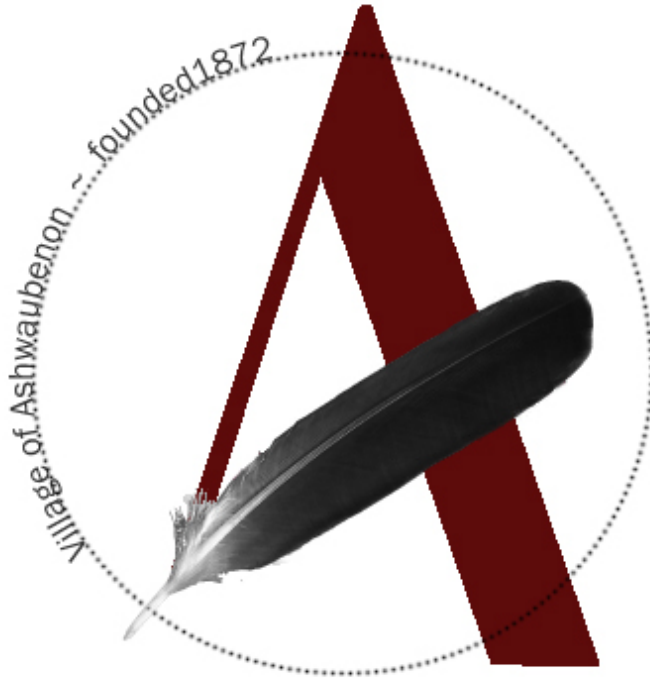


# Village of Ashwaubenon

## Municipal Code Book

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Chapter 13 - Fire Prevention and Protection

# Municipal Code Book

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# **Chapter 13 - Fire Prevention and Protection**

## **Article 1 - In General**

### **13-1-1 Intent**

It is the intent of this chapter to safeguard life and property from the hazards of fire and explosion arising from the storage, handling, and use of hazardous substances, materials, and devices and from conditions hazardous to life or property in the use or occupancy of buildings or premises. Compliance with codes and standards of the National Fire Protection Association, the International Code Council, or other approved nationally recognized safety standards, as later referred to or as specified in this Chapter, shall be deemed prima facie evidence of compliance with this intent.

### **13-1-2 Applicability**

- (A) This Chapter shall apply to both new and existing conditions, provided existing conditions not in strict compliance with the terms of this Chapter may be permitted to continue where such continuation does not constitute a substantial hazard to life or property in the opinion of the code official.
- (B) Where existing structures have components or systems that fail to comply with the current requirements, such existing conditions shall be brought into compliance with the current code at such time where there is a change of use or occupancy type, a change of ownership, an addition is made to such premises, or remodeling of 50 percent of the value of the structure, not including value of the property, is made over a four-year period.
- (C) Nothing contained in this Chapter shall be construed as applying to the transportation of anything shipped under the jurisdiction of and in compliance with the regulations prescribed by the United States Department of Transportation nor as applying to the military forces of the United States.
- (D) This Code applies to each building and premises, public or privately owned and public thoroughfares located within the village.

### **13-1-4 Authority of the Director of Public Safety**

The Chief of public safety has the authority to administer and enforce this chapter. The Chief may delegate authority to subordinates in the public safety department, and the actions of such authorized subordinates shall be construed as valid actions of the Chief.

### **13-1-5 Fees For Response and Service on Roads, Streets, Highways, Public Waterways and Railroads**

- (A) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*County trunk highway* means a road maintained by the county highway department.

*Disposable supplies* means any material used to control and/or remove a hazard and then must be replenished, such as fire-fighting foam and/or oil dry.

*Emergency vehicles* means fire apparatus, ambulances, police vehicles, and support vehicles operated by the village and/or by the municipalities with mutual aid agreements that are providing service with the village.

*Hazardous condition* means a condition or substance (solid, liquid or gas) capable of posing an unreasonable risk to health, safety, the environment or property

*National highway system* means any highway maintained by the state department of transportation that is a part of the national system of interstate highways, including entrance and exit ramps, frontage access roads, service centers and inspection and weigh stations.

*Service* means an act performed by the public safety department upon the national highway system, state trunk highway or local street that includes but is not limited to extinguishing a vehicle fire, using extrication equipment to aid in the removal of victims of a vehicular accident and cleanup of a hazardous condition or spill.

*Specialized vehicles* means vehicles such as heavy lifting tow trucks, cranes and vacuum trucks, owned or operated by the village or a subcontractor to the village, that are needed to control and/or remove a hazardous condition.

*State trunk highway* means a road maintained by the state department of transportation.

*Street* means a local thoroughfare or roadway, either private or owned and maintained by the village.

- (B) *Fees to be charged for emergency service.* The owner of each and every vehicle receiving emergency service from the village for the use of its emergency fire vehicles, equipment and disposable supplies, such as fire-fighting foam, oil dry and other material used to remove a hazardous condition, shall pay for such service when rendered within the village on a local street, county trunk highway, state trunk highway, the interstate system, public waterways and railroad system.

- (1) At such time the public safety department provides the services described above, the owner of the vehicle is charged the following fees:
  - (a) Engine: \$400.00 per hour per engine.
  - (b) Ladder truck: \$450.00 per hour per ladder truck.
  - (c) Squad 1 rescue truck: \$350.00 per hour.
  - (d) Attack engine: \$300.00 per hour per fire truck.

- (e) Command vehicle: \$100.00 per hour per command vehicle.
  - (f) Ambulance (when used as a fire unit and not as emergency medical unit): \$200.00 per hour per ambulance.
  - (g) Police vehicle: \$100.00 per hour per vehicle.
- (2) Personnel charges are billed at the actual rates for the length of service performed
  - (3) Specialized contracted vehicles, equipment and disposable supplies: actual costs.
  - (4) An administration charge of five percent of the subtotal shall be added.

(Ord. No. O4-1-07, 4-10-2007)

## **Article 2 - Fire Inspection Division**

### **13-2-26 Fire Inspection Division Created**

There is hereby created and established a fire inspection division within the public safety department which shall be operated under the authority and supervision of the Chief of public safety. The Chief may delegate this supervisory authority to the department commanders. The Chief or his designee shall have the authority to issue citations for violations of any provisions of this chapter or subsequent amendments to such ordinances and all state statutes, administrative codes, and model fire codes incorporated by reference in this chapter, now or in the future. Such citations shall be on forms described by ordinance or statute.

### **13-2-27 Reports**

The fire inspection division shall prepare and file the following reports:

- (A) An annual report containing all information on matters regulated by this chapter, together with statistics and such other information as may be required, shall be compiled by the division and transmitted to the Chief of public safety. This report shall be completed and filed prior to March 1 of the succeeding year.
- (B) The division shall prepare and transmit all such reports as may be required by the state department of commerce.

### **13-2-28 Authority to Enter Premises**

The code official may enter any building or premises for the purpose of making an inspection under the provisions of this chapter as is reasonably necessary to determine compliance with the provisions herein. No person shall hinder or obstruct the code official in the performance of his duties or refuse to observe any lawful direction given by him.

### **13-2-50 Order to Eliminate Dangerous or Hazardous Conditions**

Whenever the Chief of public safety or code official or designee finds in any building or upon any premises any of the following dangerous or hazardous conditions or materials that present a clear and present danger due to likelihood of fire or explosion, such materials shall be removed or conditions remedied in a reasonable manner:

- (A) Dangerous or unlawful amounts of flammable, combustible, hazardous, or explosive materials;
- (B) Hazardous conditions arising from defective or improperly installed equipment for handling or using flammable, combustible or explosive materials;
- (C) Dangerous or unlawful accumulations of rubbish, waste, paper boxes, shavings, vegetation or other highly combustible materials;
- (D) Accumulations of dust or waste material in air conditioning or ventilating systems or of grease in kitchen hoods or other exhaust ducts or inadequate clearances to unprotected combustible materials from hoods, grease extractors, and ducts;
- (E) Obstructions to or on fire escapes, designated access openings in exterior walls for fire department use, stairs, passageways, doors or windows that are liable to interfere with the operations of the fire department or egress of occupants in case of fire;
- (F) Any building or other structure which, for want of repairs, lack of adequate exit facilities, fire escapes, automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause, creates a hazardous condition.

### **13-2-51 Power of the Chief During Threat of Fire**

When the Chief of public safety determines there are environmental conditions likely to produce a serious threat of fire to life and property, the Chief may impose a burning ban and burning restrictions and require that no person may:

- (A) Set, build, or maintain any open fire, except propane grills, when in the immediate vicinity of a residential dwelling and when placed on a noncombustible surface.
- (B) Throw, discard, or drop matches, ashes, or other burning material while outdoors in the immediate vicinity of combustible natural vegetation.
- (C) Light or use any fireworks, as defined by state statutes, or caps, toy snakes, sparklers, smoke bombs, or cylindrical or cone fountains that emit sparks and smoke, except in displays or use authorized by the fire department where adequate fire prevention measures have been taken.
- (D) This ban shall be lifted when the environmental conditions change so that a serious threat of fire is no longer present.

### **13-2-52 Order Requiring Replacement of Fire Prevention, Detection or Suppression System Due to Recurring Violations**

Whenever the code official shall find in any building or upon any premises during any three consecutive fire prevention inspections or reinspections a detection or suppression system which is defective, inoperative, improperly maintained or improperly operated, the code official may order the following remedies:

- (A) If the system includes one or more exit lights which have not been illuminated during inspections, the code official may order that any or all of the exit lights in such premises be equipped with self-illuminating lights or lights equipped with light emitting diodes (LEDs);
- (B) If the system includes one or more self-closing fire doors, any of which have been found to have been held open with nonapproved hold open devices during inspections, the code official may order that any or all of the fire doors in such premises be equipped with an automatic closing device;
- (C) If the system includes one or more battery-operated smoke detectors which have been inoperative during inspections, the code official may order that the premises be equipped with smoke detectors hardwired into the premises' electrical service;
- (D) If the system includes emergency exit doors which, during hours of occupancy, have been found to be secured or locked with bolts, bars, chains, padlocks or locking devices other than the primary door lock, the code official may order the removal of such bolts, bars, chains, padlocks or additional locking devices and the code official may further order that all emergency exit doors within the premises be equipped with panic door release hardware;
- (E) This subsection shall not be construed as a limitation upon the powers of the code official to issue orders for corrections of violations under this division nor shall this subsection be construed as a limitation upon any of the powers of the code official under any other applicable provision of the village ordinances, Wisconsin Administrative Codes, or the Wisconsin State Statutes.

### **13-2-53 Service of Orders**

- (A) The service of written orders for the correction of violations of this Chapter or for the replacement of fire prevention, detection, or suppression systems shall be made upon the owner, occupant, or other person responsible for the conditions, either by delivering a copy of same to any person in charge of the premises or by mailing such orders to the owner or other responsible person, This subsection shall not preclude the code official from issuing orders orally or in such other manner as deemed appropriate under the circumstances.
- (B) If buildings or other premises are owned by one person and occupied by another, the orders issued in connection with the enforcing of this Chapter shall apply to the occupant thereof as well as to the owner, except where the rules or orders require the making of additions to or changes in the premises themselves, such as would immediately become fixtures upon real estate and be the property of the owner of the premises. In such cases, the rules or orders shall affect the owner and not the occupant unless it is otherwise agreed between the owner and the occupant.

- (C) Receipt of such orders by the owner or occupant shall be sufficient notice to effect compliance with the order.

### **Article 3 - Fire Prevention Code and Standards**

#### **13-3-75 Adopted**

The most current edition and any subsequent editions, as amended from time to time, of the following are adopted by reference and made a part hereof, as if fully set forth herein:

- (A) The International Fire Code, 2006 edition, and reference codes and standards, published by the International Fire Code Council, 2202 Leesburg Pike, Suite 708, Falls Church, Virginia 22041-3401, except as amended by this chapter.
- (B) NFPA 1 and 101, 2006 edition, as published by the National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, Massachusetts, 02269-9101



(C) The following Wisconsin Administrative Code chapters:

**TABLE 13-3-75**

Wis. Admin. Code Ch. Comm 4	Signs for Smoking Areas
Wis. Admin. Code Ch. Comm 5	Credentials
Wis. Admin. Code Ch. Comm 7	Explosive Materials
Wis. Admin. Code Ch. Comm 9	Manufacture of Fireworks
Wis. Admin. Code Ch. Comm 10	Flammable and Combustible Liquids
Wis. Admin. Code Ch. Comm 14	Fire Prevention, except subch. III, which is deleted
Wis. Admin. Code Ch. Comm 15	Cleaning and Dyeing
Wis. Admin. Code Ch. Comm 16	Electrical
Wis. Admin. Code Ch. Comm 18	Elevators
Wis. Admin. Code Chs. Comm 20-25	Uniform Dwelling Code
Wis. Admin. Code Ch. Comm 28	Smoke Detectors
Wis. Admin. Code Ch. Comm 32	Safety And Health Standard For Public Employees
Wis. Admin. Code Ch. Comm 40	Gas Systems
Wis. Admin. Code Ch. Comm 43	Anhydrous Ammonia
Wis. Admin. Code Chs. Comm 50—64	Building and Heating, Ventilation and Air Conditioning (built prior to July 1, 2002)
Wis. Admin. Code Chs. Comm 61—65	Wisconsin Commercial Building (built on or after July 1, 2002)
Wis. Admin. Code Ch. Comm 66	Uniform Multifamily Dwellings (built prior to July 1, 2002)
Wis. Admin. Code Ch. Comm 69	Barrier-Free Design
Wis. Admin. Code Ch. Comm 70	Historic Buildings
Wis. Admin. Code Ch. Comm 73	Illumination
Wis. Admin. Code Chs. Comm 75—79	Existing Buildings
Wis. Admin. Code Chs. Comm 81—87	Plumbing

- (D) In case of a conflict between any provisions of this chapter, this Code, the Wisconsin Administrative Code, or the International Fire Code, the code containing the strictest provisions shall apply.
- (E) A copy of the codes and standards incorporated by reference shall be kept at all times and available for inspection during reasonable hours in the office of the code official.

### 13-3-76 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The following definitions are added to the requirements of the codes adopted by reference, including, but not limited to, the definitions in section 202 of the International Fire Code:

*Approved*, as used in this Chapter, means approval granted by the public safety Chief or the lead inspector of the fire prevention division under the regulations of this Chapter.

*Automatic sprinkler system* has the meaning given in Wis. Stats. § 145.01(2).

*Chief* means the Chief of the village public safety department.

*Code official* means the Chapter, inspector, or any duly authorized representative of the village public safety department.

*Comm, commerce or department* means the state department of commerce.

*Division or fire prevention division* means a section of the village public safety department which is responsible for fire prevention duties including, but not limited to, code enforcement, conduction of fire inspections, public information work, fire investigation, and other activity which may have as its purpose the prevention of fire and the reduction of life and property losses from fire.

*EC and ICC Electrical Code* means Wis. Admin. Code Ch. Comm 16.

*IBC* means Wis. Admin. Code Chs. Comm 61 and 62.

*IFC* means The International Fire Code, as adopted and amended by this chapter.

*IFGC International Fuel Gas Code* means Wis. Admin. Code Ch. Comm 65.

*IMC and International Mechanical Code* means Wis. Admin. Code Ch. Comm 64.

*Inspector* means a fire inspector, code enforcement officer, public safety officer, public safety supervisor, fire officer, firefighter, fire prevention officer, fire protection engineer, or other public safety department personnel authorized by the Chief to perform the duties of administration and enforcement of this chapter.

*IPC and International Plumbing Code* means Wis. Admin. Code Chs. Comm 81 to 87.

*Jurisdiction* means the corporate limits of the Village of Ashwaubenon.

*Multifamily dwelling* has the meaning as defined in Wis. Stats. § 101.971(2).

*Municipality* means a city, village or town.

*One- and two-family dwelling* has the meaning as defined for dwelling in Wis. Stats. § 101.61(1).

*Outdoor cooking fire* means any fire in a grill, which is burning charcoal or propane (LP-Gas).

*Public safety department* means the public safety department.

*Recreational fire* means any fire, such as a campfire, located at a residential or commercial occupancy for the purpose of recreation, worship or personal enjoyment.

*Smoking* means and includes carrying a lighted pipe, cigar, cigarette, or tobacco in any form.

### **13-3-77 Inspection and Permit Fees**

- (A) *Inspections outside of normal work hours.* Inspections outside of normal work hours (Monday through Friday, 8:00 a.m. to 4:30 p.m.), whether required or requested shall be subject to the fees in this section. Inspections outside of normal work hours to verify compliance with permitted activities, which are conducted outside of normal work hours, shall be subject to the fees listed in this section. When fire inspection personnel are required, as standby personnel for events or emergencies, the owner shall pay for personnel time in accordance with this section.
- (B) *Inspection fee.* Inspectors hourly pay at time and a half for a minimum of three hours.
- (C) *Annual fire prevention inspection fee.* An annual fire prevention inspection fee shall be charged to the business owner for required inspections of each building, structure, and premises and leased premises in which the business operates.

- (D) *Fees.* The fee for required annual fire inspections for the following building types shall be on file in the village clerk's office:

**TABLE 13-3-77**

<b>Building Type</b>	<b>Unit / Area</b>	<b>Fee</b>
Residential	4—36 Units	
	37—60 units	
	61—99 units	
	100 units and over	
Commercial	Under 1,000 sq. ft.	
	1,000 to 4,999 sq. ft.	
	5,000 to 24,999 sq. ft.	
	25,000 to 99,999 sq. ft.	
	100,000 to 249,999 sq. ft.	
	250,000 to 499,999 sq. ft.	
	500,000 to 999,999 sq. ft.	
	1,000,000 sq. ft. and over	
Industrial:	Under 5,000 sq. ft.	
	5,000 to 24,999 sq. ft.	
	25,000 to 99,999 sq. ft.	
	100,000 to 174,999 sq. ft.	
	175,000 to 349,999 sq. ft.	
	350,000 to 999,999 sq. ft.	
	1,000,000 to 1,999,999 sq. ft.	
	2,000,000 sq. ft. and over	

(E) *Conditions.*

- (1) The fee for hotels and motels shall be on file in the village clerk's office and shall be the same as for multifamily residential properties.
- (2) Square footage refers to total floor area of any building or structure, premises or leased premises.
- (3) The annual fee that is not timely paid shall constitute a special charge against the property inspected and shall be entered upon the tax roll as a charge against the property and all proceeding in relation to the collection, return, and sale of property for delinquent real estate taxes shall apply to the inspection fee.

- (F) *Reinspection fees.* In the event that a reinspection is required to follow up on duly documented fire code violations, a fee per inspection visit, which is on file in the village clerk's office, shall be assessed to the owner of the property for each inspection performed for that code violation until said violation has been corrected to the satisfaction of the code official. Reinspection fees that are not timely paid shall be entered in the tax roll as a special charge against said lot or parcel of land pursuant to the provisions of Wis. Stats. § 66.0627, for collection and settlement under Wis. Stats. ch. 74.
- (G) *Permit fees.* The permit fees for the installation or removal of the following flammable and combustible liquid storage tanks shall be on file in the village clerk's office:
- Up to 1,000 gal.
  - 1,001 - 3,000 gal.
  - 3,001 - 5,000 gal.
  - 5,001 and up.

### **13-3-78 Amendments to IFC**

The following amendments to the International Fire Code adopted in section 13-75 are hereby adopted and incorporated by reference:

- (A) Modify section 101.1 to read - Title. These regulations shall be known as the Fire Code of the Village of Ashwaubenon, hereinafter referred to as "this code."
- (B) The following requirements are in addition to the requirements in IFC section 105.1:
- (1) Permits required by this code shall be obtained through the office of the code official. Permit fees shall be as set forth in section 13-77 of this Chapter. Permit fees shall be paid prior to issuance of the permit. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the code official.
  - (2) A permit shall constitute permission to maintain, store or handle materials, or to conduct processes, which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such permit does not take the place of any permit required by law. Any change in equipment, ownership, use or occupancy of premises shall require new permits.
  - (3) All applications must be submitted no less than 30 days prior to commencing the prescribed activities. All applications shall be acted upon promptly, and the code official shall within 15 business days from the receipt of an application, either issue the requested permit or state to the applicant the reasons for not issuing it with the exception of recreational fire permits.
  - (4) Permits shall at all times be prominently displayed on the premises with the exception of recreational fire permits.

- (5) The code official shall maintain a record of all permits issued, which shall be open to public inspection on request.
  - (6) No permit shall be issued to minors.
  - (7) No permit granted hereunder shall be transferable.
  - (8) The code official may revoke any permit, approval or certificate issued under this Code where any condition of issuance has not been complied with or maintained, or where there has been any false statement or misrepresentation of any material fact in the application or plans on which the issuance was based. The code official shall promptly notify the holder of the revocation. The holder may appeal the code official's decision to the board. Such revocation shall be in effect pending the decision of the board, and the holder shall immediately comply with the conditions of revocation. Thereafter, it shall be unlawful for any person to continue or maintain the conditions causing the revocation excepting that the board finds in favor of the holder or a new permit is issued.
- (C) Sections 105.6 and 105.7 The code official shall be notified of the operations set forth in sections 105.6.1 through 105.6.46 and based on the nature of operations may require an inspection for compliance with village ordinances. The code official may require a permit where the operations have a potential for exceeding reasonable limits.
- (D) The following requirements are in addition to the requirements in IFC section 107.2.2: reinspections shall be subject to the fee as set forth in this Chapter and on file in the village clerk's office.
- (E) IFC section 108 is deleted from this Chapter.
- (F) IFC section 109.3 is deleted from this Chapter.
- (G) Section 111.4 shall be modified as follows: *Failure to comply*. Any person who shall continue to work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a separate fine for each separate 24-hour period or portion thereof that the work progresses. Fines shall be levied under Chapter 1, Section 1-13
- (H) The following requirements are in addition to the requirements in IFC section 301.1:
- (1) *Prohibited activities*. The consequences for the following prohibited activities shall be as specified in Wis. Stats. §§ 941.12 and 941.13:
    - (a) Interfering with the proper functioning of a fire alarm system;
    - (b) Interfering with the lawful efforts of a firefighter to extinguish a fire;
    - (c) Interfering with, tampering with or removing a fire extinguisher, automatic fire sprinkler system, fire hose or other firefighting equipment without proper authorization;

- (d) Interfering with the accessibility of a fire hydrant;
- (e) Intentionally giving a false alarm to any public officer or employee.
- (2) *Matches*. The manufacture, storage and distribution of matches shall comply with Wis. Stats. § 167.07.
- (I) The following requirements are in addition to the requirements in IFC section 304.1:
  - (1) All refuse stored before processing shall be stored in metal containers or bins outside in an approved location, or in fire-rated enclosures meeting all requirements of a storage location.
  - (2) *Exterior storage prior to collection*. Refuse may be stored in approved bins constructed of noncombustible materials equipped with tightfitting rigid plastic lids. Containers equipped with plastic lids shall be at least ten feet from property lines, building overhangs, building openings, combustible building components and any other flammable or highly combustible or hazardous materials.
- (J) IFC section 307.1 is shall be modified as follows:

*General*. All open burning is prohibited within the Village of Ashwaubenon except as approved by the code official in accordance with this section.

Note—All training fire by the village public safety department shall comply with the most current edition of NFPA 1403, Standard on Live Fire Training.

- (K) IFC section 307.2 shall be deleted and replaced with as follows:

The code official may allow an outdoor cooking fire without authorization.

- (L) IFC section 307.3.1 shall be deleted and replaced with as follows:

*Bonfires*. Bonfires are prohibited within the Village of Ashwaubenon limits except as approved by the code official in accordance with this section.

- (M) IFC section 307.3.2 shall be deleted and replaced with as follows:

*Recreational fires*. All recreational fires shall comply with all of the following requirements:

- (1) No recreational fire shall be closer than 25 feet from any building, structure, property line, shed, garage, tree, shrub, bush, fence, or any other combustible material. No recreational fire shall be kindled or maintained on any public street, highway, sidewalk, or terrace.

- (2) All recreational fires shall be in a belowground fire pit with a minimum depth of four inches and a maximum diameter or three feet (36 inches); or in a portable (Weber-type) device that is placed upon a noncombustible surface and secured. The fire may not extend more than four feet above the ground at any time. Burning must be contained within the fire pit enclosure at all times. All below ground fire pits shall be surrounded on the outside, above ground, by a noncombustible material such as concrete block, rock, or metal and covered by a noncombustible cover when not in use.
  - (3) No recreational fire shall be started when the wind will cause smoke, combustibles, or other materials to be carried toward any building or other combustible or flammable materials. Smoke from any recreational fire shall not create a nuisance for neighboring property owners.
  - (4) Materials for recreational fires shall not include rubbish, garbage, recyclable items, trash, yard waste, any materials made of or coated with rubber plastic, leather, or petroleum-based materials, and shall not contain any flammable or combustible liquids.
  - (5) Adequate fire suppression equipment shall be present to extinguish or control the recreational fire at all time. Adequate fire suppression equipment shall consist of shovels, fire extinguishers, water hoses, or other like equipment sufficient to extinguish the fire if necessary.
  - (6) All recreational fires shall be attended at all times by at least one responsible person of age 18 or older until the fire is completely extinguished.
  - (7) It shall be the duty of any renter or leasee to notify and obtain written permission from the property owner prior to initiating any recreational fire.
  - (8) Citations may be issued for failure to comply with the above regulations. Pursuant to Chapter 1, Section 1-13.
  - (9) The property owner, renter, or leasee shall be held liable for any damage caused by any recreational fire, including the cost of any citations.
- (N) The following requirements are in addition to the requirements in IFC section 308:
- (1) *Negligent handling.* The negligent handling of burning material is prohibited.
  - (2) Except as provided in this section, the use of open flame fixtures in public buildings and places of employment is prohibited.
    - (a) Open flame candles or open flame fixtures may be used in churches, fraternal lodges and other buildings as part of a religious, fraternal or ceremonial ritual.
    - (b) Candles may be used in restaurants, supper clubs and similar occupancies provided the candle is enclosed on all sides with glass or similar noncombustible material and the enclosure extends at least one inch above the tip of the flame.



- (c) Open-flame candles and open-flame fixtures may be used in the seating areas of public assembly buildings provided all of the following conditions are satisfied:
  - (i) The stand upon which the candle is placed is a nontipping weighted stand or is securely attached to the end of fixed seating in at least two places.
  - (ii) The base of the candle is at least 78 inches from the floor.
  - (iii) The candle is guarded on top and sides at all times.
  - (iv) The aisle where the candles are placed is at least five feet wide.
- (3) Open flame food warming candles may be in restaurants, supper clubs and similar occupancies.
- (4) The use of decorative or other lights, which are fueled by flammable or combustible liquids, may be used provided they are self-extinguishing.
- (5) The use of open flames other than those uses specified in this section shall be subject to the approval of the code official.

(O) Section 310.9 is created to read:

310.9. *Negligence of smokers.* Any person who shall, by smoking or attempting to light or to smoke cigars, cigarettes, pipes, or tobacco in a careless, reckless, or negligent manner, whether willfully or wantonly or not, set fire to any bedding, furniture, curtains, drapes, house or household fittings, or to any part of any building, so as to endanger life or property in any way or to any extent, shall be guilty of violating this section and shall, upon conviction, forfeit the amount prescribed in section 13-79.

310.9.1 *Posting of notice.* In each sleeping room of all hotels, roominghouses, lodginghouses, and other places of public abode, a plainly printed notice shall be kept posted in a conspicuous place that advises occupants or tenants of the provisions of this subsection.

(P) The following requirements are in addition to the requirements in IFC section 501:

- (1) *Identification required.* All owners shall identify, in accordance with the requirement of this section, the location of a fire division wall or occupancy separation wall at the exterior walls of buildings with a sign. A sign may not be required to identify a fire division wall or occupancy separation wall in buildings more than three stories.
- (2) *Definitions.* For the purposes of this section, the term "fire division wall" or "occupancy separation wall" means a wall extending from the lowest floor level to or through the roof and extending the full width or length of the building.
- (3) *Sign requirements.*

- (a) *General.* The sign shall consist of three circles arranged vertically on the exterior wall marking the location of the fire division wall or occupancy separation wall and centered on the fire division wall or occupancy separation wall. The circles may be affixed directly to the surface of the building or may be placed on a background material that is affixed to the building.
  - (b) *Size of circle.* Each circle shall be the same size. The diameter of the circle shall be at least 1½ inches, but no greater than two inches.
  - (c) *Spacing.* The circles shall be spaced equal distance apart. The maximum distance measured from the top of the uppermost circle to the bottom of the lowermost circle shall be 12 inches.
  - (d) *Color.* The color of the circle shall be limited to red, amber (orange-yellow) or white (clear) and shall be reflective. The color of the circle shall contrast with the color of the background.
- (4) *Location.* The top of the sign shall be located on the face of the exterior wall of the building and located no more than 12 inches below the eave, roof edge, fascia or parapet.
  - (5) *Effective date.* All buildings with firewalls permitted after September 1, 1995, shall comply with this Section.
- (Q) The following requirements are in addition to the requirements in IFC section 503.1, Fire Lanes on Public or Private Property:
- (1) *Where Required.* All public or private premises that the public safety department may respond to, in case of an emergency, that are not readily accessible from public roads shall be provided with suitable access roads and fire lanes, as required by the International Fire Code, so that all buildings on the premises are accessible to emergency vehicles. At least two exterior walls of each building shall be available for public safety department access. The code official may consider alternative designs that ensure adequate access for emergency apparatus, equipment and personnel.
  - (2) *Width.* Fire lanes shall be at least 24 feet in width with the closest edge of the lane at least ten feet and no more that 30 feet from the building.
  - (3) *Dead-end roads.* Any dead-end road more than 300 feet long shall be provided with a turn-around at the closed end of the roadway.
  - (4) *Turning radius.* Curves and turn arounds shall be designed for a 75-foot turning radius.
  - (5) *Designation, Marking and Maintenance of Fire Lanes.* The code official shall approve the marking of fire lanes on public or private property, devoted to public use.

- (a) Designated fire lanes shall be marked with signs within five feet of the beginning and five feet of the end of the fire lane, with spacing between signs not to exceed 150 feet. Each sign shall face in the direction of oncoming traffic. The curb shall be painted yellow; if there is no curb, a four-inch-wide stripe shall be painted the full length of the fire lane. A "Fire Lane or Fire Zone" sign shall be affixed to a stationary pole or object, and shall be plainly visible.
- (b) Roadways identified exclusively as fire lanes shall be identified with approved "Fire Lane or Fire Zone" signs facing forward on each side of the roadway. The pavement area between the signs shall be striped with four-inch-wide yellow stripes.
- (6) *Obstructing fire lanes regulated.* Obstructing fire lanes shall be prohibited at all times, including the accumulation of snow. Any vehicle that is parked within a lawfully designated and marked fire lane may be removed at the vehicle owner's expense. Vehicles will be towed away under any of the following circumstances:
  - (a) When a vehicle repeatedly violates this section by habitually parking in a designated fire lane.
  - (b) When a vehicle blocks the ingress or egress of a public building or a place of employment.
  - (c) When a vehicle's presence threatens the life or safety of the public by impeding the ability of emergency vehicles to respond to an emergency.

Removal of a vehicle under such circumstances may be authorized by the person in lawful possession of the property or by the Chief of public safety or his representative. The public safety department may order the towing of a vehicle at the time that the above conditions exist.

- (7) *Unapproved fire lanes.* Fire lane signs posted without the approval of the department shall be removed or the fire lane shall be formally established and posted as required by this section.
- (8) *Surface of fire apparatus access roads.* The following requirements are in addition to the requirements in IFC section 503.2.3:

Fire lanes shall be designed to support the imposed loads of fire apparatus and shall be constructed of asphalt or concrete.

- (9) *Grade of fire apparatus access roads.* The following requirements are in addition to the requirements in IFC section 503.2.7:

The grade shall not exceed a slope of eight percent.

Note—See Wis. Admin. Code Chs. Comm 61 to 65 for submittal requirements for construction documents for fire apparatus access. A copy of the construction documents will also be submitted to the public safety department for approval.

(R) The following requirements are in addition to the requirements in IFC section 505.1: Buildings with more than one tenant shall have suite numbers/letters, unless each tenant space has a village building inspector-approved address number. The suite number/letter shall be posted on the main entrance door. Those tenant spaces that have a rear exit door shall have the suite number/letter posted on the exterior of that door.

(S) The following requirements are in addition to the requirements in IFC section 506.1:

All new buildings will be required to have a key box installed at the time of construction. All existing buildings must have a key box installed prior to December 31, 2011. One- and two-family dwellings and multifamily buildings that have no common areas, are exempt from this requirement. If a building contains multiple occupancies, one key box large enough to contain keys for each occupancy is required.

Location: The key box shall be mounted five feet from the grade, and within five feet of the main entrance of the building unless the code official approves an alternate location.

Keys: The key box shall contain building keys and interior keys required by the public safety department. All keys shall be clearly labeled with regard to their function.

(T) The following requirements are in addition to the requirements in IFC section 508.1, Fire Protection Water Supply and Fire Hydrants:

- (1) *Installation requirements.* Private fire hydrants and water mains shall be installed in accordance with NFPA 24 and this subsection. Private fire hydrants and water mains shall be maintained in accordance with NFPA 25.
- (2) *Plans.* Plans shall be submitted to the code official for review to determine compliance with the applicable standards prior to the installation of private fire service mains and fire hydrants. The code official shall act upon such applications within 15 days of receipt thereof. Denials of such applications may be appealed to the board.
- (3) *Fire hydrants.* All portions of the exterior walls of newly constructed and additions to public buildings, places of employment and open storage of combustible materials shall be within 300 feet of at least two fire hydrants. Hydrant spacing shall not exceed 400 feet between any two hydrants. One- and two-family dwellings shall be within 500 feet of at least one fire hydrant. Distances shall be measured along the path of the hose lay. Hydrants are not required in locations that are not accessible to fire apparatus. Private fire hydrants shall not be located in the public right-of-way. Hydrant requirements in accordance with this standard may be met with existing public or private hydrants. The code official may approve alternative locations and spacing of fire hydrants provided hydrants meet the fire suppression tactical needs of the public safety department.
- (4) *Location.* Fire hydrants shall not be located within 40 feet of any building. Fire hydrants shall be no more than ten feet and no less than five feet from the curb or edge of the street or fire apparatus access. Fire hydrants located in parking lot islands shall be a minimum of 3.5 feet from the center of the hydrants to the curb. The code official may consider alternative setback distances when site conditions conflict with the provisions of this section.

(5) *Specifications:*

- (a) All hydrants shall be positioned so the largest outlet faces the street or fire lane.
- (b) The center of the lowest outlet cap of fire hydrants shall be at least 18 inches above grade and not more than 24 inches above grade.
- (c) All private water lines between the municipal water main and approved fire hydrants shall be no less than eight inches inside diameter.

(6) *Marking and color of hydrants.* Whenever the location of a fire hydrant may be obscured by its placement, or due to the placement of a building, structure, fencing, grade of land, vegetation, snow accumulation or other obstruction of vision, the code official may require such fire hydrants to be identified and marked with above grade markers. Above grade markers are any devices, approved for use by the code official, designed to promote and enhance the ready identification of fire hydrant locations. All private hydrants fed by municipal water shall be red in color. All other private hydrants shall be orange.

(7) *Obstructions.* No person shall park any motor vehicle or otherwise interfere with the accessibility of any fire hydrant by piling, dumping or placing any other obstructive material or object, including but not limited to trees, bushes, fences or posts, within ten feet of a fire hydrant without first obtaining written permission from the public safety department. A public street is obstructed by a motor vehicle, when a perpendicular line is drawn from the hydrant to the curb or street edge and ten feet either side of that line. Grade changes exceeding 1.5 feet are not permitted within ten feet of a fire hydrant or hydrant lead.

Owners shall remove snow, vegetation or other material that has covered or obscured the view of the hydrant on their property.

(8) *Prior to construction.* Fire hydrants shall be installed and in service prior to proceeding above the footing and foundation.

(9) *Out of service.* Private fire hydrants and water systems placed out of service or made inoperable for maintenance, repair or construction shall be covered with a durable and weather resistant bag to indicate the hydrant is not useable. The public safety department shall be immediately notified when hydrants and/or systems are out of service. Fire hydrants and/or water systems shall be repaired and returned to service within 48 hours except as otherwise approved by the code official.

(U) The following language shall be substituted for section 603.4 of the IFC as follows: Portable unvented fuel-fired heating equipment is prohibited except during construction or demolition of a building as allowed under IFC Section 1403.

(V) The following requirements are in addition to the requirements in IFC section 605.1, Extension Cords and Relocatable Power Taps:

(1) *Definitions.*

- (a) In this subsection, the term "extension cord" means a cord set consisting of a length of flexible cord with an attachment plug at one end and a cord connector, which permits the connection of one or more attachment plugs, at the other end.
  - (b) In this subsection, the term "relocatable power tap" means a system consisting of an attachment plug cap and a length of flexible cord terminated in an enclosure in which are mounted one or more receptacles. A relocatable power tap may be provided with supplementary overcurrent protection, switches, indicator lights, transient voltage surge suppressors, or electromagnetic interference filters.
- (2) *Listing.* Extension cords and relocatable power taps shall be listed by UL or other approved nationally recognized testing agency.

Note—See standard UL 817-Cord Sets and Power Supply Cords or UL 1363-Relocatable Power Taps for additional information.

- (3) *General requirements.*
- (a) Extension cords shall only be used for temporary wiring and shall not be substituted for permanent wiring.
  - (b) Extension cords shall be of a three-wire grounding type when used in conjunction with devices equipped with three-prong grounding type attachment plugs.
- (4) *Ampacity.* The current carrying capacity of the extension cord or relocatable power tap may not be exceeded.
- (5) *Use of extension cords and relocatable power taps.*
- (a) Except as provided in subsection 2., extension cords and relocatable power taps may not be multiplied or plugged into one another.
  - (b) Extension cords may be used for temporary wiring at construction sites provided the cords comply with Article 305 of the National Electrical Code as adopted in Wis. Admin. Code Ch. Comm 16.
  - (c) Extension cords shall be permitted only with portable appliances, hand tools or fixtures.
  - (d) Relocatable power taps are permitted only with portable electronic equipment such as audiovisual equipment, computers and peripheral equipment.
  - (e) Except for listed adapter cord sets intended for construction site use, each extension cord shall serve only one portable appliance, hand tool or fixture.
- (6) *Physical protection.*

- (a) Extension cords and relocatable power taps shall be protected from physical impact and environmental damage.
- (b) Extension cords and relocatable power taps may not be attached to structures or placed under doors or floor coverings.
- (W) The following requirements are in addition to the requirements in IFC section 703.1: At least every four years, all fire dampers, smoke dampers and ceiling dampers and components shall be operated to ensure they remain in working condition as designed and installed.
- (X) Section 703.1.1.1 shall be adopted and added as follows: *Marking of fire separation assemblies*. All fire-rated assemblies shall be marked at least every 50 feet describing the type and hour rating of the assembly in such locations as to be found by maintenance personnel when servicing the buildings systems. Stencils shall use a minimum one-inch lettering and, where possible, be applied in the locations where penetrations exist.
- (Y) The following requirements are in addition to the requirements in IFC section 804.1.1: The requirements of IFC section 804.1.1 do not apply to natural cut seasonal holiday trees from November 1 through March 1.
- (Z) The following requirements are in addition to the requirements in IFC 901.6: At least once each year, a person having the applicable credential specified in Wis. Admin. Code Ch. Comm 5, shall conduct the inspection, testing and maintenance specified for automatic fire sprinkler systems in NFPA 25.

Note—This section does not preclude noncredentialed individuals from conducting the daily, weekly, monthly, quarterly or semiannual inspection and testing activities for automatic fire sprinkler systems required under NFPA 25 and NFPA 72.

- (AA) Section 903.3.7 shall be adopted and added as follows: *Multiple fire department connections*. Where multiple fire department connections are provided for sprinkler or standpipe systems on the same structure, all such systems shall be interconnected in accordance with NFPA 14.
- (AB) The following requirements are in addition to the requirements in IFC section 904.11.6: Duct and hood systems, including the fire extinguishing system, shall be maintained in accordance with NFPA 96, as referenced in Wis. Admin. Code chs. Comm 61 to 65.
- (AC) Section 905 standpipe systems shall be modified as follows: Any subsection that requires installation class II or class III standpipes shall substitute fire extinguishers and class I connections near outside access doors. Where connections draw supply from the building sprinkler system said supply shall be from a riser feeding an area not adjacent to the door.
- (AD) Section 905.4.1 exception is deleted.
- (AE) Exceptions from sections 907.2.1, 907.2.2, 907.2.3(2.), 907.2.4, 907.2.7, 907.4.1 eliminating the need for manual pull stations are deleted.

- (AF) Section 907.9.3 shall be adopted and added as follows: *Zone map*. A map showing the locations for all devices in a system shall be provided at the control panel and any remote annunciator panels. The zone map shall be plotted on a building layout showing each floor independently. The map shall be displayed in a manner approved by the Chief
- (AG) Section 907.10.3 shall be adopted and added as follows: *False alarms*. Interfering with the proper operation of fire alarm equipment or intentionally giving a false alarm is prohibited.
- (AH) Section 907.17.1 shall be adopted and added as follows: *Notification*. The installing contractor shall notify the code official of all required testing. The code official may require all testing to be witnessed by a member of the fire department.
- (AI) The following note is added to IFC 907.20.5:  
Wis. Stats. § 101.145(3)(b) and (c) addresses maintenance of smoke detectors in residential buildings.
- (AJ) IFC section 909.18 is deleted.
- (AK) The following exception shall be adopted and added to the exceptions in section 1008.10 of the IFC: Seats not secured to the floor are permitted for companions of a person with a disability.
- (AL) The following language shall be substituted for section 1010 of the IFC: The entire means of egress system shall remain clear and unobstructed continuous to the public way or safe dispersal area at all times. All components of the means of egress system shall be maintained to remain in compliance with the building and illumination codes in effect at the time of construction.
- (AM) The following requirements are in addition to the requirements in IFC section 1410.1: *Access to construction areas*.
- (1) *Design*.
    - (a) Access roadways shall be extended to within 30 feet of the closest edge of the building.
    - (b) Access roadways shall have not less than 20 feet of unobstructed width and a minimum of 13 feet six inches of vertical clearance.
    - (c) Access roadways in excess of 300 feet in length shall be provided with approved provisions for a turnaround adequate for emergency vehicles.
    - (d) A driving surface of at least road base quality gravel shall be maintained at all times in order that all weather integrity is assured. The road base shall be capable of supporting the imposed loads of fire apparatus.
  - (2) *Maintenance*. During winter months, roads shall be maintained by the developer to include proper and timely snow removal.



- (3) *Penalty for noncompliance.* Failure to comply with these requirements shall result in revocation of building permits or refusal to issue permits or the issuance of citations pursuant to Section 13-79.
- (AN) The following requirements are in addition to the requirements in IFC section 2703.5: *Hazardous Material Identification*
- (1) *Identification signs required.* Buildings, storage trailers, stationary tanks, areas and rooms of buildings that contain a hazardous material shall be identified with signs in accordance with this section. Signs shall be maintained at all times and shall be located as directed by the Chief Signs shall be durable, weather resistant and unobstructed
- (2) *Exemptions.* The following are not required to be identified with a sign:
- (a) Buildings used primarily for a retail trade activity that do not store or sell hazardous materials in quantities to present an unusual hazard to first responders.
- (b) Doors that directly access a laboratory shall be identified with a notice at least 8.5 inches by 11 inches in size. The notice shall contain at least the laboratory emergency information as specified in Table B.
- (3) *Building identification.* A sign at least 2½ inches square with no numbers shall be conspicuously placed on or near all of the exterior building exit doors to identify the building to the public safety department as a labeled building. A sign at least 7½ inches square with the required identification numbers indicating the highest number of the most hazardous material for each hazard shall be conspicuously placed on or near the exterior door closest to the hazardous material.
- (4) *Room identification.* Doors that directly access a room or area that contains a hazardous material shall be identified with a numbered sign at least 7½ inches square. In any room or area that has more than one hazardous material, the sign shall list the highest number of the most hazardous material for each hazard. The sign shall be placed on the door or as designated by the director.
- (5) *Tank identification.* A sign at least 7½ inches square with the required identification numbers shall be placed on each individual tank in such a manner so that the sign is clearly visible on two sides.
- (AO) Section 2703.5.2 shall be adopted and added as follows: *Building identification.* A hazard identification sign at least 12 inches square shall be affixed to the side of the structure that has the primary fire vehicular access. The sign shall have the identification numbers indicating the most hazardous material for each category. The sign shall be displayed in a location approved by the code official.
- (AP) That the limits referred to in Section 3204.3.1.1 are hereby established shall not exceed a water capacity of five gallons per site.
- (AQ) Section 3301.1.3 Exception (4) shall be deleted and replaced with: The possession, storage, sale, handling, and use of caps (less than one-fourth grain of explosive mixture), toy snakes (without mercury), sparklers (not exceeding 0.25-inch outside diameter), paper confetti or streamer devices, noise makers not exceeding three grams (without explosion, spark, or external flame)

- (AR) Section 3301.2.2.1 shall be adopted and added as follows: No person who sells, stores, or uses fireworks shall do so within 100 feet of any dwelling, public assemblage, or any facility, which sells flammable liquids in quantities exceeding one gallon.
  
- (AS) Section 3301.2.4 shall be deleted and replaced with: *Financial responsibility*. Before a permit is issued, as required by section 3301.2, the applicant shall file a corporate surety bond in the minimum principal sum of \$2,000,000.00 bodily injury and property damage, naming the city and its agents as additional insured. Said insurance shall indemnify and defend the city, its officers, employees, and agents against all claims, liability, loss, damages, or expenses, whether caused by or contributed to by any negligence of the Village, its officers, employees, or agents. Proof of insurance shall be submitted to the Chief at the time of the permit application.

**13-3-79 Penalty**

Except as otherwise provided, any person who shall violate any provision of this article or any regulation, rule or order made hereunder shall be subject to a penalty as provided in Chapter 1, Section 1-13.