section is to decrease the leading cause of poisoning deaths in the United States by requiring the installation and maintenance of carbon monoxide (CO) detectors
  - 2) Installation required. Installation shall be required, installed, tested and maintained as set forth in §101.149 Wis Stats
- I. Smoke Alarms [Added 7-24-2012 by Ord. No. 2012-2086]
- 1) Installation required. A “ten year” smoke alarm with a sealed battery or smoke alarms hardwired to the structure’s electrical power with a battery backup and interconnected with each other shall be installed in all multi-family and mixed use occupancies not later than January 1, 2013. Smoke alarms must be installed in all bedrooms, in the common hallway outside of the bedrooms and/or at the head of all stairways and/or in locations required by the AHJ
  - 2) Testing and maintenance.
    - a. The owners of multifamily occupancies are responsible for monthly testing and documentation of the same for all smoke alarms not located within tenant areas
    - b. The owner and/or occupant of mixed-use occupancies are responsible for monthly testing and documentation of the same for all smoke alarms located within areas they occupy
  - 3) Once notified of a missing or defective smoke alarm, the owner of a multifamily occupancy shall repair or replace the smoke alarm within five days
- J. Outdoor, ordinary combustibles-fired or fuel furnaces. An outdoor wood-fired furnace shall not be installed or used within the City [Added 7-24-2012 by Ord No. 2012-2086]

**§133-18. Flammable, combustible, and hazardous materials.**

- A. The following items shall not be stored in any multifamily dwelling in the community:
- 1) Charcoal, except in a metal container equipped with a metal cover.
  - 2) Oily rags or oily dust mops.
  - 3) Flammable liquids.
  - 4) Bottle gases. propane, acetylene, oxygen or other substances of similar nature.
  - 5) Gasoline motors and gasoline power equipment
  - 6) Dangerous or hazardous amounts of flammable, combustible or explosive material as determined by the AHJ

- 7) Dangerous accumulations of rubbish, waste paper, boxes, shavings, or other highly flammable materials as determined by the AHJ.
  - 8) Dangerous accumulations of dust or waste materials in air conditioning systems.
- B. Flammable, combustibile and hazardous materials shall be identified in accordance with NFPA 704.

**§133-19. Special inspections required.**

- A. At the adoption of this code all CBRFs adult family homes, adult day-cares and child day-care centers (group) will be inspected not less than once a year by the Fire Department. A courtesy fire inspection is recommended for all family child day-cares

**§133-20. Fire inspection fees. [Amended 2-21-2006 by Ord. No. 2006-1873]**

- A. A fire inspection fee shall be charged to the property owner and/or property occupant, jointly and severally, and respectively for each part or portion of a building, structure or premises subject to a separate zoning compliance permit and/or a separate occupancy permit requirement, including for each return or repeat inspection of each building, structure, and premises or part or portion thereof [Amended 2-6-2007 by Ord No. 2007-1907]
- B. The annual fee shall constitute a special charge against the property inspected and shall be entered upon the tax roll as a charge against the property unless previously paid, and all proceedings in relation to the collection, return, and sale of the property for delinquent real estate taxes shall apply to the collection of any unpaid inspection fees.
- C. The fee for the required fire inspections shall be charged to and paid by the owners of multifamily residential property, mixed use property, commercial property, industrial property, health-care-facility property, schools, churches and other places of worship, child day-care centers, rooming houses, community-based residential facility property, adult- family-home property, adult- day- care facility property, nursing home property and assisted living property. Inspection fees to be charged and paid under this section shall be in the amount of \$20 for an inspection which does not exceed 20 minutes in duration; \$30 for an inspection which does not exceed 40 minutes in duration; \$40 for each inspection which does not exceed 60 minutes in duration, and \$40 pro rata for each portion of an inspection hour in addition to and immediately following an initial hour of inspection. Total inspection fees charged to any single property or facility shall not exceed \$500 in a calendar year.
- D. Should reinspections be necessary for any purpose, the base fee for all reinspections shall be \$75 for any portion of an hour, however this fee shall be waived if all conditions and violations have been corrected and the building and/or space is in full compliance with the requirements of this code.

**§133-21. Fees.**

- A. Fees shall be established for permits shall be payable to the municipality–Fees are subject to change.
- B. Permit fees. The fees established in Table 133-21A apply to permits required by this code.

**Table 133-21A**

Permit	Fee
Bonfires	\$50 per fire
Open Burning	\$15 per year
Blasting	\$100 per project
Fireworks	\$50 per event
High-piled storage	\$300 per permit*
Addition, alteration, or removal of 1-20 sprinkler heads or alarm components <u>to an existing system</u>	\$50 per project
Installation of any fire protection system; including fire sprinkler, fire alarm, wet chemical, clean agent, water mist, or other	\$100 per project; in addition to any plan review and inspection fees charged by authorized third party contracted plan review consultant.

**§133-22. Violations and penalties.**

- A. Any person who violates any of the provisions of this code, or who fails to comply with any order made hereunder, or who builds in violation of any detailed statement of specifications or plans submitted and conditionally approved hereunder, or any certificate or permit herein from which no such appeal has been taken, or who fails to comply with such an order as affirmed or modified by a court of competent jurisdiction within the time fixed herein, shall for each and every violation and noncompliance be subject to the following
- B. Imposition by forfeiture of no more than \$500 per day by the Municipal Court
- C. Imposition of a penalty for each such violation shall not excuse the violation or permit it to continue, and such violations or defects shall be corrected or remedied within the time stated in the order. Each and every day that a violation of this code occurs constitutes a separate offense.
- D. False alarms. If the fire Department responds to three or more false alarms in one calendar year, the Fire Department may.
  - 1) Fine the building owner or occupant the amount as per City of Franklin § 76-7 to reimburse the Fire Department for the cost of equipment and personnel that was used to respond to the alarm.
  - 2) Require that the fire alarm be serviced, upgraded, or replaced to bring the alarm system into compliance with current code in order to prevent future false alarms
- E. Any contractor that begins installation and/or alteration of any system regulated by this code prior to obtaining the required permit will be charged a triple fee

**§133-23. Appeals.**

- A. Whenever the AHJ shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provision of this Code do not apply or that the true intent and meaning of this Code has been misconstrued or wrongly interpreted, the applicant may appeal the decision of the AHJ.

- B. Appeals shall be submitted, in writing, to the Chief of the Fire Department for a review of the initial determination within 30 days from the date of the decision of the AHJ
- C. All appeals shall follow Wisconsin Statute Chapter 68, Municipal Administrative Procedure.
- D. Whenever the Fire Official shall disapprove an application or refuse to grant a license or permit applied for, or when it is claimed that the provisions of this chapter do not apply or the true intent and meaning of this section have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Official to the Board of Zoning and Building.

SECTION 2: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 3: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by Alderman \_\_\_\_\_.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED:

\_\_\_\_\_  
Stephen R. Olson, Mayor

ATTEST:

\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_

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APPROVAL <i>sw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 11/05/2019
Reports and Recommendations	Motion from the Director of Health and Human Services to authorize proper officials for the City of Franklin to sign the addendum to the 2019-2022 contract to administer the retail food and recreation programs for the Wisconsin Department of Agriculture, Trade, and Consumer Protection.	ITEM NUMBER <i>G.7.</i>

**Background:** Beginning November 1, 2019 a change has been implemented to the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) State Agent Contract regarding the licensing of multijurisdictional temporary and mobile restaurants. Any licensing and fee collection for these operators moving forward will be the responsibility of the Agent or Department where the business operation is located. The Franklin Health Department (FHD) has been an Agent for DATCP since 2007 allowing for local, timely, and thorough inspection and licensing of all brick and mortar restaurants, hotels, motels, and public pools as well as the local, Franklin only, temporary/mobile restaurants.

**Analysis:** Prior to November 1, 2019, the Wisconsin Division of Health Services (DHS) and DATCP were responsible for the licensing of multijurisdictional mobile and temporary restaurants. FHD could only collect license fees for those temporary or mobile businesses that operated solely in Franklin. This change will allow more consistency among all mobile and temporary vendors and allow better working relationships with the local health department.

**Options:**

1. Authorize the signatures to execute the addendum to the current State Agent contract.
2. Decline the proposed addendum
3. Table or postpone contract execution pending review by the city attorney.

**Recommendation:** The Director of Health and Human Services recommends authorization to execute the addendum to the 2019-2022 State Agent Contract with the Wisconsin DATCP.

**Fiscal Note:** This was an anticipated change at the State level and will result in additional time for the FHD staff to complete all licensing as outlined in the new contract. FHD will in turn collect additional revenue from the fees of these vendors which previously paid license fees only to the State. The additional revenue will help offset the increase in staff time to complete the licensing process each year. An additional 0.5 FTE was also requested in the 2020 Franklin Health Department budget to help with the anticipated changes.

**COUNCIL ACTION REQUESTED**

The Director of Health and Human Services requests a motion authorizing proper officials for the City of Franklin to sign the addendum to the 2019-2022 contract to administer the retail food and recreational programs for the Wisconsin Department of Agriculture, Trade, and Consumer Protection.

Health Department: CD

**ADDENDUM TO THE CONTRACT TO ADMINISTER THE RETAIL FOOD AND  
RECREATIONAL PROGRAMS FOR THE WISCONSIN DEPARTMENT OF  
AGRICULTURE, TRADE AND CONSUMER PROTECTION**

**July 1, 2019 – June 30, 2022**

**Agent Jurisdiction: City of Franklin Health Department**

The following paragraph has been deleted from Section II

- ~~A. The Agent shall issue licenses to all facilities designated in this contract within its jurisdiction except~~
- ~~1. Mobile retail food establishments that cross geographical boundaries, in conducting their business, shall be licensed by the Department under Wis Stat § 97.30 (2) (a).~~
    - ~~a. If the mobile retail food establishment has a service base, as defined in Wis Admin Code ch. ATCP 75 Appendix Part 1.201.10 (B), located within their jurisdictional boundary, the Agent shall issue the service base license.~~
    - ~~b. The Agent may charge an inspection fee for any inspection of a Department-licensed mobile retail food establishment.~~
  - ~~2. Temporary retail food establishments that cross jurisdictional boundaries, in conducting their business, shall be licensed by the Department under Wis Stat § 97.30 (2) (a).~~
    - ~~a. The Department shall provide a guidance document for the Agent to use to determine which temporary retail food establishment license applies.~~
    - ~~b. The Agent may charge an inspection fee for any inspection of a Department licensed temporary retail food establishment.~~

The following paragraphs have been added to Section II.

- H The Agent shall honor, without issuing an additional license in its own jurisdiction, all licenses issued by the Department or other Agent jurisdictions for a mobile retail food establishment serving meals (mobile restaurants) The following shall also apply
- 1 The mobile retail food establishment license and service base license shall be issued by the jurisdiction where the service base is located or the address where the mobile unit is stored, if a service base variance is granted by the Department, or as specified in sub 2.
  - 2 The Agent or the Department issuing the retail mobile service base license may allow another jurisdiction to issue the retail mobile license, if the mobile retail food establishment operates solely outside the jurisdiction where the mobile service base is located
  3. Enforcement activities for all operations of the mobile retail food establishment shall be conducted by the licensing entity, regardless of where the establishment may operate within the State Inspection reports generated by other jurisdictions may be used to support enforcement activities
  4. The licensee shall immediately correct any violations posing an immediate danger to public health found on site or the inspecting regulatory authority shall issue a temporary closure order at time of inspection

- 5 An inspection fee may be charged by any Agent program conducting an inspection on a mobile unit licensed by another jurisdiction. The fee shall be based on the reasonable cost to conduct the inspection.
  6. Current out-of-state mobile retail food establishments shall continue to maintain a Department-issued license unless the Department determines that the license should be held by another jurisdiction.
- I An Agent shall honor, without issuing an additional license in its own jurisdiction, all licenses issued by the Department or other Agent jurisdictions for a temporary retail food establishment. The following shall also apply:
- 1 The temporary retail food establishment license shall be issued in the jurisdiction in which the operator is located or the temporary event occurs.
  - 2 Enforcement activities for all operations of the temporary retail food establishment shall be conducted by the licensing entity, regardless of where the establishment may operate within the State. Inspection reports generated by other jurisdictions may be used to support enforcement activities.
  - 3 The licensee shall immediately correct any violations posing an immediate danger to public health found on site or the inspecting regulatory authority shall a temporary closure order at time of inspection.
  - 4 An inspection fee may be charged by any Agent program conducting an inspection on a temporary retail food establishment licensed by another jurisdiction. The fee shall be based on the reasonable cost to conduct the inspection.
  5. Current out-of-state temporary retail food establishments shall continue to maintain a Department-issued license unless the Department determines that the license should be held by another jurisdiction.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

For **City of Franklin Health Department**

Signature \_\_\_\_\_

Print Name and Title \_\_\_\_\_

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2018

For the Department of Agriculture, Trade and Consumer Protection

\_\_\_\_\_  
 Steven C. Ingham, Administrator  
 Division of Food and Recreational Safety

CITY OF FRANKLIN

BY \_\_\_\_\_  
Stephen R. Olson, Mayor

Dated: \_\_\_\_\_

ATTEST:

BY \_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

Dated: \_\_\_\_\_

BY \_\_\_\_\_  
Paul Rotzenberg, Director of  
Finance and Treasurer

Dated: \_\_\_\_\_

APPROVED AS TO FORM

BY \_\_\_\_\_  
Jesse A. Wesolowski, City  
Attorney

Dated: \_\_\_\_\_

Original  
Signed  
Copy  


**CONTRACT TO ADMINISTER THE  
RETAIL FOOD AND RECREATIONAL PROGRAMS  
FOR THE WISCONSIN DEPARTMENT OF AGRICULTURE,  
TRADE AND CONSUMER PROTECTION**

This Contract is made between the **Wisconsin Department of Agriculture, Trade and Consumer Protection** ("the Department") and **City of Franklin Health Department** ("the Agent"), pursuant to Wis. Stat. §§ 97.41 and 97.615 and Wis. Admin. Code ch. ATCP 74, authorizing the Department to enter into a written contract designating a local health department, defined in Wis. Stat. § 250.01 (4), to act as the Department's local Agent to administer the retail food and recreational establishment program. The Department designates and authorizes **City of Franklin Health Department** to act as the Department's Agent for the purpose of enforcing Wis. Stat. § 97.30 and Subchs. III and IV of ch. 97, and the applicable provisions of the Wisconsin Administrative Code.

The Agent's jurisdiction under this contract includes the following geographic area(s): **City of Franklin.**

This contract shall run from **July 1, 2019 – June 30, 2022** and shall remain in effect for three fiscal years unless otherwise specified, and shall remain in effect during the three fiscal years unless specifically terminated, revoked, or suspended, as provided in the contract. The Department shall issue contracts for future contract periods to the Agent by January 1 of the last fiscal year of the current contract. The Agent shall commit to continue as the Department's Agent for the future contract period, by signing and returning the contract by March 1 of the last fiscal year of the current contract.

The Agent hereby agrees to protect public health and safety, as the Agent of the Department under Wis. Stat. § 97.30 and Subchs. III and IV of ch. 97, and Wis. Admin. Code ch. ATCP 74, and the terms and conditions of this Contract. The Agent agrees to issue licenses to, inspect, and regulate retail food establishments, campgrounds, recreational and educational camps, public swimming pools and water attractions, hotels, motels, tourist rooming houses, and bed and breakfast establishments, as specified in this Contract, enforcing all applicable provisions of the Wisconsin Statutes and Administrative Code and associated Department policies, interpretive memos and procedures including, but not necessarily limited to, Wis. Stat. § 97.30 and Subchs. III and IV of ch. 97, and Wis. Admin. Code chs. ATCP 72 (Hotel, Motel and Tourist Rooming Houses), 73 (Bed and Breakfast Establishments), 74 (Local Agents and Regulation), 75 (Retail Food Establishments) and Appendix (Wisconsin Food Code), 76 (Safety, Maintenance, and Operation of Public Pools and Water Attractions), 78 (Recreational and Educational Camps), and 79 (Campgrounds). If the Agent inspects individual vending machines, the Agent will receive reimbursement from the Department.

The Department agrees to fulfill its responsibilities to the Agent required by Wis. Stat. § 97.30 and Subchs. III and IV of ch. 97, Wis. Admin. Code ch. ATCP 74, and this Contract.

Pursuant to ATCP 74.06 (7), the Department shall whenever feasible provide notice to an Agent program at least one fiscal year before making any changes to Department policies and

procedures not specified in the contract that would adversely affect the budget of an Agent program

This Contract incorporates any amendments to the statutes or administrative rules cited in this Contract, as well as any additional statutes or rules, related to retail food and recreational establishment licensing that may be enacted or adopted during the term of this Contract. The Agent agrees that all of its obligations under this Contract include any of these amendments, enactments or adoptions

## I. DEFINITIONS

- A. **Agent** means a local health department (LHD) as defined in Wis Stat. § 250.01 (4), that has entered into a contract with the Department and is authorized under the terms of that contract to administer a retail food establishment, lodging, and recreational safety regulatory program, pursuant to Wis Stat §§ 97.41 and 97.615 (2), in the local health department's area of jurisdiction
- B. **Agent Program** means the retail food establishment, lodging, and recreational safety regulatory program operated by an Agent
- C. **Agent Program Plan** means the plan developed by the Agent for the administration of the Agent program and enforcement of Wis Stat § 97.30 and Subchs III and IV of ch 97, related provisions of the Wisconsin Administrative Code, and any applicable local ordinances or regulations cited in its enforcement actions for the types of facilities for which the Agent has been delegated Agent status
- D. **Agent Standard** means a member of the Agent's inspection staff, responsible for leading standardization exercises, as prescribed in the Department's Standardization Manual, for the environmental health inspection personnel in the Agent's jurisdiction, who has successfully completed the initial standardization process, is current in their inspection standardization maintenance exercises, and has received a letter of completion from the Department.
- E. **Complaint** means an allegation, presented to an Agent or the Department, of a possible public health hazard or violation of any provision of the Wisconsin Statutes and Administrative Code indicated in this contract or a local public health ordinance or regulation
- F. **Conflict of interest** means a conflict between the private interests and the official responsibilities of a person in a position of trust. As provided in Wis Stat. § 19.59 (1), a conflict of interest occurs when the exercise of a person's official responsibilities gives the person the opportunity to obtain financial gain or anything of substantial value for the private benefit of himself or herself, his or her immediate family, or an organization with which he or she is associated

- G **Contract** means a signed, written agreement between a local health department and the Department setting forth the obligations of each party in the operation of an Agent program
- H **The Department** means the Wisconsin Department of Agriculture, Trade and Consumer Protection
- I **Enforcement Action** means a statutorily-authorized action imposed on a licensee for non-compliance with a provision of the Wisconsin Statutes or Administrative Code, or a local public health ordinance or regulation. Enforcement actions include, but are not limited to, holding orders, citations, forfeitures, temporary orders, license suspension, or revocation of a license
- J **Establishment** or **Facility** means a retail food establishment, hotel, motel, tourist rooming house, bed and breakfast establishment, food vending machine, camping resort or other campground, recreational educational camp, public swimming pool or water attraction licensed pursuant to Wis Stat ch 97
- K **Fiscal Year** means July 1 of one year through June 30 of the next year
- L **Follow up Inspection** means a non-mandatory inspection by the Agent to ensure non-critical violations, cited in a routine inspection, have been corrected by a licensee.
- M. **Foodborne Disease Outbreak** means the occurrence of two or more cases of a similar illness of persons, resulting from the ingestion of a common food.
- N. **Inspection Fee** means a fee charged by the Agent program, the amount of which is reasonably related to the cost of performing an assessment of an establishment's compliance with the statutes and rules, under which a license is granted, including the following
- 1 An inspection in an establishment not under the Department's regulatory authority.
  - 2 An Agent inspection in its jurisdiction of a Department licensed mobile or temporary retail food establishment
- O **Inspector** means any employee inspecting establishments for the Department or the Agent under the jurisdiction of an Agent program
- P **License** means the legal authority granted by the Department or its Agent to operate an establishment
- Q **Licensee** means the person or entity licensed to operate an establishment

- R. **Local Public Health Ordinance or Regulation** means an ordinance adopted by a village, city or county, or a regulation adopted by a local board of health, as the Department's Agent, pursuant to Wis Stat § 97.41 (7) or 97.615 (2) (g)
- S. **Memorandum of Understanding (MOU)** means an agreement between the Department and another state agency for designating each agency's responsibilities in shared governance
- T. **New Agent** means an Agent that has entered into its first contract with the Department or an Agent that has applied to reenter into a contract with the Department after termination of a previous contract
- U. **Person** means an individual, married couple, legal entity of a partnership, corporation, or limited liability company, municipality, county, town, or state or local agency.
- V. **Pre-licensing Inspection** means an inspection that must be completed before a license is granted and the licensee may begin operating
- W. **Program Evaluation** means an assessment by the Department of the Agent's adherence to the provisions of this Contract
- X. **Registered Environmental Health Specialist/Registered Sanitarian or REHS/RS** means a person who holds an REHS/RS credential awarded by the National Environmental Health Association
- Y. **Registered Sanitarian or RS** means an individual who is a Wisconsin-registered sanitarian, pursuant to Wis Stat. §440.98 and Wis Admin. Code. chs. SPS 174 to 177, or is recognized as a registered environmental health specialist/registered sanitarian
- Z. **Reimbursement** means the portion of the license fee, collected by the Agent, that is remitted to the Department, pursuant to Wis Stat § 97.41 (5) or 97.615 (2) (c)
- AA. **Reinspection** means a mandatory inspection to ensure that priority, critical or recurring violations have been corrected, including
- a. An observed violation of immediate danger to public health (priority or critical) that is not corrected during the inspection,
  - b. Six or more priority (critical) violations observed and noted,
  - c. Repeat violations noted during two previous inspections (3 consecutive times), or
  - d. As determined in consultation with a supervisor, an excessive number of violations that show a lack of managerial control observed during an inspection.

- BB **Routine inspection** means the annual evaluation of a licensee's operation of its establishment
- CC **Sanitarian** means a person who is qualified to conduct inspections as an Agent of the Department and meets the requirements under Wis. Admin Code § ATCP 74.08 (2).
- DD **Standard** means a Department (state standard) or Agent employee (Agent standard) who is certified as correctly interpreting and enforcing Wis Admin Code chs ATCP 72, 73, 75 and its Appendix, 76, 78, and 79
- FE **Standardization exercise** means an evaluation conducted by a standard to determine if a sanitarian is correctly interpreting and enforcing Wis Admin Code chs ATCP 72, 73, 75 and its Appendix, 76, 78, and 79
- FF. **Standardization (initial)** means a sanitarian's first successful completion of required field exercises by using risk based inspection methods, as specified in the Department's Standardization Manual
- GG. **Standardization (maintenance)** means a sanitarian's successful completion of field exercises by using risk based inspection methods, required every three years to maintain standardization certification, as specified in the Department's Standardization Manual
- HH **State Fees** means the Department's fees in Wis Stat §§ 97.41 (5) and 97.615 (2) (e), levied to recoup Department costs related to setting standards for, monitoring and evaluating the activities of, and providing education and training to, Agent local health departments.
- II. **State License Fees** means the license fees set by the Department, pursuant to Wis Stat §§ 97.30 (3) and (3m), 97.613, and 97.67 (4)
- JJ. **Waterborne Disease Outbreak** means the occurrence of two or more cases of a similar illness of persons after the ingestion of drinking water from the same source, or after exposure to water from the same source used for recreational purposes, and for which epidemiologic evidence implicates water as the probable source of the illness

## II. ISSUING LICENSES

- A The Agent Program shall issue licenses in its jurisdiction, in accordance with s. 97.30, Stats, and subchs III and IV of ch 97, Stats, and shall ensure that no person in its jurisdiction, subject to regulation under those statutes, operates an establishment without a valid license except

- 1 Mobile retail food establishments that cross geographical boundaries, in conducting their business, shall be licensed by the Department under Wis. Stat. § 97.30 (2) (a)
  - a If the mobile retail food establishment has a service base, as defined in Wis. Admin. Code ch. ATCP 75 Appendix Part 1-201.10 (B), located within their jurisdictional boundary, the Agent shall issue the service base license
  - b The Agent may charge an inspection fee for any inspection of a Department-licensed mobile retail food establishment
  
- 2 Temporary retail food establishments that cross jurisdictional boundaries, in conducting their business, shall be licensed by the Department under Wis. Stat. § 97.30 (2) (a)
  - a The Department shall provide a guidance document for the Agent to use to determine which temporary retail food establishment license applies
  - b. The Agent may charge an inspection fee for any inspection of a Department-licensed temporary retail food establishment
  
- 3 Any establishment that is selling, holding, or distributing food and exempt from the requirement to hold a retail food establishment license, pursuant to s. 97.30 (2) (b), Stats., is under the regulatory authority of the Department and may not be licensed, charged a fee, or inspected in any manner related to food, dairy, or meat processing, or wholesale or retail food operations by the Agent
  
- B The Agent shall require a person who applies for, or a licensee who requests renewal of, a license to include, at a minimum, the following information.
  - 1 Individual, Married Couple or Legal Entity who will hold the license and a complete street address
  - 2 Doing Business As (DBA) Name and complete address of the establishment
  - 3 License number and expiration date of any current license
  - 4 Type of Establishment, for licensing purposes
  - 5 Numbers of units, rooms, or sites and complexity, if applicable
  
- C A license issued by the Agent shall expire on June 30 of each year, except that a new license issued during the period beginning on April 1 and ending on June 30 shall expire on June 30 of the following year (15-month license), except as follows. The Agent of a city of the 1st class that has entered into a Contract with the Department may issue a required license for a retail food establishment or bed and breakfast

establishment at any time during the year. which shall expire one year from the date of its issuance

- D The Agent, as required in Wis Stat § 97.605 (4), shall allow for the holder of a license to transfer the license to
- 1 An individual who is an immediate family member if the holder is transferring operation of the hotel, tourist rooming house, bed and breakfast establishment, or vending machine to the immediate family member
  - 2 A sole proprietorship that reorganizes as a business entity or a business entity that reorganizes as either a sole proprietorship or a different type of business entity may transfer a license issued under this section for operation of a hotel, tourist rooming house, bed and breakfast establishment, or vending machine commissary to the newly formed business entity or sole proprietorship if the following conditions are satisfied
    - a) The hotel, tourist rooming house, bed and breakfast establishment, or vending machine commissary remains at the location for which the license was issued
    - b) At least one individual who had an ownership interest in the sole proprietorship or business entity to which the license was issued has an ownership interest in the newly formed sole proprietorship or business entity
- E The Agent, as required in Wis Stat. § 97.67 (2) shall allow a license to be transferred from an individual to.
1. An immediate family member, as defined in s 97 605 (4) (a) 2 , if the individual is transferring operation of the campground, camping resort, recreational or educational camp, or public swimming pool to the immediate family member
  2. A sole proprietorship that reorganizes as a business entity, as defined in s 179 70 (1), or a business entity that reorganizes as a sole proprietorship or a different type of business entity may transfer a license issued under this section for a campground, camping resort, recreational or educational camp, or public swimming pool to the newly formed business entity or sole proprietorship if all of the following conditions are satisfied
    - a) The campground, camping resort, recreational or educational camp, or public swimming pool remains at the location for which the license was issued
    - b) At least one individual who had an ownership interest in the sole proprietorship or business entity to which the license was issued has an ownership interest in the newly formed sole proprietorship or business entity

- F The Agent shall notify the Department when, in the performance of its duties, it encounters an unlicensed establishment that falls under the Department's licensing and inspection authority
- G The Department shall notify the Agent when, in the performance of its duties, it encounters an unlicensed establishment that falls under the Agent's licensing and inspection authority

### **III. INSPECTIONS**

The Agent Program sanitarians shall inspect all establishments covered in the contract for compliance with Wis Stat § 97.30, subchs III and IV of Wis Stat ch 97, and Wis Admin. Code chs ATCP 72, 73, 75 and its Appendix, 76, 78, and 79

- A The Agent Program shall follow standard inspection methods and procedures prescribed by the Department
- B. Each fiscal year the Agent shall conduct one routine inspection of each licensed establishment under its jurisdiction, except for vending machines and temporary retail food establishments. The Agent may propose a different inspection frequency to the Department which may only be implemented if approved by the Department in writing.
- C The Agent Program shall collect food and water samples as necessary or as requested by the Department.
- D The Agent Program shall perform a pre-licensing inspection of a license applicant's establishment for compliance with all applicable ordinances, rules, and statutes. The pre-licensing inspection shall be conducted before the applicant is issued a license and conducts business, except as specified for micro-markets in Wis Stat § 97.30 (2) (d).
- E The Department may conduct inspections at an establishment in the Agent Program's jurisdiction for all of the following purposes
  - 1. Training or standardization of Department staff or Agent Program staff
  - 2. In response to an emergency
  - 3 For monitoring and evaluating the Agent Program's licensing, inspection, and enforcement program
  - 4. At the request of the Agent Program

- F Whenever feasible, the Department shall notify the Agent of the Department's intent to inspect an establishment in the Agent program's jurisdiction. The Agent may accompany the Department during such inspections.
- G The Agent may elect, in writing to the Department, to inspect vending machines.
- H The Agent shall give priority to pre-licensing inspections, inspections involving emergency complaints, food or waterborne illness investigations, and re-inspections.
- I A routine inspection shall be unannounced except when it is necessary that the owner or operator be present for the inspection, or when the Agent is conducting a follow-up inspection, reinspection or other activity where having the owner or operator present is important for continued compliance.
- J If a routine inspection is performed in conjunction with another investigation, separate inspection reports shall be completed for the investigation and the routine inspection. Each report shall be signed by the environmental health inspection staff person and the licensee, or licensee's designated person in charge.
- K The Agent shall perform inspection duties required by, and in compliance with, the Department's MOUs. The Department will provide the Agent a copy of each MOU it executes.
- L The Agent may, with written approval from the Department, enter into written contracts with other units of government or other persons to perform inspection activities related to enforcement responsibilities under this Contract. The Agent assumes ultimate responsibility for the performance and quality of the inspections and for the enforcement of all applicable provisions of the Wisconsin Statutes and Administrative Code under this Contract.
- M. The Agent shall not charge an inspection fee for a routine inspection of any establishment licensed by the Agent.
- N The Agent shall include in its inspection report the following information for each violation observed during an inspection:
  - 1 Violation Observation – A factual description, including location, of the observed violation.
  - 2 Code Reference – Citation and a brief description of the statute, administrative rule, or local ordinance for the observed violation.
  - 3. Corrective Action – A statement indicating what action the licensee has taken, or shall take, to regain compliance with the administrative rule, statute or local ordinance.

- N The Agent shall perform an exit interview with the licensee's designated person in charge and obtain a signature. A copy of the inspection report shall be left with the person in charge at the completion of the inspection or e-mailed or otherwise presented within 2 business days after completion of the inspection. If the person in charge refuses to sign the inspection report, an indication shall be made on the inspection report of the refusal to provide a signature.
- O If the Agent became the Department's Agent on or after April 1, 2009, the Agent shall use the Department's electronic software program for conducting and documenting inspections. If the Agent has been the Department's Agent before April 1, 2009, the Agent may use the Department's electronic software program or the Department-approved paper forms for conducting inspections. The Department will provide, maintain and support this software. The Agent may be responsible for additional user licenses or development costs specific to the Agent's program.

#### **IV. COMPLAINTS AND FOODBORNE DISEASE INVESTIGATIONS**

- A The Agent shall investigate every complaint that it receives against any licensee under its jurisdiction. The Agent shall prioritize and investigate complaints according to the procedures in this section and procedures adopted by the Agent program under the contract with the Department. The complaints shall be addressed in decreasing order of priority as follows:
  - 1 An allegation indicating a serious or imminent public health hazard is associated with a licensee or establishment under the Agent Program's jurisdiction.
  - 2 An allegation indicating a potential public health problem, that is neither a serious or imminent public health hazard, is associated with a licensee or establishment under the Agent Program's jurisdiction.
  - 3 An allegation of a violation, not indicating a public health hazard, associated with a licensee or establishment under the Agent Program's jurisdiction.
  - 4 The Agent shall notify and consult with the Department and other affected agencies having jurisdiction, as necessary, about complaints or foodborne or waterborne diseases that may be of significant concern to those agencies. The Agent Program shall coordinate complaint investigations, as necessary, with other agencies having jurisdiction.
- B. The Agent shall conduct an investigation if there is a complaint concerning an exempt retail food establishment, as defined in Wis Admin Code § ATCP 75.03 (9), within its jurisdiction, or upon Department request.
- C Each complaint, and documentation of its investigation, shall be physically or electronically linked with the establishment licensing and inspection information.

- D When the Agent receives information that indicates a foodborne or waterborne disease outbreak has occurred, the Agent shall conduct an investigation. In conducting the investigation, the Agent shall follow the criteria in Wisconsin's Foodborne and Waterborne Disease Outbreak Investigation Manual. The Agent shall conduct an investigation of the facility, in which the outbreak occurred, as soon as epidemiological evidence links that facility with the outbreak. In addition:
1. The Agent shall notify the Department and the Department of Health Services' (DHS) Communicable Disease Epidemiology Section (CDES).
  2. Upon the Agent's request, the Department shall assist in the investigation.
  3. In the event the outbreak becomes cross-jurisdictional, the Department, in coordination with DHS CDES, will coordinate the activities of the Agent and other governmental agencies in order to most quickly and effectively end the outbreak.
- E The Agent, if requested by the Department, shall conduct effectiveness checks pertaining to product recalls or other situations in which food must be removed from sale or service.

## V. ENFORCEMENT AND SAMPLING

- A The Agent Program shall take necessary actions to enforce the provisions of Wis Stat § 97.30 and subchs III and IV of Wis Stat. ch. 97 and related administrative rules in Wis Admin Code chs ATCP 70, 72, 73, 75 and its Appendix, 76, 78, and 79, and any local ordinances or regulations, adopted pursuant to Wis Stat §§ 97.41 (7) and 97.615 (2) (g), for establishments over which the Agent Program has been delegated authority under the contract when an observation is made including, but not limited to, the following:
1. An immediate danger to public health as required in Wis Stat §§ 97.12 and 97.65.
  2. Noncompliance with written orders.
  3. Continued repeat violations noted on inspection reports.
  4. Operating without a required establishment license.
- B Enforcement actions may include license revocation, license suspension, fines or civil forfeitures, orders to close, temporary or final hold orders on equipment, food, processes, or establishments, and the placement of conditions on licenses.
- C The Agent Program shall maintain a written enforcement policy that is distributed to its inspection staff and shall make it available to the Department during evaluations, whenever it is substantively changed, or upon request.

- D The Agent Program shall notify the Department, in writing within 10 days, after taking any enforcement action against an establishment involving license suspension, license revocation, or court or administrative actions
- E The Agent Program shall be responsible for costs incurred in enforcement actions taken in the Agent Program's jurisdiction
- F The Agent Program shall take samples requested by the Department
- G. The Agent Program may conduct any requested sample analyses in a laboratory certified by the Department, pursuant to ch ATCP 77 for those analyses. All costs associated with collecting and testing these samples shall be assumed by the Agent Program
- H The Agent Program shall share laboratory results with the Department
- I If the Agent Program does not have the laboratory capability to perform required analyses, or chooses not to perform those analyses, it shall submit samples to the Department's Bureau of Laboratory Services for analysis. The Agent Program shall assume the cost of collecting samples and shipping them to the Department's laboratory. The Department shall assume the cost of the laboratory analysis of those samples
- J. If the Department has notified the Agent Program of deficiencies by any licensee, in complying with the enforcement provisions of this chapter or any other rules or statutes applicable under the contract, and the Agent Program does not act expeditiously or take effective action with the licensee, the Department may act, pursuant to Wis Stat §§ 97.12, and 97.65, to enforce compliance with this chapter
- K The Department shall provide technical assistance to the Agent for enforcement activities upon the Agent's request
- L The Agent program may deny, suspend, or revoke a license or impose conditions on a license, as provided in Wis Stat. § 93.06 (7) and (8). Except as otherwise provided by statute, rule, or local ordinance, the suspension or revocation of a license shall comply with the prior notice requirements of Wis. Stat. § 227.51.

## VI. STAFFING

- A The Agent Program shall have sufficient employees to implement the program according to the terms of this Contract
- B. Except as specified in (D), each sanitarian employed by the Agent Program shall meet one of the following requirements:
  - (1) Is RS-eligible, which means having met one of the following criteria

(a) Holding a baccalaureate or higher degree in environmental health from an accredited college or university and completing at least 30 semester or 45 -quarter hour academic credits in environmental, physical, biological, chemical, or environmental health courses

(b) Holding a baccalaureate or higher degree in physical or biological sciences from an accredited college or university and completing at least 30 semester or 45 quarter hour academic credits in environmental, physical, biological, chemical, or environmental health courses

(c) Holding a baccalaureate or higher degree from an accredited college or university.

(d) Holding an associate degree from an accredited college, community college or technical institute in environmental, physical, biological, or chemical sciences

(2) Is an RS in training

(3) Holds a valid Wisconsin Registered Sanitarian or REHS/RS credential

- C The Agent Program shall employ at least one Registered Sanitarian to conduct inspections and supervise any inspectors or sanitarians who are not registered sanitarians. The Agent Program shall only hire sanitarians who are Registered Sanitarians or will become Registered Sanitarians within five years after the date of hire. Inspectors or sanitarians who were employed by the Agent Program prior to July 1, 2018, and are not eligible to become Registered Sanitarians within five years, shall perform inspections under the supervision of a Registered Sanitarian and shall be deemed competent to perform inspections by passing standardization exercises
- D Only Tourist Rooming House (TRH) inspections may be conducted by personnel who either do not have an RS credential or will not be eligible to obtain the RS credential within five years provided that.
1. A RS-credentialed employee supervises the non-credentialed employees, and
  2. Each TRH license is inspected at least once every 5 years by an employee who has the RS credential or will be eligible to obtain the RS credential within five years, and
  3. A written plan of implementation and tracking for TRH inspections shall be provided to the Department for review and approval; and
  4. Each year, the TRH inspection tracking documentation shall be provided in the self-assessment for review by the Department

5. The individual conducting the TRH inspections has met the minimum training requirements for TRH inspections in the Department's training manual
- E. If an Agent Program loses its only Registered Sanitarian, the Agent Program shall hire a Registered Sanitarian replacement within 120 days or, upon the Agent's written request, the Department may allow the Agent additional time to hire a qualified replacement. A replacement who is not a Registered Sanitarian may be hired, if approved by the Department, if the Agent has a signed agreement with another Agent for a Registered Sanitarian to provide supervisory oversight and the replacement hire shall become a Registered Sanitarian within six months of being hired. A copy of the supervisory oversight contract shall be provided to the Department and shall include the amount of time allotted for oversight activities and what specific duties the supervising Registered Sanitarian will provide.
- F. The Agent shall designate a sanitarian or Registered Sanitarian, as required by the Department, to undergo the standardization exercise evaluating enforcement of ch ATPC 75 Appendix as prescribed in the Department's Standardization Manual. After successfully completing the exercises, the staff person shall be designated as the Agent Standard. As the Department develops standardization processes for programs other than the retail food program, the Agent will comply with the standardization process in those programs.
- G. The Agent Standard shall perform Department-required exercises with the Department to maintain his or her status as the Agent Standard, as prescribed in the Department's Standardization Manual.
- H. The Agent Standard shall perform standardization and maintenance exercises with other sanitarians in their jurisdiction, using procedures specified by the Department's Standardization Manual.
- I. The Agent is required to send at least one sanitarian or Registered Sanitarian to attend training provided by the Department.
- J. An employee of the Agent shall participate on Department rulemaking and policy advisory committees when requested.
- K. The Agent may not permit an employee to conduct an inspection in a situation in which the employee, a member of his or her family, or an organization with which the employee is associated or has a financial interest or where the employee's relationship with any person at the inspected establishment could cause the employee not to be able to conduct an objective, unbiased inspection.
- L. The Agent Program is solely responsible for all employment-related issues involving the persons it employs in the program and for the actions or omissions of the Agent Program's employees, except as otherwise provided by law.

- M Upon the Agent's request, the Department shall provide technical assistance and training to staff

## **VII. EDUCATIONAL OUTREACH**

The Agent will cooperate with the Department in conducting training programs for licensees and employees of establishments located in its jurisdiction.

## **VIII. REPORTS AND RECORDS**

- A The Agent shall maintain a file of the current records for each licensed facility within its jurisdiction. Records shall include the name, address, ID number and type of establishment or facility. A file shall contain at least the latest three (3) years of inspection reports, follow-up investigation reports, reports of enforcement actions, confirmed complaint follow-ups and summaries, foodborne disease outbreak information, and approvals of variance requests, HACCP plans and waivers
- B. If the Agent is not using the Department's electronic inspection and licensing software, the Agent shall use inspection report forms approved by the Department for all pre-licensing inspections, routine inspections, re-inspections, and follow-up inspections
- C The Agent shall submit reports as requested by the Department. The Department may review or request a copy of any inspection report, correspondence, or order served on any licensee within Agent's jurisdiction, annual program budget reports, projections, and any other report the Department determines it needs to monitor the Agent's performance, including, but not limited to, CDC risk factor reports, self-assessments, or any other required reports, pursuant to Wis Stat § 97.41 (7) or 97.615 (2) (g) or Wis Admin Code ch. ATCP 74
- D The Agent Program shall accurately and completely document the cost of the Agent's program that is administered under the contract with the Department. The cost may include direct costs for licensing, inspection, complaint handling and investigation, enforcement, information management, reporting, and any other activities carried out within the limits of the contract with the Department. The costs may also include documented indirect costs normally associated with the program. These costs may include staff, equipment, facilities, contract service, and other documented costs allocated to the program. Upon request, the Agent shall provide copies of these records to the Department
- E By the 10th of the month immediately following the month in which the Agent issues a license, or receives notification from a licensee of a change affecting its license, the Agent shall provide a report of all such license issuances and changes to the Department. This requirement applies to temporary restaurants, as defined in Wis

Admin Code ch. ATCP 75 This reporting requirement is satisfied by the Agent's use of the Department's electronic licensing and inspection software

- F By September 30th of each year, the Agent shall give the Department a complete list of the names and addresses of the licensees to whom licenses were issued by the Agent during the previous fiscal year. This reporting requirement is satisfied by the Agent's use of the Department's electronic licensing and inspection software
- G Within ten (10) days after the date on which it takes place, the Agent shall report to the Department, in writing, any change in the assignment of a supervisor of the environmental health inspection personnel who are not currently Wisconsin Registered Sanitarians/REHS and any change in the organization of the inspection staff, including authority line changes. If the Agent employs only one or two sanitarians, the Agent shall report any change in assignment of environmental health inspection personnel who are providing services under this Contract
- H The Agent shall submit the CDC Risk Factor Tracking Sheet annually to the Department for the purpose of enabling the Department to determine the types of violations found in facilities throughout the State of Wisconsin. This reporting requirement is satisfied by the Agent's use of the Department's electronic licensing and inspection software
- I As required by Wis. Admin. Code ch. ATCP 74, the Agent shall maintain and keep readily available for use by inspection staff and review by the Department, a copy of its Agent Program Plan. The plan shall include, at a minimum, all the components identified in Wis. Admin. Code ch. ATCP 74 and any other information the Department requests in writing that it determines is necessary or relevant for its review of the plan. The minimum components include
  - (1) Employee positions that will issue licenses or conduct investigations and inspections
  - (2) Staffing and budget plans for issuing licenses, making investigations and inspections, providing technical assistance, and enforcing applicable state statutes and rules and local ordinances
  - (3) A list of the licenses that may be issued by the Agent. A local ordinance may combine and expand license categories, so long as those categories include all of the types of establishments that shall be licensed under this Contract
  - (4) A list of the fees to be charged by the Agent to licensees. A local ordinance may establish local license fees that differ from fees charged under Wis. Admin. Code chs. ATCP 72, 73, 75 and its Appendix, 76, 78, and 79, for licenses issued by the Department. All license fees shall be based on the Agent's reasonable program costs, pursuant to Wis. Stat. § 97.41 (4).

- (5) A description of the inspection and enforcement program to be implemented by the Agent, including a copy of applicable village, city, or county ordinances or regulations
- (6) Procedures to ensure cooperation between the Agent and appropriate federal, state, local, and tribal agencies in the event of a natural disaster or other emergency.
- (7) Procedures for investigating complaints concerning licensees under this Contract and unlicensed activity that may require licensing and inspection
- (8) Procedures for notifying the Department when the Agent receives information or a complaint concerning an establishment that may need to be licensed or inspected by the Department within the Agent's geographical area
- (9) Procedures for investigating reports of suspected foodborne disease, including cooperation with the Department
- (10) Procedures to ensure the time period within which the Agent will make a determination on an application for a license does not exceed 30 days following receipt of a complete application
- (11) Any other information that the Department may reasonably require for its review of the Agent's program plan

#### **IX. REIMBURSEMENT BY THE DEPARTMENT FOR VENDING INSPECTIONS**

- A The Agent shall submit a list of vending machine inspections it conducted during the previous fiscal year to the Department, no later than August 30 unless the Department in its sole discretion extends the deadline for submission, to receive reimbursement from the Department for performing the inspections
- B No later than September 30 of the next fiscal year, the Department shall reimburse the Agent for inspections of vending machines during the previous fiscal year, as required in Wis. Stat. § 97.615 (1). If the Department extends the deadline for submitting inspection information, the Department may reimburse the Agent up to 30 days after receiving this information. The reimbursement amount for vending machine inspections is the portion that remains after deducting the Department's clerical and automated licensing processing costs from the license fee.
- C Fee reimbursements for the inspection of vending machines moved from one Agent's jurisdiction to another Agent's jurisdiction will be credited to the Agent making the first inspection during the fiscal year

**X. REIMBURSEMENT TO THE DEPARTMENT FOR STATE FEES COLLECTED BY AGENT**

- A The Agent shall reimburse the Department for the state fees from the license fees the Agent collects, as provided under sub B
- B The state fees shall not exceed 20% of the state license fees the Department sets by administrative rule for the types of facilities for which the Agent issues licenses. The calculation of the state fees is based on state license fees only, not preinspection, reinspection and inspection fees
- C As of the date of this Contract, the state fees are 10% of the state license fees. The Department may increase the state fees up to 20% of the state license fees by announcing a change in the percentage one year prior to the licensing year for which the change applies. Retail food and recreational establishment license fee reimbursement shall be
  - 1 A fee equal to 10% of the applicable state license fee, regardless of the license fee actually charged by the local Agent, if the Agent prepares and submits to the Department, by September 30 of that year, an annual self-assessment as required by Wis Stat §§ 97.41 and 97.615
  - 2. A fee equal to 20% of the applicable state license, regardless of the license fee actually charged by the Agent, if the Agent fails to submit the annual self-assessment in par 1 to the Department, by September 30 of that year. A fee payment under this paragraph does not exempt the Agent from the duty to prepare and submit an annual self-assessment.
- D The Department shall provide the Agent with a reimbursement summary form to be used by the Agent to identify all the facilities for which the Agent has issued licenses during the licensing year. The summary shall be formatted by the Agent to include the complexity assessment rating assigned to each retail food establishment licensed during the licensing year
- E State fees for each licensee shall be based on the state license fee, determined by the license category as follows
  - 1 Retail Food Establishments - Restaurants -are determined using the table in Wis Admin Code § ATCP 75.105 (B) for the restaurant license category. The Agent may use the restaurant license category assignment formula in that subchapter or a complexity tool approved in writing by the Department
  - 2 Retail Food Establishments – Values, listed in Wis Admin Code § ATCP 75.03 (3), shall be used in determining the license category
  - 3 Recreation Facilities – Values, listed in Wis Admin Code chs ATCP 72, 73, 76, 78 and 79, shall be used in determining the license category

- F No later than September 30 of each year, the Agent shall return the completed summary form and reimburse the Department for the state fees
- G If the Agent Program has contracted with the Department, pursuant to Wis Stat § 97.41 and Wis Admin Code § ATCP 74.06, for the Department to collect fees and issue licenses, the Agent Program shall pay the Department for the actual cost of providing these services

## **XI. COSTS**

The total fees the Agent collects may not exceed the Agent's reasonable costs of issuing licenses to making investigations and inspections of, and providing education, training and technical assistance to licensed establishments, plus the state fees

## **XII. EVALUATION AND TRAINING**

- A At least once each year, the Agent Program shall submit a self-assessment in a format determined by the Department. The Department shall evaluate the Agent Program based on the following required information in the self-assessment
  1. The Agent Program's compliance with the contract terms
  2. The Agent Program's progress in meeting program standards adopted by the Department
  3. The Agent Program's records and reports required pursuant to Wis Admin. Code § ATCP 74.20
- B The Department shall conduct an onsite evaluation, at least once every three years, to assess the Agent's compliance with the provisions of this Contract, program standards set by the Department, and applicable statutes and administrative rules. The Department may conduct the onsite evaluation process at any reasonable time and shall give the Agent reasonable advance notice. The onsite evaluation process shall include an office component and a field component. The office component shall include, but is not limited to, review of ordinances, regulations, inspection reports, budget information, and other required documentation. The field component shall include Department personnel performing maintenance standardization with the Sanitarian who is the Agent Standard, as well as evaluating other sanitarians, if applicable
- C In addition to the required evaluation, the Department may perform additional evaluations of the Agent's performance at any reasonable time with reasonable advance notice

- D The Department shall provide the Agent program with the Department's written findings based on the review of the self assessment or an on-site evaluation. The Department may, as deemed necessary, increase the evaluation frequency.
- E The Agent shall submit to the Department any required corrective action plan detailing how the Agent will meet contract requirements
- F The Department shall review the corrective action plan and may make additional comments or approve the corrective action plan if deemed acceptable
- G The Agent shall document progress on the approved corrective action plan on their next one or two yearly self-assessments as necessary.
- H The Agent shall include the approved corrective action plan in its Agent Program Plan and distribute it to its staff as required in Section IV E
- I. If the Agent fails to meet the conditions specified in the corrective action plan, the Department shall
  - 1. Notify the Agent, in writing, of the deficiencies in meeting the corrective action plan and place the contract in a conditional status with a deadline for the Agent to meet the corrective action plan conditions
  - 2. Remove conditional status of the contract if deficiencies are corrected within the conditional time period
  - 3. Notify the Agent of its intent to terminate the contract and revoke Agent status, as provided pursuant to Wis. Admin. Code § ATCP 74.26, if deficiencies remain uncorrected after a conditional deadline has passed
  - 4. The Agent may request a hearing on the termination in writing, as provided in Wis Admin Code § ATCP 1 03 (3), including the information required in Wis Admin. Code § ATCP 1 06. The Department shall hold a hearing, if requested by Agent, within 15 days after the Department receives the request, unless the Agent agrees to a different date.
- J Notwithstanding these provisions, the Department may exercise its right to immediately suspend a contract, pursuant to Wis Admin. Code § ATCP 74 26 (3), to protect public health or safety

### **XIII. NONDISCRIMINATION**

- A In connection with the performance of work under this Contract, the Agent agrees not to discriminate against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as

defined in s 51 01(5), Stats , sexual orientation as defined in s 111 32(13m), Stats , or national origin This provision shall include, but not be limited to, the following employment, upgrading demotion or transfer recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship Except with respect to sexual orientation, the Agent shall take affirmative action to ensure equal employment opportunities. The Agent shall post in conspicuous places, available for employees and applicants for employment, notices to be provided by the Department setting forth the provisions of the nondiscrimination clause

- B The Department assumes no liability for the job safety or welfare of the Agent employees, or for the actions or omissions of the Agent employees relating to the administration of the retail food and recreational program, except as otherwise provided by law

#### **XIV. PRIVACY AND CONFIDENTIAL INFORMATION**

- A Definitions The following definitions apply to this section

- 1 *“Confidential Information”* means all tangible and intangible information and materials, including all Personally Identifiable Information, being disclosed in connection with this Contract, in any form or medium (and without regard to whether the information is owned by the State or by a third party), that satisfy at least one of the following criteria
  - a) Personally Identifiable Information as defined in 2,
  - b) Information not subject to disclosure under Wis Stat ch 19, subch II, Public Records and Property, that is related to the Department’s employees, customers, technology (including data bases, data processing and communications networking systems), schematics, specifications, and all information or materials derived therefrom or based thereon; or
  - c) Information expressly designated as confidential in writing by the Department
- 2 *“Personally Identifiable Information”* means an individual’s last name and the individual’s first name or first initial, in combination with, and linked to, any of the following elements, if the element is not publicly available information and is not encrypted, redacted, or altered in any manner that renders the element unreadable
  - a) The individual’s Social Security number,
  - b) The individual’s Driver’s License number or state identification number,

c) The number of the individual's financial account, including a credit or debit card account number or any security code, access code, or password that would permit access to the individual's financial account.

d) The individual's DNA profile, or

e) The individual's unique biometric data, including fingerprint, voice print, retina or iris image, or any other unique physical representation, and any other information protected by state or federal law

3 'Corrective Action Plan' means a plan, developed by the Agent and approved by the Department, that the Agent must follow in the event of any threatened or actual use or disclosure of any Confidential Information not specifically authorized by this Contract, or in the event that any Confidential Information is lost or cannot be accounted for by the Agent

#### B. Duty of Non-Disclosure and Security Precautions

1. The Agent shall not use Confidential Information for any purpose other than the limited purposes set forth in this Contract and all related and necessary actions taken in fulfillment of the obligations thereunder. The Agent shall not disclose such Confidential Information to any persons other than those Agent Representatives who have a business-related need to have access to such Confidential Information in furtherance of the limited purposes of this Contract and who have been apprised of, and agree to maintain, the confidential nature of such information in accordance with the terms of this Contract. The Agent shall be responsible for the breach of this Contract by any said Representatives

2. The Agent shall institute and maintain such security procedures as are reasonable to maintain the confidentiality of the Confidential Information while in its possession or control including transportation or transmission, whether physically or electronically.

3. The Agent shall insure that all indications of confidentiality contained on or included in any item of Confidential Information shall be reproduced by the Agent on any reproduction, modification, or translation of such Confidential Information. If requested by the Department, Agent shall make a reasonable effort to add a proprietary notice or indication of confidentiality to any tangible materials within its possession that contain Confidential Information of the Department, as directed

4. The Agent shall return to the Department all Personally Identifiable Information it maintains, possesses or controls, collected on behalf of this Contract, upon termination of this Contract and shall destroy all copies

C. Legal Disclosure. If Agent or any of its Representatives shall be under a legal obligation in any administrative, regulatory or judicial circumstance to disclose any Confidential Information, the Agent shall give the Department's Office of Legal

Counsel prompt notice thereof (unless it has a legal obligation to the contrary) to allow the Department to inspect the Confidential Information and seek a protective order or other appropriate remedy. In the event that such protective order or other remedy is not obtained, Agent and its Representatives shall furnish only that portion of the information that is legally required and shall disclose the Confidential Information in a manner reasonably designed to preserve its confidential nature. Agent or its representatives shall not be obligated to wait on any action or inaction by the Department, under this section, at any time when Agent is required to release information under other authority of law.

**D Unauthorized Use, Disclosure or Loss**

- 1 Immediately upon becoming aware of any threatened or actual use or disclosure of any Confidential Information that is not specifically authorized by this Contract, or that any Confidential Information has been lost or is unaccounted for, the Agent shall notify the Department's Office of Legal Counsel of the problem. Such notice shall include, to the best of the local Agent's knowledge at that time, the persons affected, their identities and the Confidential Information disclosed.
- 2 The Agent shall take immediate steps to mitigate any harmful effects of the unauthorized use, disclosure or loss. The Agent shall cooperate with the Department's efforts to seek appropriate injunctive relief or to otherwise prevent or curtail such threatened or actual breach, or to recover the Confidential Information, including complying with a Corrective Action Plan.

**XV. TERMINATION, REVOCATION OR SUSPENSION OF AGENT CONTRACT**

- A TERMINATION** The Agent may terminate this Contract upon 90 days written notice to the Department. The notice shall specify the reasons for termination and the last day the Agent will have Agent status.
- B REVOCATION** If the Department finds that the Agent has failed to comply with the requirements for Agent status under Wis. Stat. § 97.41(2) or 97.615 (2) (b), Wis. Admin. Code ch. ATCP 74, or the terms and conditions of this Contract, the Department may revoke Agent status, as provided by statute, upon 90 days written notice to the Agent. The notice shall specify the reasons for revocation and the last day that the Agent will have Agent status.
- C SUSPENSION** If the Department finds that suspension of this Contract is necessary to protect the public's health or safety, the Department may immediately suspend this Contract upon notice to the Agent. The Agent may request a hearing on the suspension in writing, as provided in Wis. Admin. Code § 1.03 (3), including the information required in Wis. Admin. Code § ATCP 1.06. The Department shall hold a hearing, if requested by Agent, within 15 days after the Department receives the request, unless the Agent agrees to a different date. The suspension shall remain in effect until the final hearing decision is issued.

D Reimbursement upon Termination or Revocation

- 1 Vending If this Contract is terminated or revoked, the Agent shall receive reimbursement for inspections of vending machines and vending machine commissaries performed under the Contract up to and including the date of termination or revocation
- 2 Other Licenses If this Contract is terminated or revoked, the Agent shall reimburse the Department for the prorated amount, for the remainder of the fiscal year, of all license fees received by the Agent. The reimbursement shall be based on this formula: Days left in fiscal year/365 times the state license fees for all the establishments the Agent has licensed

E Upon termination or revocation of this Contract, the Agent shall transfer all inspection and enforcement records to the Department

Signed this 6<sup>th</sup> day of March, 2019.

For City of Franklin

Courtney Day

Signature

Courtney Day Director of Health & Human Services  
Print Name and Title

CITY OF FRANKLIN

BY

Stephen R. Olson  
Stephen R. Olson, Mayor

Dated

3/8/19

ATTEST

BY

Sandra L. Wesolowski  
Sandra L. Wesolowski, City Clerk

Dated

3/08/2019

BY

Paul Rotzenberg  
Paul Rotzenberg, Director of  
Finance and Treasurer

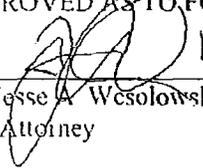
Dated

3/8/2019



APPROVED AS TO FORM

BY

  
\_\_\_\_\_  
Jesse A. Wesolowski, City  
Attorney

Dated 3/9/19

Signed this 18th day of March, 2019

For the Department of Agriculture, Trade and Consumer Protection

  
\_\_\_\_\_

Steven C. Ingham, Administrator  
Division of Food and Recreational Safety