

## 5.4 Fire Prevention Code; Hazardous Materials

- 5.4.1 DISCLOSURE OF HAZARDOUS MATERIALS AND INFECTIOUS AGENTS; REIMBURSEMENT FOR CLEAN-UP OF SPILLS
- 5.4.2 RECOVERY OF COSTS OF EXTINGUISHING AND CLEANING UP FIRES INVOLVING HAZARDOUS MATERIALS
- 5.4.3 FLAMMABLE, COMBUSTIBLE, TOXIC, GASEOUS AND HAZARDOUS SUBSTANCES

### 5.4.1 DISCLOSURE OF HAZARDOUS MATERIALS AND INFECTIOUS AGENTS; REIMBURSEMENT FOR CLEAN UP-OF SPILLS

(a) **Application.**

- (1) All persons, firms or organizations using, researching or producing hazardous materials and/or infectious agents shall notify the Fire Department as prescribed by this Section.
- (2) The provisions of this Section shall apply to all persons, firms or organizations using, researching, producing or storing hazardous materials and/or infectious agents on and after the effective date of this Section.

(b) **Definitions.** The following definitions shall be applicable in this Chapter:

- (1) Hazardous Materials. Any materials of a solid, liquid or contained gaseous or semi-solid form which, because of its quantity, concentration or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or pose a substantial present or potential hazard to human health or the environment. Such material includes, but is not limited to, material, which is toxic, carcinogenic, or flammable or other material set forth in Sec. 144.01(4m), Wis. Stats., as amended from time to time. Such material also includes irritants and strong oxidizers or materials, which generate pressure because of decomposition or heat. Toxic material includes containers and receptacles previously used in transportation, storage, use or application or material described herein as hazardous material.
- (2) Hazardous Waste. Any solid waste as defined in Wisconsin Administrative Code NR 500.03 as amended from time to time.
- (3) Infectious agent. A bacterial, mycoplasmal, fungal, parasitic or viral agent known to cause illness in humans, which is used, researched, produced or stored within or on premises.
- (4) Discharge. Means, but is not limited to, any spilling, leaching, pumping, pouring, emitting, emptying, escaping, releasing, disposing, injecting, or dumping.
- (5) Person. Any individual, owner, operator, corporation, partnership or association.

(c) **Information Required.**

- (1) Any person, firm or organization using, researching, producing and/or storing any hazardous materials shall provide in writing to the North Shore Fire Department the following information:
  - a. Address, location of where hazardous materials are used, researched, stored or produced;
  - b. The trade name of the hazardous material;
  - c. The chemical name and any commonly used synonym for the hazardous material and the chemical name and any commonly used synonym for its major components;
  - d. The exact locations on the premises where materials are used, researched, stored and/or produced;
  - e. Amounts of hazardous materials on premises per exact location;
  - f. The boiling point, vapor pressure, vapor density, solubility in water, specific gravity, percentage volatile by volume, evaporation rate for liquids and appearance and odor of the hazardous material;
  - g. The flash point and flammable limits of the hazardous substance;
  - h. Any permissible exposure level, threshold limit value or other established limit value for exposure to a hazardous material;
  - i. The stability of the hazardous substance; recommended fire extinguishing media, special firefighting procedures and fire and explosion hazard information for the hazardous material;
  - j. Any effect of over-exposure to the hazardous material, emergency and first aid procedures and telephone numbers to call in an emergency;
  - k. Any condition or material, which is incompatible with the hazardous material and must be avoided;
  - l. Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming into contact with the hazardous materials;
  - m. Procedures for handling or coming into contact with the hazardous materials.
- (2) Any person, firm or organization using, researching, producing and/or storing infectious agent and/or carrier of an infectious agent shall provide in writing to the North Shore Fire Department the following:
  - a. The name and any commonly used synonym of the infectious agent;
  - b. Address/location where infectious agents are used, researched, stored and/or produced;
  - c. The exact locations where infectious agents are used, researched, stored and/or produced;
  - d. Amount of infectious agent on premises per exact locations;
  - e. Any methods of route of transmission of the infectious agents;
  - f. Any symptoms of effect of infection, emergency and first aid procedure and a telephone number to be called in an emergency;

- g. Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming in contact with the infectious agent;
  - h. Procedure for handling, clean up and disposal of infectious agents leaked or spilled.
- (d) **Reimbursement for Cleanup of Spills.** Any person who possesses or controls a hazardous material or infectious agent which was discharged or who caused the discharge of a hazardous material or infectious agent shall reimburse the City for actual and necessary expenses incurred by the City or its agent to contain, remove or dispose of the hazardous substance or infectious agent or take any other appropriate action which is deemed appropriate under the circumstances.
- (e) **City Under No Obligation.** Nothing herein shall obligate the City to perform any of the remedial measures set forth in Subsection (d) above. The City shall endeavor in all cases to have such remedial measures performed by the persons set forth in Subsection (d) hereof, and in default of such performance, shall itself perform such remedial measures only if the exigencies of time and circumstances indicate that the public health, safety and welfare require such City intervention.
- (f) **Discharge and Cleanup of Hazardous Materials.**
  - (1) Prohibited Discharge. No person shall discharge, allow, or cause to be discharged upon or into any public street, alley or public property or onto the ground, surface water, subsurface waters, or aquifers, or on any private property, any hazardous material, except in those areas licensed for waste disposal or landfill activities for hazardous waste and/or hazardous materials as defined in this Chapter.
  - (2) Containment, Cleanup, and Restoration. Any person in violation of this Section must, upon the direction the City's police/fire officers or public health officials, take immediate action to contain, clean up and remove to an approved depository the offending material(s) and restore the site to its original condition. Should any person fail to engage or complete the requirement of this Section, the police/fire or health department may order the owner or lessee to take the required action or, in default thereof, may on behalf of the City, without taking bids, do the necessary work with all costs incurred by the City to be reimbursed by the violator(s) of this Section.
  - (3) Public Protection. Should any prohibited discharge occur that reasonably causes a threat to the life, safety, welfare or health of the public, a police/fire or health department officer or employee on the scene may order evacuation of the area or take other appropriate protective steps for such period of time as needed.
  - (4) Access. When a prohibited discharge has occurred or is reasonably thought to have occurred, access to the site, upon notice to the owner or occupant whether on public or private land, shall be granted to police, fire and health department personnel for the purpose of evaluating the extent of the discharge, monitoring the cleanup and restoration of the site.

Notice to the owner or occupant is not required if the delay will result in imminent risk to public health or safety or the environment.

- (g) **Notice.** Upon learning that a prohibited discharge as set forth in this Chapter has taken place, all persons shall immediately notify the police department of the time and place of the prohibited discharge and the substance discharged, if known.
- (h) **Enforcement and Penalties.**
  - (1) Enforcement. A law enforcement officer, the Director of Inspection Services, upon referral from the North Shore Fire Department shall have the authority to make complaints and issue citations and summons under this Section.
  - (2) Civil Liability. Any person, firm, or corporation in violation of this Section shall be liable to the City and to any individual whose person or property was damaged by such violation for any and all expenses incurred by the City and loss or damage sustained by the City, or assisting private or public agencies by reason of such violation.
  - (3) Penalties. Any person, firm, or corporation found guilty of violating any provisions of this Section shall be subject to a forfeiture of not more than One Hundred Dollars (\$100.00) for the first offense, and not more than Five Hundred Dollars (\$500.00) plus State surcharge, and court costs for each subsequent offense, together with costs of prosecution in each instance; and in default Of Payment thereof, shall be imprisoned in the County Jail or the House of Correction until said forfeiture and costs together with subsequent costs are paid, but in any event, not to exceed thirty (30) days.
  - (4) Separate Offense. Each day that the violation is permitted or continues to exist shall constitute a separate offense.

#### 5.4.2 RECOVERY OF COSTS.

- (a) Every person, firm or corporation using, storing, handling or transporting flammable or combustible liquids, chemicals, gasses or other hazardous materials shall comply with the requirements of Wisconsin Administrative Code, as the same is now in force and may hereafter from time to time be amended.
- (b) Every person, firm or corporation using, storing, handling or transporting (whether by rail or on the highways) flammable or combustible liquids, chemicals, gasses or other hazardous materials shall be liable to the City for the actual cost of labor and materials associated with the use of any specialized extinguishing agent, chemical, neutralizer or similar material or equipment employed to extinguish, confine or clean up any such hazardous material which is involved in any accidental spill or in threat of any fire or accidental spill.
- (c) The City shall have all rights of recovery for costs related to the prevention, control, or extinguishing of any fire, and for subsequent cleanup or remedial action necessary pertaining to any fire, as provided by 1989 Wisconsin Act 256, which is specifically adopted in its entirety, together with such amendments and

reenactments as shall occur subsequent to the enactment of this Subsection (July 9, 1990).

#### 5.4.3 **FLAMMABLE, COMBUSTIBLE, TOXIC, GASEOUS AND HAZARDOUS SUBSTANCES.**

- (a) **Purpose.** The purpose of this Section is to provide fire and life safety through the safe storage, display, installation, operation, use, maintenance, repair and transportation of flammable, combustible and hazardous liquid or gas and the equipment, facilities, buildings and premises that are used to store, transfer and dispense them.
- (b) **Scope and Application.** The provisions of this Section shall apply to all residential, commercial and industrial facilities and structures that involve the storage, transfer or dispensing of flammable, combustible, toxic, gaseous or hazardous substances as outlined below:
  - (1) Any portion of a new or existing storage facility or structure that is constructed, enlarged, altered, repaired, moved, removed, abandoned, demolished or converted to other uses.
  - (2) Any Aboveground Storage Facility (AGSF) or (AST) or Underground Storage Facility (UGSF) or (UST) whether new or existing, with a capacity exceeding sixty (60) US gallons or equivalent amounts.
  - (3) Exclusion: The storage and use of portable liquefied propane gas (LPG) containers intended and used in conjunction with a listed cooking appliance, and stored in approved containers. The storage amount shall be limited to a maximum of two twenty (20) lbs. cylinders (or the equivalent) and maintained at or within a one or two-family residence or accessory structure.
- (c) **Definitions.** In this Section:
  - (1) **Storage Facility.** Any outside or interior storage tank, container, structure or area designed or intended to store a flammable, combustible, toxic, gaseous or hazardous substance.
  - (2) **Facility.** For purposes of this Section, "Facility" shall have the same meaning as "Storage Facility".
  - (3) Additional definitions included in Chapter COMM 10.050 are adopted and by reference made a part of this Chapter.
- (d) **Adopted Standards and General Requirements.**
  - (1) Adopted by Reference. The administrative code of the State of Wisconsin, Chapter COMM 10 - Flammable, Combustible, and Hazardous Liquids and all other COMM codes addressing the storage of specific gasses and solids are adopted and all amendments thereto are adopted and incorporated by reference except as herein modified.
  - (2) Adopted by Reference. NFPA 30 – Flammable and Combustible Liquids Code and NFPA 400 – Hazardous Materials Code and all amendments thereto are adopted and incorporated by reference.

- (3) Director of Inspection Services. The Director of Inspection Services or delegated representatives are authorized and directed to administer and enforce all provisions of the ordinance codified in this chapter, state statute, the State Administrative Code, and applicable NFPA codes.
- (e) **Permits and Fees Required.**
- (1) Prior to commencing any work the appropriate permit application(s) and fees shall be submitted to the Director of Inspections.
  - (2) Fees shall be those as established under Section 15.1.21 of the Glendale Code of Ordinances.
  - (3) Prior to commencing any work the appropriate permit application(s) and fees shall be submitted to the Fire Department.
- (f) **Plan Review.** Plan review and written approval from the City and the Fire Department shall be obtained before any of the activities listed in Chapter COMM 10.100 are performed unless excluded below:
- (1) Repairs or modifications to existing one and two-family oil-burning systems which are located aboveground or in a basement and which have a capacity of 250 gallons or less.
  - (2) Tank wagons, vehicles or movable tanks that are used for vehicle fueling operations in accordance with Chapter COMM 10, Section VI.
- (g) **Plan Specifications and Information.** Plans, specifications and information submitted shall contain all of the following:
- (1) At least three (3) sets of plans and specifications that are clear, legible and permanent copies along with a completed permit application and required fees.
  - (2) A plot plan, drawn to scale, indicating the location of the installation with respect to property lines, adjoining streets or alleys; sanitary and storm sewers; water mains and water service piping, existing electrical utilities both above and below ground, buildings; other tanks; community and private potable water wells or boreholes, rivers, lakes, ponds and streams that are within a 1200 foot radius of any tank, piping or dispenser
  - (3) All other provisions as required by Chapter COMM 10.100 (2).
- (h) **Disclosure Requirement.** It shall be unlawful for any person, firm or corporation to store flammable, combustible, toxic, gaseous or hazardous substances without notifying the city of existing or proposed storage facility and providing proof of any permits required by federal, state law or local ordinance.
- (i) **Prohibited Storage.** It shall be unlawful for any person to store flammable, combustible, toxic, gaseous or hazardous substances in such a manner as to endanger the public safety and welfare or to seriously threaten to degrade air, water or soil quality.
- (j) **Use Restrictions.**
- (1) An existing tank, container, facility, structure or warehouse may not be converted to use for storage of flammable, combustible, toxic, gaseous or hazardous substances unless application has been made and the necessary approvals received from the City and Fire Department.
  - (2) Outdoor storage of flammable, combustible toxic, gaseous, or hazardous materials is prohibited except in product tight containers, which are

protected from the elements, accidental damage or vandalism and comply with the requirements of this Section. Every outdoor storage area shall include proper spill containment provisions.

(k) **Storage Facility Operating Permit (SFOP) Required.** No storage facility shall be erected or maintained on any lot or parcel of land or within any structure in the City of Glendale, except in compliance with the requirements of this Section.

(l) **Application for Conditional Use.**

(1) **Application.** Before establishing any facility or commencing any work on the construction, installation or erection of a storage facility, or on any alterations, additions, remodeling or other improvements, an Application for Conditional Use shall be submitted to the City Planning and Zoning Administrator or other City agency or Department as from time to time designated by the City Administrator. If the proposal is acceptable to the City Planning and Zoning Administrator, it will be forwarded to the Director of Inspection Services. If not acceptable, the application will be returned to the applicant. The Plan Commission shall request and consider the recommendation of the Building Inspection Department and the Fire Department.

(2) **Exclusions.** This sub-section shall not apply to the installation and use of the following:

- a. An above-ground fuel-oil storage tank with a capacity of 250 gallons or less which is used to supply liquid fuel to a listed heating device located within a one or two-family dwelling.
- b. A used-oil storage tank with a capacity of 750 gallons or less which is used to supply liquid fuel to a commercial or industrial listed heating device located on the premises.

(3) **Application Standards.** The application shall be prepared in accordance with paragraph 10.10(3) of COMM 10. The applicant shall note that COMM 10 applies only to Flammable, Combustible and Hazardous Liquids, and that COMM 40 addresses "Gas Systems". The storage of specific gases and solids is further regulated by other COMM and NFPA codes.

(4) **Applicable Codes and Regulations.**

- a. The application shall comply with the requirements presented in the appropriate Wisconsin Administrative Code(s) and the requirements of all applicable regulations.
- b. Each type of substance has unique requirements for safe storage and use. The type and extent of facilities used to store and use flammable, combustible, toxic, gaseous and hazardous materials will depend on the type and amount of the material stored. The planning, design, construction and operation of a storage facility shall be in compliance with standards, regulations, codes, and policies established by the applicable federal (including, but not limited to, the U.S. Environmental Protection Agency, Occupational Safety and Health Administration, and the Department of Housing and Urban Development), state (including, but not limited to, the

Wisconsin Department of Natural Resources, and the Wisconsin Department of Commerce), or local regulatory agency, or industrial group (including, but not limited to, the American Society of Testing Materials, American Petroleum Institute, National Fire Protection Association, Chlorine Institute, and Factory Mutual Systems) that present specifications for the planning, design, construction, and/or operation of any storage facility.

- c. In cases where there is a conflict between two (2) or more standards, the most restrictive shall apply.

(5) **Submit Design Report.**

- a. The intent of this Section is to establish minimum standards for installations within the City, and not to duplicate, replace or supersede the regulations and guidance from other sources.
- b. The applicant shall provide the City with a design report prepared by a Professional Engineer, registered in the State of Wisconsin that addresses the following:
  - 1. Provides all information requested by the City and Fire Department.
  - 2. Documents that applicable state and federal permits have been applied for and received.
  - 3. Identifies and describes the type and amount of material to be stored, including the number and size of containers (e.g., 1 container @ 10,000 gal. vs. 10,000 containers @ 1 gallon), identifies specific regulations that governs the installation of the material, and which describe the proposed facilities along with an explanation of how the regulations have been addressed.
  - 4. For installations with more than 60 gallons combined volume of regulated material, describes the fire protection system(s) that will be in place.
  - 5. Identifies location and method of storage. Documents compliance with the minimum Acceptable Separation Distances required in Subsection (m) below.
  - 6. Discusses the compatibility of the proposed facility with the surrounding land use. Identifies and addresses alternative site selection, designs, sizes, and construction techniques. Explains how the facility will meet all noise, odor and traffic related issues.
  - 7. Discusses the environmental impact and methods used to mitigate the impact. The applicant is encouraged to provide information regarding the impacts in terms of jobs and taxes.
  - 8. If the facility will be located outside, describes how it will be obscured from the view of the public by fencing, screening or landscaping, or in the combination thereof, while maintaining access for fire protection.

9. Describes road networks leading from the facility to major routes, and explains how residential neighborhoods will be avoided.
10. The report shall be stamped, dated, and signed by a professional engineer, registered in the State of Wisconsin, who has prepared or reviewed the proposed plan, confirmed compliance with the applicable regulations, and certifies that the installation complies with the standards established by the regulations.

(6) **Spill Prevention Control and Countermeasure Plan (SPCC).**

- a. The application shall include information on the materials to be stored in the proposed facility, identify potential for spills, and identify measures to prevent, control and correct spills that may occur.
- b. A SPCC plan shall explain steps that will be taken to mitigate and respond to spills. In particular, it will explain steps that will be taken to:
  1. Prevent incompatible chemicals from mixing with one another;
  2. Notify appropriate agencies of a spill; and
  3. Respond to a spill during a fire.
- c. If more than six hundred sixty (660) gallons of liquid or two thousand (2,000) pounds of dry material will be stored, the SPCC plan shall be prepared in accordance with all of the provisions of 40 CFR 112 of USEPA regulations under the Clean Water Act for storage of petroleum products, which provisions are adopted herein and incorporated as fully set forth, including such amendments or revisions as from time to time shall be adopted and in effect. The SPCC is required regardless of the type of materials stored.

(7) **Emergency Preparedness.**

- a. The application shall include applications and reports required by the provisions of the Milwaukee County Emergency Government, SARA Title III Community Right-to-Know and OSHA Employee Right-to-Know regulations. The provisions of these two regulations shall apply to all industrial and commercial facilities, regardless of size, at which flammable, combustible, toxic or hazardous materials are stored in quantities greater than 50 gallons liquid or 25 pounds dry weight.
- b. The application shall include an Emergency Preparedness and Response Plan. The applicant shall identify potential hazards, the steps taken to prevent the hazards from occurring, and the steps that will be taken in the event of an emergency.
- c. The application shall provide information requested by the fire department including the location of materials stored in the facility and information regarding fire protection systems.

- (m) **Storm Water Permit.** Companies impacted by the USEPA Storm-water Regulation, 40 CFR Part 122, shall include a copy of the storm-water permit

applications, with the Application for Conditional Use. A copy of the permit and the storm-water management plans shall be provided when they become available.

(n) **Construction Schedule.** The application shall include the proposed schedule for construction, start-up and operation of the proposed facility. Included will be information on the anticipated length of time for storage.

(o) **Separation Distance Requirements.**

(1) The Acceptable Separation Distance (ASD) between the proposed facility, and the property line, public area, private home or structure, and/or other on-site structure shall be based on applicable codes and regulations. Codes and regulations that must be complied with include, but are not limited to:

- a. City of Glendale Zoning Code.
- b. U.S. Department of Housing and Urban Development, Citing HUD assisted Projects Near Hazardous Facilities, April 1987, JUD-1060CPD, which provisions are adopted herein and incorporated as fully set forth, including such amendments or revisions as from time to time shall be adopted and in effect. A copy of this procedure may be obtained from the Glendale Building Department.
- c. Wisconsin COMM 10 and other applicable chapters.
- d. National Fire Protection Agency Code, including, but not limited to, NFPA 30.
- e. Factory Mutual Systems or other applicable guidelines.
- f. USEPA Regulations for hazardous substances.
- g. Any other applicable code, standard or ordinance.

(2) In any case where there is a conflict between codes or regulations, the most restrictive shall apply.

(3) In the event that an ASD cannot be met, a proposal shall be submitted to mitigate adverse impacts.

(p) **Construction Requirements.**

(1) The applicant shall post bond in an amount equal to the estimated construction cost with the City. Bond will be used to correct installation if not properly constructed.

(2) The applicant shall notify the Director of Inspection Services in writing upon initiating construction.

(3) The applicant shall notify the Director of Inspection Services upon completion of construction. An operating permit will be issued if the facility has been constructed in accordance with the applicable requirements.

(q) **Operating Requirements.**

(1) The permittee shall notify the Director of Inspection Services in writing upon shutdown of the facility for scheduled maintenance and shall give notice to the Director of Inspection Services in writing before resuming operation.

(2) The permittee shall notify the Director of Inspection Services prior to making any alteration, modification, or change.

- (3) The permittee shall be responsible for renewing the operating permit every three (3) years:
  - a. The application for renewal shall include a copy of the annual insurance or safety reports, and a report from an inspector certified in accordance with COMM 10.
  - b. The application provide the City with a copy of the Certificate of Insurance, along with copies of annual insurance or safety reports, and shall submit a letter describing steps that will be taken to comply with the insurance safety report.
  - c. The permit requires the facility to be inspected by a qualified individual. This person shall inspect the proposed system and verify the adequacy of the safety and fire protection systems installed with the tank. The inspector shall submit a report that describes the operating status of the facility, changes to operation or the physical equipment since issuance of the previous permit, deficiencies, and appropriate corrective actions.

(r) **Reports and Notifications.**

- (1) The permittee shall maintain an inventory of materials that reconciles purchase, use or sale, and disposal records. The inventory shall be maintained on site and be available for inspection. The inventory for petroleum and liquid chemicals shall be kept on a weekly basis in order to detect product loss or leakage.
- (2) Every person having knowledge of a spill, leak, or other loss, including illegal disposal of waste, toxic, gaseous or hazardous material, shall report the information immediately to the City, the Fire Department and to the Department of Natural Resources.
- (3) A building plan showing the location, amounts, color-coding, and materials in storage shall be submitted to the Director of Inspection Services and also be kept in the central office of the Fire Department to aid in their response to hazards. The plan should include information on fire protection features such as the location of control valves and fire hydrants.

(s) **Compliance.**

- (1) All facilities existing at the time of passage of this Section (June 14, 2010) meeting all of the requirements of this Section shall be upgraded to comply with the requirements of this Section at the time the storage facility is replaced, modified, or upgraded. All owners and/or operators of a storage facility must comply with the following schedule:
  - a. Notify the City of the presence of a storage facility and submit an application for conditional use within three (3) months of passage of this Section. The application shall include documentation that the facility is provided with fire protection by a public or private fire department.
  - b. Apply for an operating permit within twelve (12) months of the passage of this Section. The application shall include the items described in Subsection (l), application for conditional use. The engineering report shall include a schedule for achieving

compliance, which will be subject to the approval of the Building Department and Fire Department.

c. Final compliance shall be achieved within twelve (12) months.

- (2) Provisions of this Section shall be enforced by the Director of Inspection Services. Agents of the Director of Inspection Services may enter upon any premise at any reasonable time to inspect for compliance.
- (3) Upon request of an agent of the Director of Inspection Services or Fire Department, the owner or operator of any premises at which flammable, combustible, toxic or hazardous materials are used or stored shall furnish all information required to monitor compliance with the regulations of this Section.
- (4) Users of flammable, combustible, toxic or hazardous materials are required to submit a disclosure statement in advance of any significant changes in the use or handling of the material or change of business ownership, name or address.
- (5) The owner or operator must notify the City in advance of any material considered being proprietary or confidential, along with justification for the request, such material must be stamped "confidential".

(t) **Failure to Comply.**

- (1) The Director of Inspection Services will issue a written notice of violation to any facility not in compliance with this Section. The notice of violation shall specify the nature of the violation, and a schedule for achieving compliance. The cost of the remediation shall be borne by the owner and operator of the premises.
- (2) The owner and/or operator of the facility must respond to the notice of violation within ten (10) calendar days, describing the steps that have been taken to mitigate the violation, and the steps that will be taken to correct the situation.
- (3) Failure to comply with the conditions, commitments, guarantees or the recommendations established in the approval of the storage facility shall be cause for rescinding the approval of same.
- (4) Upon notice of the Director of Inspection Services, the owner shall be required to appear before the Plan Commission at its next meeting to explain any such failure to comply, and intended remedial actions, including a compliance schedule.
- (5) The Plan Commission may set a time limit for compliance or recommend specific steps to be taken to rescind the approval of the project, including the termination of the construction, and removal of any facility on such site upon thirty (30) days' notice in writing to the owner at his last known address.

(u) **Penalty/Penalties.** In addition to all remedies set forth in Section 1.1.7 of the Glendale Code of Ordinances, failure to comply with the provisions of this section shall be subject to a fine of not more than Five Thousand Dollars (\$5,000.00) per day of violation.

(v) **Recovery of Costs.**

- (1) Every person, firm or corporation having ownership or control of a storage facility within the City shall be deemed as a condition of its operating permit to consent to entry upon premises wherein the storage facility is located as reasonably necessary to extinguish, confine or clean up any hazardous leak, defective condition, spill or any other condition associated with such storage facility which presents a threat of fire, or a risk to the health and/or safety of the citizenry.
  - (2) The City shall have all rights of recovery for costs related to the prevention, control or extinguishing of any condition as set forth in Subsection (r)(a) above, and for subsequent cleanup or remedial action necessary pertaining to any fire, leak, spill or any other condition as described in Sub. (l). Such costs may be assessed against the property upon which the storage facility is located. This provision shall include, but not be limited to, all rights of recovery as provided by Section 1989 Wisconsin Act 256, which is specifically adopted in its entirety together with such amendments or reenactments as shall occur subsequent to the enactment of this Subsection.
- (w) **Applicability of Incorporated Laws and Regulations.** All references to federal and state laws and regulations shall be deemed to adopt and be included any such amendments or revisions as from time to time shall be adopted unless specifically excluded or amended by provisions in this Section.