

## 105-73 Public Safety

9. PENALTY. Any person, firm or corporation, or any agent or employe thereof, who violates this section shall, upon being found guilty thereof, be subject to a forfeiture of not less than \$20 nor more than \$100, together with the costs and disbursements of prosecution, and in default of payment thereof, be imprisoned in the county jail or house of correction of Milwaukee county until such fine, costs and disbursements are paid, such imprisonment not to exceed more than 30 days.

10. APPLICABILITY. The provisions of this section shall apply to all presently existing uses of property.

**105-73. Municipal Silent Alarm Service.** Direct fire or burglary alarm service between any private firm or government agency with any agency of the city may be authorized upon adoption of a resolution authorizing the service between the private firm or government agency with a city agency. See s. 81-2.5 for the required service fee.

**105-75. Private Alarm Systems and Regulations. 1. PURPOSE.** The purpose of this section is to regulate alarm systems and to minimize false alarms from these systems. Alarm businesses shall be licensed by the city under this section. A direct alarm connection to any agency of the city shall comply with s. 105-73.

2. DEFINITIONS. In this section:

a. "Alarm agent" means any person employed by an alarm business or central station whose duties include the altering, installing, maintaining, repairing, servicing or responding to an alarm system.

b. "Alarm business" means any person engaged in selling, leasing, renting, installing, monitoring, servicing, altering, moving or causing any alarm system to be sold, leased, rented, installed, monitored, serviced or altered in or on any building, place of business, structure, residence or other facility. Included in this definition are holders in due course of alarm system contracts. Excluded from this definition are sellers of alarm systems from a fixed location who do not visit the site where the alarm system is to be installed and any person engaged solely in the business of designing the system for the location. Also excluded from this definition is any person engaged solely in the business of confirming that attempted or actual crimes have occurred at the locations of activated burglary alarms.

c. "Alarm monitoring service" means an alarm business which provides service to alarm users, answering recorded signaling from alarm systems that indicate an activation of a fire, burglary or robbery alarm and relaying of the alarm message by voice contact with the fire or police department. An alarm monitoring service may be located within the state of Wisconsin or at locations outside this state.

d. "Alarm system" means any mechanical or electrical equipment arranged to signal the occurrence of a fire, burglary or robbery alarm requiring immediate fire or police department notification, including local alarms which are audible or visible upon the exterior of a structure.

e. "Alarm user" means the person in control of any building, structure or facility or portion thereof in which an alarm system is in operation.

f. "Central station" means an alarm business having the receiving, recording and transmitting equipment to which remote alarm devices and electrical protection circuits are connected, and where operators supervise an alarm panel and upon receipt of emergency signals indicating fires, burglaries or robberies, may relay a message to the fire or police department and may notify an alarm agent for the purpose of responding to the alarm signal.

g. "False alarm" means an alarm notification summoning the fire or police department to the location of an alarm activation, when the responding officer finds no evidence of the crimes of burglary, attempted burglary, robbery, attempted robbery or fire. "False alarm" does not include an alarm activation signal caused by extraordinary extremes of weather such as high winds, thunder and lightning storms or other systemic electric disturbances.

h. "Local alarm system" means any equipment arranged to signal the occurrence of a robbery or burglary by signaling such occurrence with alarms from the premises in the immediate area of the structure.

i. "Person" means an individual, firm, partnership, association, corporation or any other business entity.

j. "Private first responder service" means a service provided by an alarm business, either through an alarm agent or through a private security company under contract with the business, that determines, by means of on-site inspection, whether an attempted or actual crime has occurred at the site of an activated burglary alarm.

k. "Prompt dispatch" of an alarm agent means that arrival of the person at the location of the alarm is expected within 30 minutes under ordinary circumstances.

3. LICENSE REQUIRED. a. No alarm business shall engage in business without first applying for and receiving an alarm business license.

b. Application for an alarm business license shall be filed with the city clerk on a form provided therefore. The application shall be signed by the applicant, if an individual, or by a duly authorized agent or officer of a corporation or limited liability company, and sworn to by the applicant. The application shall require:

b-1. The name and home address of the applicant.

b-2. The name of the alarm business.

b-3. If the applicant is a corporation, the name of the corporation shall be set forth exactly as it is set forth in its articles of incorporation, together with the names and home address of each of its officers, directors and designated managers, if any. The application shall be verified by an officer of the corporation. If one or more of the officers is a corporation, the provisions of this section pertaining to a corporate applicant shall apply to the corporate officers.

b-4. If the applicant is a partnership, the application shall set forth the name and home address of each of the partners, including limited partners, and the application shall be verified by each partner. If one or more of the partners is a corporation, the provisions of this section pertaining to a corporate applicant shall apply to the corporate partners.

b-5. If the applicant is a club, association or other organization which is neither a corporation or partnership, the application shall set forth the exact name of the entity together with the names and home addresses of all officers and be verified by an officer of the club, association or organization.

b-6. All convictions, including ordinance violations exclusive of traffic violations, with a brief statement of the nature of the convictions and the jurisdiction in which the conviction occurred.

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b-7. The date of birth of the applicant.

b-8. A list of services offered by the alarm business. In the event the alarm business provides to alarm users alarm monitoring services for the receiving of burglary alarm messages, the list of services shall include, but not be limited to, providing a private first responder service that verifies, in the case of an activated burglary alarm, that an attempted or actual crime has occurred at the alarm site before the alarm signal is transmitted to the police department.

b-9. Such other reasonable and pertinent information the common council or the proper licensing committee may from time to time require.

b-10. All applicants not maintaining a place of business in the state of Wisconsin shall continuously maintain in this state a registered office and a registered agent for service of process, notice or demand required and permitted by law to be served on foreign corporations, the address of such office and the name and address of such agent to be filed with the city clerk.

c. Post office box numbers shall not be acceptable for addresses required on applications.

d. All applicants shall be fingerprinted. If the applicant is a corporation, the agent shall be fingerprinted. If the applicant is a partnership, each partner shall be fingerprinted. This requirement shall not apply to a person already licensed by the city when that person is renewing the license. The fingerprinting requirement shall also not apply to the officers and directors of nonprofit corporations which apply for a license, except that the fingerprinting requirement shall apply to the agent of such corporations. If a set of fingerprints is on file with the police department, an additional set shall not be required unless expressly requested by the police department for purposes of verification.

### 4. CHANGES TO BE REPORTED.

a. A licensee shall notify the city clerk whenever there is a change in any information that is reported in the application form or renewal application form. The licensee shall make this notification in writing within 5 days after the change occurs.

b. Whenever an alarm business changes any of its corporate officers, directors or agents, the corporation shall file the appropriate application and pay the fee required by ch. 81. This application shall in all respects be treated as a new application subject to all the requirements of this section.

c. If there is a change of agent by the licensee, the new agent shall be fingerprinted within 10 days of such change.

5. FEE. All applications shall be accompanied by the fee specified in ch. 81.

6. ISSUANCE. a. Applications shall be referred to the chief of police who shall cause an investigation to be made and report their findings to the licensing committee. If no objection is filed to an application, the license shall be forwarded to the common council for approval. If an objection is filed to an application, the license shall be forwarded to the licensing committee for its recommendation as to whether or not a license should be issued.

b. If there is a possibility of denial, no hearing shall be heard unless the city clerk's office has provided written notice to the applicant. The notice shall be served upon the applicant so that the applicant has at least 3 days' notice of the hearing. The notice shall contain:

b-1. The date, time and place of the hearing.

b-2. A statement to the effect that the possibility of denial of the license application exists and the reasons for possible denial.

b-3. A statement that an opportunity will be given to the applicant to respond to and challenge any reason for denial and to present witnesses under oath and to confront and cross-examine opposing witnesses under oath.

b-4. A statement that the applicant may be represented by an attorney of the applicant's choice at the applicant's expense, if the applicant so wishes.

c. If there is a possibility of denial, at the hearing the committee chair shall open the meeting by stating that a notice was sent and read the notice into the record unless the applicant admits notice. The chair shall advise the applicant that the applicant has an option to proceed with a due process hearing, represented by an attorney, with all testimony both direct

and cross-examination under oath, or that the applicant may simply make a statement to the committee.

d. A due process hearing shall be conducted in the following manner:

d-1. All witnesses will be sworn in.

d-2. The chair shall ask those opposed to the granting of the license to proceed first.

d-3. The applicant shall be permitted an opportunity to cross-examine.

d-4. After the conclusion of the opponent's testimony, the applicant shall be permitted to present the applicant's own witnesses, subject to cross-examination.

d-5. Committee members may ask questions of witnesses.

d-6. Both proponents and opponents shall be permitted a brief summary statement.

e. The recommendations of the committee regarding the applicant must be based on evidence presented at the hearing. Probative evidence concerning whether or not the license should be granted may be presented on the following subjects:

e-1. Whether or not the applicant meets the municipal requirements.

e-2. Whether or not the applicant has been charged with or convicted of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the licensed activity.

e-3. Any other factors which reasonably relate to the public health, safety and welfare.

f. The committee may make a recommendation immediately following the hearing or at a later date. Written notice of the committee's decision will be provided if the decision is made at a later date or if the applicant was not present or represented. The committee shall forward its recommendation in writing to the common council for vote at the next meeting at which such matter will be considered.

**7. RENEWAL AND NON-RENEWAL.**

**a. Procedure for Renewal.**

Applications for renewal shall be made to the city clerk. The clerk shall refer the application for renewal to the chief of police for review. For any application for renewal of an alarm business license for an alarm business which provides to alarm users alarm monitoring services for the receiving of burglary alarm messages, the application shall state that among the services offered by the alarm business to alarm users is a private first responder service that verifies, in the case of an activated burglary alarm, that an attempted or actual crime has occurred at the alarm site before the alarm signal is transmitted to the police department. If the chief of police files no information with the city clerk that could form the basis of an objection, the license shall be referred to the common council for approval unless a written objection has been filed with the city clerk at least 45 days prior to the date on which the license expires. This objection may be filed by any interested person. If a written objection is filed, or if a determination is made that the applicant no longer meets the licensing qualifications, the application shall be forwarded to the licensing committee of the common council for its recommendation.

b. Non-Renewal. If there is a possibility that the committee will not recommend renewal of a permit, the procedures for notice, hearing and review by the common council provided in sub. 8 shall govern.

**7.5. DISQUALIFICATION.** Whenever any application is denied, or license not renewed, revoked or surrendered, the procedures for disqualification for license and change of circumstances provided in ss. 85-13 and 85-15 shall apply.

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### 8. PROCEDURES FOR NON-RENEWAL, SUSPENSION OR REVOCATION.

a. Any license issued under this section may be non-renewed, suspended or revoked for cause by the common council after notice to the licensee and a hearing.

b. Non-renewal, suspension or revocation proceedings may be instituted by the licensing committee upon its own motion, or upon sworn written charges made and filed with the city clerk by the chief of police or upon a sworn written complaint filed with the city clerk by any interested party.

c. Due Process Hearing and Review by the Common Council. If there is a possibility that the licensing committee will not recommend renewal of the license, or when revocation or suspension proceedings are initiated, the procedures for notice and committee hearing and for the committee report, recommendations and common council consideration provided in ss. 85-3 to 85-5 shall govern.

d. Grounds for Non-renewal or Revocation. The recommendation of the committee regarding the licensee shall be based on evidence presented at the hearing. Probative evidence concerning non-renewal or revocation may include evidence of:

d-1. Failure of the licensee to meet the municipal qualifications.

d-2. Pending charges against or the conviction of any felony, misdemeanor, municipal offense or other offense, the circumstances of which substantially relate to the circumstances of the licensed activity, by the licensee or by any employe of the licensee.

d-3. Failure of the alarm company to keep adequate records as to the locations where alarm systems are installed as well as the name, home or billing address, and telephone numbers of the purchaser or subscriber or alarm systems or service.

d-4. Relaying excess false alarms from customers premises to the fire or police department.

d-5. Failure of the licensee to obtain, in the case of a burglary alarm, a verified response that an attempted or actual crime has occurred at the alarm site before the alarm signal is transmitted to the police department.

d-6. Failure to provide a private first responder service, as required by sub. 14-f.

d-7. Any other factor which reasonably relates to the public health, safety and welfare.

### 10. REQUEST TO SURRENDER A LICENSE.

a. If a licensee wishes to surrender his or her license after receiving a notice for a hearing on non-renewal or revocation, the licensee must request, in writing, permission from the licensing committee to do so prior to the commencement of the hearing. The committee may approve the request, or deny the request and proceed with the hearing.

**[Pages 610a and 610b are blank]**

b. In the event a licensee who has surrendered his or her license wishes to have the surrendered license returned, regardless of whether the license was surrendered pursuant to par. a, the licensee must request, in writing, permission from the licensing committee to do so and appear before the committee at the date, time and place specified in written notice provided to the licensee by the city clerk. The committee may approve the request and return the license without further action by the common council, or make a recommendation to the common council to deny the request based on the same grounds set forth in this section for non-renewal or revocation. If the committee makes a recommendation to deny the request for the return of the license, all committee recommendations shall be prepared and common council actions conducted in the same manner set forth in this section for non-renewal or revocation.

**11. PROHIBITED SYSTEMS.** a. No person may use or operate, attempt to use or operate, or cause to be used or operated, or arrange, adjust, program or otherwise provide or install any alarm system that will upon activation either mechanically, electronically or by any other automatic means initiate a call and deliver a recorded message to any telephone number of any city of Milwaukee agency.

b. No alarm system may be operated or programmed to initiate, transmit, or deliver by automatic means, to any city agency, an alarm notification described as "panic", "disturbance", "police alert", medical emergency, or other miscellaneous incidents distinguished from the specific burglary, robbery or fire alarms.

**12. CENTRAL STATION ALARM SYSTEMS.** a. A central station shall promptly relay messages to the police or fire department. When the alarm signal has been generated by a nonemergency situation, such as the testing or repairing of alarm equipment, the central station shall not send an emergency message to the department. In the case of an activated burglary alarm, the central station shall relay the message to the police department only after the central station's private first responder service has verified that an attempted or actual crime has occurred at the alarm site.

b. Any person owning, leasing or operating a private alarm system programmed to a central station with keys to the alarmed premises shall promptly dispatch an alarm agent to the location of any alarm transmitted to the fire or police department.

c. Those alarm businesses which do not maintain keys to the premises shall operate in the following manner:

c-1. Notification to the fire or police department shall include notice that the alarm business does not maintain keys to the premises and will not arrive at the scene while the department is present.

c-2. Those alarm businesses shall file a report with the responding department within 72 hours of the occurrence which shall include:

c-2-a. Company name and address.

c-2-b. User name and address, and telephone numbers.

c-2-c. Time of occurrence reported to the alarm company and time relayed to the department.

c-2-d. Cause of alarm, if known.

c-2-e. Action taken by alarm business.

c-3. An alarm business which does not maintain keys to the premises shall not be exempt from the requirement of par. a to obtain, in the case of a burglary alarm, a verified response that an attempted or actual crime has occurred before relaying the message to the police department.

**13. ALARM MONITORING SERVICE.**

a. Any alarm monitoring service providing the service of receiving burglary, robbery or fire alarm messages from alarm systems and relaying alarm information to the fire or police department shall have trained employees on duty at all times. In the case of an activated burglary alarm, the alarm monitoring service shall relay the message to the police department only after the monitoring service's private first responder service has verified that an attempted or actual crime has occurred at the alarm site. An alarm monitoring service shall provide pertinent information to the department at the time of telephone notification of the activation of any alarm, which shall include:

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a-1. The alarm user name, address location of the activated alarm, identification of the type of alarm signal and telephone number of the alarm user.

a-2. The name and address of the alarm business or agent which has the responsibility for the alarm system activation.

b. Any alarm monitoring service shall provide the prompt notification of an alarm user representative to the location of each alarm transmitted to the fire or police department, upon request of the responding department.

c. Those alarm businesses which do not maintain keys to the premises shall operate in the following manner:

c-1. Notification to the fire or police department shall include notice that the alarm business does not maintain keys to the premises and will not arrive at the scene while the department is present.

c-2. Those alarm businesses shall file a report with the responding department within 72 hours of the occurrence which shall include:

c-2-a. Company name and address.

c-2-b. User name and address, and telephone numbers.

c-2-c. Time of occurrence reported to the alarm business and time relayed to the department.

c-2-d. Cause of alarm, if known.

c-2-e. Action taken by alarm business.

c-3. An alarm business which does not maintain keys to the premises shall not be exempt from the requirement of par. a to obtain, in the case of a burglary alarm, a verified response that an attempted or actual crime has occurred before relaying the message to the police department.

**14. ALARM BUSINESSES REQUIREMENTS.** Alarm businesses shall:

a. Have a written contract with each alarm user whose alarm system they monitor which identifies the services to be provided by the alarm monitoring service. The contract must also state that if either the city's police or fire department is notified of 2 false alarms within a calendar year, the alarm user will be required to pay the city a forfeiture of \$50 for each false alarm received thereafter.

b. The provisions of par. a shall be included in those contracts between alarm users and alarm businesses entered into after the effective date of this section. All contracts in existence between alarm users and alarm businesses prior to the effective date of this section shall, at the time of renewal, include the provisions of par. a. All alarm businesses shall notify, in writing, all alarm users with which they presently have contracts of this renewal provision.

c. Be responsible for the proper installation of alarm systems in accordance with manufacturer specifications.

d. Be responsible for insuring that private alarm systems under maintenance contracts are maintained in good working order and that defects which could cause false alarms are promptly repaired.

e. Instruct appropriate personnel as to the operation of private alarm systems, including the setting, activation or resetting of the alarm equipment.

f. Provide a private first responder service that shall verify, in the case of an activated burglary alarm, that an attempted or actual crime has occurred at the alarm site before the alarm signal is transmitted to the police department.

g. In the case of an activated burglary alarm, relay the message to the police department only after the business's private first responder service has verified that an attempted or actual crime has occurred at the alarm site.

**15. PENALTIES.** a. No alarm user shall cause or permit the city's police or fire department to be notified of a false alarm. If either the fire or police department is notified of 2 false alarms within a calendar year, the alarm user shall be subject to a forfeiture of \$50 for each false alarm received thereafter and in default of payment shall be imprisoned in the county jail or house of correction not to exceed 2 days or until such forfeiture costs are paid.

b. Except as provided in par. a, any person violating any provision of this section shall upon conviction forfeit not more than \$500, together with the costs of prosecution,

and in default of payment shall be imprisoned in the county jail or house of correction not to exceed 20 days or until such forfeiture costs are paid.

**105-77. Misuse of Emergency Telephone Numbers.** 1. PROHIBITED ACTS. No person shall:

a. Intentionally dial the emergency telephone number "911" or the secondary emergency phone numbers "347-2323" and "765-2323" to report an emergency to city departments knowing that the fact situation which he or she reports does not exist.

b. Intentionally dial the emergency telephone number "911" or the secondary emergency phone numbers "347-2323" and "765-2323" for purposes of communication not relating to the reporting of an actual emergency.

2. RESPONSIBILITY OF PARENTS. No parent, guardian or other adult person having the care and custody of a person under the age of 18 years shall suffer or permit or by inefficient control to allow such persons to violate sub. 1.

3. PENALTY. Any person violating the provisions of this section shall, upon conviction, be subject to a forfeiture of not less than \$50 nor more than \$300, together with the costs of prosecution, and upon default of payment be imprisoned in the county jail or house of correction not less than 2 days nor more than 12 days.

**105-79. Legal Occupant Lists for Residential Rental Properties.** 1. LIST REQUIRED. The owner of any residential rental property shall maintain a current list of all tenants and sublessees authorized to occupy the building or buildings on such property. Upon written request to the owner, this list shall be made available to public safety personnel within 24 hours.

2. PENALTIES. The penalties provided in s. 200-19, including the minimum penalties, shall apply to any person found to be in violation of this section.

**105-81. Ultimate or Extreme Fighting Events Prohibited.** 1. In this section, "ultimate or extreme fighting event" means a fighting bout or tournament that meets the following criteria:

a. A state license under ch. 444, Wis. Stats. has not been issued for the event.

b. Participants use any combination of boxing, kicking, wrestling, hitting, punching or other combative contact techniques, which combination of techniques is not specifically authorized by and conducted pursuant to ch. 444, Wis. Stats.

2. No person shall advertise, operate, maintain, attend, participate in, promote or assist in advertising, operating, maintaining, attending, participating in or promoting an ultimate or extreme fighting event held within Milwaukee.

3. A person who violates this section shall upon conviction be subject to a forfeiture of not less than \$500 nor more than \$5,000 together with the costs and disbursements of the prosecution, and in default of payment thereof, shall be imprisoned in the county jail or house of correction for not less than 20 nor more than 90 days.

**105-91. Retail Establishment Security Measures.** 1. FINDINGS. The common council finds that any retail establishment, that has generated 3 or more calls for police service for criminal activities within a one-year period, may be required to install a security camera to help insure the safety and welfare of the people of the city of Milwaukee.

2. DEFINITION. For the purposes of this section, "retail establishment" means an establishment providing retail sale of new products to the public and rendering services incidental to the sale of such products, including, but not limited to, sale of: art supplies and picture frames, art works, auto parts, baked goods, bicycles, books, newspapers and magazines, collectibles, dry goods, notions and novelties, flowers and plants, food and beverages, furniture and floor coverings, hardware, hobbies, toys and games, household goods, jewelry, luggage, major appliances, music, records, compact discs and