CHAPTER 5

FIRE DEPARTMENT AND FIRE PREVENTION
(Repealed and Recreated Ordinance #2637 – 10/6/08)

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5.100 COMPOSITION OF FIRE DEPARTMENT. (1) MEMBERS. The Fire Department of the City shall consist of as many companies and personnel as deemed advisable according to recognized standards of fire department operations, as follows:

(a) Fire Chief

(b) Deputy Fire Chief

(c) District Fire Chiefs and Battalion Chiefs

(d) Captains and Lieutenants

(e) Motor Pump Operators

(f) Firefighters

(2) OFFICERS. The Fire Chief shall appoint or promote Deputy Chiefs, District Chiefs, Battalion Chiefs, Captains, Lieutenants, Motor Pump Operators and other officers as shall be necessary to allow for orderly operation of the Fire Department after written and oral examinations. Appointments are subject to approval of the Police and Fire Commission.

(3) RESIDENCY. Except as stated in sec. 1.14 of this Code, residency for all members of the Fire Department shall be in accordance with the current labor agreement.

5.101 FIRE CHIEF. (1) APPOINTMENT. See sec. 1.14 of this Code.

(2) POWERS AND DUTIES. (a) The Fire Chief shall enforce the Wisconsin Statutes, the Wisconsin Administrative Code and this Code in matters relating to fire prevention and protection within the City.

(b) He shall establish a chain of command and assign duties to the officers of the Fire Department.

(c) He is the general manager of the Fire Department and is responsible to the Police and Fire Commission as to personnel matters and to the City Administrator and the Common Council as to fiscal matters.

(d) He shall make appropriate recommendations regarding desirable fire protection and fire prevention measures.

(e) He may establish department rules. He shall furnish all members of the Fire Department with copies of the Fire Department rules and of any general written orders that may be issued regarding the operation of the Fire Department.

(f) He shall be responsible for the appointment and assignment of Fire Department personnel to their duties and shall see that these duties are properly performed.

(g) He shall assign the training officer, fire prevention officer, the maintenance officer and such other officers as he deems necessary. He may also assign a Fire Department clerk.

(h) He shall see that order and discipline are maintained.

(i) He shall be responsible for preparing the annual budget and for the proper expenditure of funds as prescribed in the fiscal policy of the City.

(j) He shall submit to the Common Council in February of each year a report showing the statistical condition of the Fire Department.

(k) He shall maintain a personnel roster of all Fire Department members, providing essential information including age, address, date of appointment, assignments, injuries, training and fire attendance records.

(l) He shall be in overall charge of all firefighting and emergency operations, assisted by the permanent officers. When available, he shall respond to all alarms for structural fires and to other serious fires within the City.

(m) He shall take such disciplinary action against subordinates as he shall deem necessary and may file charges against subordinates with the Police and Fire Commission when he deems more severe disciplinary action is warranted.

(n) He shall have control over and be responsible for all apparatus and equipment used by the Fire Department. In the event emergency repairs are necessary, the Fire Chief may authorize such repairs.

(o) He shall maintain an up-to-date library or file publications on fire prevention and fire protection.

(p) He may authorize or designate subordinates to exercise or perform any of his powers or duties under this chapter.

5.103 POWERS AND DUTIES OF OFFICERS. Officers, as designated in sec. 5.100(2) of this subchapter, shall assist the Fire Chief in the discharge of his duties. In the event of the Fire Chief's absence or inability to act, Officers, respectively in the order named in sec. 5.100(2), shall have all the powers of the Fire Chief.

5.104 BUREAU OF FIRE PREVENTION, PROTECTION AND INVESTIGATION. (1) There is hereby created and established a Bureau of Fire Prevention, Protection and Investigation, hereinafter referred to as the Bureau, which shall be operated under the supervision of the Fire Chief.

(2) The Fire Chief shall appoint sworn members of the Fire Department or qualified civilians to the Bureau who shall act as the City Fire Inspectors. A Captain assigned to the

Bureau will oversee the Bureau's day to day functions, consulting with the Fire Chief as necessary. Appointed members of the Bureau shall have the powers to enforce all applicable regulations, rules, codes and standards as adopted or established in this Code.

(3) The Fire Chief may recommend to the Common Council the employment of technical experts.

(4) It shall be the duty of the Fire Chief and personnel of the Bureau to enforce the rules and regulations of this chapter and all other laws, lawful orders and ordinances relating to the following: (a) The prevention of fires.

(b) The storage, sale, use and handling of flammables, combustibles and explosives.

(c) The installation and maintenance of fire alarm systems and fire protection equipment, appliances and devices.

(d) The maintenance of fire escapes.

(e) The adequacy and maintenance of exits from all buildings, structures or other places in which people live, sleep, work or congregate for any purpose.

(f) The investigation of the origin, cause and circumstances of all fires.

(5) The senior officer of the Bureau shall file the following reports: (a) A monthly report of the activities of the Bureau shall be made and transmitted to the Fire Chief and shall contain statistics and other information as may be required by the Fire Chief.

(b) An annual report containing all information on matters regulated by this chapter together with statistics and such other information as may be required by the Fire Chief.

(c) Reports as may be required by the State Department of Commerce.

(6) The Bureau shall perform such other duties as are required by the Fire Chief.

5.105 FIRE INSPECTORS, DUTIES OF. (1) It shall be the duty of the Fire Inspectors to inspect, as specified by the State Department of Commerce or this Chapter, all buildings, premises and thoroughfares within the City for the purpose of noting and causing to be corrected any condition that may cause fire.

(2) The Fire Inspectors shall make investigations for the purpose of issuing permits in accordance with this chapter and the regulations of the State Department of Commerce for the storage and handling of explosives and flammable and combustible liquids within the City.

(3) Whenever in the City any inspection by the Fire Chief or Fire Inspectors reveals a fire hazard, the Fire Chief or Fire Inspectors shall serve notice in writing upon the owner and/or occupant of the property giving said owner and/or occupant a reasonable time to comply with the law. In the event the fire hazard is not corrected within the time allowed, it shall be deemed a nuisance and the Fire Chief or Fire Inspectors may authorize the removal or correction by the City and the cost of such removal or correction shall be recovered by the City from the owner or occupant of the property as provided in sec. 10.06 of this Code.

(4) The Fire Chief or Fire Inspectors shall keep a permanent record of each property inspected in accordance with the requirements of the State Department of Commerce.

(5) The Fire Chief or Fire Inspectors shall review all plans for new buildings or modifications of buildings and advise owners regarding fire protection requirements and the elimination of fire hazards.

(6) The Fire Chief or Fire Inspectors shall conduct a fire prevention educational program to reach all residents, including Fire Department personnel, school children, churches and civic groups.

(7) The Fire Chief or Fire Inspectors shall assist all citizens of or property owners in the City with their fire protection problems on request. This shall include advice on maintenance of private fire protection equipment, including fire extinguishers and automatic sprinklers.

5.106 [Reserved]

5.107 [Reserved]

5.108 [Reserved]

5.109 POLICE POWERS. (1) The Fire Chief, or the officer in command at any fire, shall have full and complete police authority at fires. Any officer of the Fire Department may cause the arrest of any person failing to give the right of way to the Fire Department in responding to a fire.

(2) The Fire Chief, or the officer in command at any fire, may prescribe certain limits in the vicinity of any fire within which no persons, except firefighters, police officers and those admitted by order of the Fire Chief, or the officer of the Fire Department, shall be permitted to enter.

5.110 BYSTANDERS MAY BE CALLED TO ASSIST AT FIRES. It shall be lawful for the Fire Chief, or the officer in command at any fire, to require any bystander at any fire to render such reasonable aid as shall be necessary.

5.111 AUTHORITY TO ENTER ADJACENT PREMISES. It shall be lawful for any firefighter, while acting under the direction of the Fire Chief, or the officer in command

at any fire, to enter upon the premises adjacent to or in the vicinity of any building on fire for the purpose of extinguishing such fire.

5.112 RESISTANCE TO FIREFIGHTERS PROHIBITED. No person shall willfully hinder or resist a firefighter in the discharge of his duty, nor shall any person willfully injure, in any matter, any hose, fire engine or other apparatus belonging to the City.

5.113 INVESTIGATION OF FIRES. The Fire Chief or any authorized officer of the Fire Department shall investigate the cause, origin and circumstances of every fire occurring within the City. Such investigation shall begin immediately upon the occurrence of such fire and, so far as possible, shall determine whether the fire was the result of accident, carelessness or design. If it appears that the fire is of suspicious origin, the Fire Chief shall immediately make a preliminary determination of fact, shall take charge of the physical evidence, shall notify the proper State authorities designated by law to pursue the investigation of such matters and shall cooperate with the authorities in the collection of evidence and in the prosecution of the case. The Fire Department may also seek the assistance of the City's Police Department for fire cause investigations in accordance with a memorandum of understanding between the Fire Department and the Police Department.

5.114 FALSE FIRE ALARMS PROHIBITED. It shall be unlawful for any person to intentionally give, or cause to be given, a false fire alarm.

5.115 TAMPERING WITH FIRE ALARM SYSTEMS PROHIBITED. It shall be unlawful for any person to tamper, meddle or interfere in any way with any fire alarm system or device, or any part thereof, or to make any connection therewith so as to interfere with the proper working of said system or to injure, break or destroy any machinery or fixture connected with such system except to report a fire.

5.116 CROSSING FIRE HOSE PROHIBITED. No person, without the consent of the Fire Department official in command, shall drive a vehicle over any unprotected hose of the Fire Department when such a hose is laid down on any street or private driveway.

5.117 REMOVAL OF PROPERTY AND SHUTTING OFF UTILITIES. (1) The Fire Chief, or the officer in command at any fire, shall have the authority to cause the removal of any property whenever necessary for the preservation of such property from fire, or to prevent the spread of fire or to protect adjoining property.

(2) The Fire Chief, or the officer in command at any fire, shall have the authority to order the shutting off of all utilities.

5.118 SECURING FIRE DAMAGED BUILDINGS. All dwellings, buildings and structures damaged from fire shall be secured within twenty-four hours after the fire. The owner of the damaged property shall be responsible for securing the building for the protection of the public.

5.119 LIABILITY FOR DAMAGES. No section of this Code shall be construed to diminish the responsibility or liability of any persons owning, operating, or installing equipment for damage to persons or property caused by any defect therein nor shall the City, its employees or agents be held as assuming such liability by reason of the inspection or re-inspection of such equipment as authorized by this Code or any permit issued for such equipment or by reason of the disapproval or approval of any equipment pursuant to this Code. No section of this Code shall be construed to hold the City responsible for any damage to persons or property by reason of any action, advice or authorization issued or taken hereunder.

5.120 APPEALS. Any person aggrieved by any decision of the Fire Chief under this chapter may appeal the decision of the Fire Chief to the Fire Prevention Board within 30 days from the date of the decision of the Fire Chief. The reason for the appeal shall be stated in writing and the required appeal fee must be paid.

5.121 FIRE PREVENTION BOARD. (1) MEMBERSHIP. The Fire Prevention Board shall consist of 5 members including one Plan Commission member, two people experienced in fire prevention and two citizens. No member of the Fire Prevention Board may be currently employed by the Fire Department. All members shall be appointed by the Mayor subject to confirmation by the Common Council for staggered 3 year terms. The Fire Prevention Board shall appoint one of its members to act as Chairman.

(2) POWERS AND DUTIES. The Board shall hear appeals from decisions of the Fire Chief as provided in sec. 5.120 above and shall meet upon call of the Chairperson or the request of the Fire Chief regarding fire prevention matters.

SUBCHAPTER II: FIRE PREVENTION

5.200 GENERAL PROVISIONS. (1) INTENT. It is the purpose of this subchapter to provide the City with regulations to improve public safety by promoting the control of fire hazards and life safety; regulating the installation, use and maintenance of equipment; regulating the use of structures, occupancies and open areas; providing for the removal of fire hazards; establishing the responsibilities and procedures for code enforcement; and to set the minimum standards for compliance and achievement of these objectives.

(2) SCOPE. (a) General. The provisions of this Code shall apply to all public places and places of employment unless exempt.

(b) Exempt Buildings. The following buildings and uses are not public places or places of employment and are not subject to the provisions of this code:

1. Single-family and two-family dwellings.

2. Buildings used exclusively for farming as described in sec. 102.04(3), Stats.

(3) APPLICATIONS. (a) The provisions of this Code shall apply equally to public and private property, to all structures whether existing or new and to the owner of the property as well as the occupant.

(b) The provisions of this code shall apply equally to new and existing conditions. Conditions that are noncompliant with the terms of this subchapter at the time of adoption are permitted to continue where the condition does not constitute a distinct hazard to life or adjoining property as determined by the Fire Chief.

(c) Nothing contained in this section shall be construed as applying to the transportation of any article or thing shipped in conformity with the regulations prescribed by the Interstate Commerce Commission or as applying to the military forces of the United States.

(4) ADDITIONS TO, CHANGE OF USE OR REMODELED BUILDINGS. Requirements for additions to, change of use or remodeling of buildings shall follow the requirements of the latest printed version of the International Building Code and/or International Existing Building Code.

(5) RIGHT OF ENTRY. (a) The Fire Chief or any Fire Inspector may, at all reasonable hours, with consent of the owner, the owner's authorized agent, the occupant or in emergency situations as determined by the Fire Chief, enter any building or premises except the interior of private dwellings within the City for the purposes of making any inspection or investigation which, under the provision of this subchapter he deems necessary.

(b) An owner or occupant of any premises who refuses to permit, prevents or interferes with the right of entry granted herein is in violation of this chapter.

(c) When the right of entry has been denied by the property owner or occupant, in cases other than emergencies, the Fire Chief or Fire Inspector shall obtain a warrant prior to entering the premises, or any portion thereof, other than those portions open to the public, in accordance with Sec. 66.0119, Stats., for the purpose of completing the inspection or investigation.

(6) INSPECTION OF BUILDINGS AND PREMISES. The Fire Department shall inspect, or cause to be inspected, all buildings as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or any violations of the provisions or intent of this subchapter and any other ordinance affecting fire hazards and to insure compliance in all phases of assembly with all laws, regulations and orders dealing with overcrowding, use of decorative materials, maintenance of exit ways and maintenance of fire alarm and fire detection systems, and fire extinguishing systems and appliances.

(7) ENFORCEMENT. (a) Whenever the Fire Chief, any Officer or Fire Inspector discovers in any building or upon any premise dangerous conditions or fire hazards, as listed below, he shall order such conditions or materials removed or remedied in such manner as he may specify. 1. Dangerous or unlawful amounts of flammable, combustible or explosive material.

2. Hazardous conditions arising from defective or improperly installed equipment for handling or using flammable, combustible or explosive material.

3. Dangerous accumulations of rubbish, waste paper, boxes, shavings, or other highly flammable materials.

4. Accumulations of dust, grease, or waste materials in ventilation systems, exhaust ducts or vent hoods.

5. Obstructions, including but not limited to snow, to or in fire escapes, stairs, passageways, doors, or windows likely to interfere with the operation of the Fire Department or egress of occupants during a fire.

(b) Any building, structure or premises in violation of this subchapter or which, for want of repairs; lack of exit facilities, fire alarm apparatus or fire extinguishing equipment; by reason of age or dilapidated condition; or from any cause, creates a fire hazard, the Fire Chief or any Fire Inspector may order the same to be removed or remedied within the time period designated in such order. Such order shall be complied with by the owner or the occupant of such structure, premises or buildings subject to appeal to the Fire Chief within 24 hours of receipt of such order. Any owner or occupant failing to comply with such order within the period of time designated in said order is in violation of this chapter.

(c) Conditions that are highly or immediately hazardous to life or safety of the occupants of any building, structure or premises shall be corrected within 24 hours unless a shorter time period is deemed feasible by the Fire Chief or Fire Inspector. All other violations shall be corrected within a specified time or date, as reasonably determined by the Fire Chief or Fire Inspector.

(d) When a property owner fails to comply with an order of the Fire Chief or Fire Inspector the City may do the work ordered, in accordance with Chapter 10 of this Code, and the cost of such work shall be assessed against the real property as a special charge.

(8) SERVICE OF ORDERS. (a) The service of orders for the correction of violations of this subchapter shall be made to any person in charge of the premises that is responsible for the conditions, either by delivering a copy of same to such person or by delivering the same to and leaving it with any person of suitable age and discretion in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the premises. Whenever it may be necessary to serve such an order upon the owner of the premises, such order may be served either by personally delivering the order to the owner or by mailing the order by registered mail to the owner's last known post office address.

(b) If the building or other premises are owned by one person and occupied by another under a lease or otherwise, the orders issued in connection with the enforcing of this subchapter may apply to the occupant in addition to the owner, except where the regulation or orders require the making of additions or changes in the premises, themselves, which would become affixed to the real estate and be the property of the owner of the premises; in such cases the regulations or orders shall affect the owner and not the occupant.

(9) MODIFICATIONS. Provided that the intent of the Code is observed, public safety secured, and substantial justice done, the Fire Chief may modify any requirements of this Fire Prevention Code upon written request by the owner or occupant of a property, or a duly authorized agent of the owner or occupant, when there are practical difficulties in complying with the Code. (a) The particulars of such modification requests and the decision of the Fire Chief thereon shall be documented in writing and maintained in the records of the Department and a signed copy of the Fire Chief's decision shall be furnished to the person requesting the modification.

(b) The Fire Chief may require tests as proof of compliance with the intent of this Code. Such tests are to be made by an approved agency at the expense of the person requesting the modification.

(c) If technical expertise necessary to issue a decision on a modification request is unavailable within the Fire Department because of new technology, processes, products, facilities, materials or uses attending design, operation or use of the building or premises subject to the modification request, the Fire Chief may require the person making

the modification request to provide, without charge to the Fire Department, a technical opinion and report prepared by a qualified engineer, specialist, laboratory or fire safety organization acceptable to the Fire Chief. The technical opinion and report shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, and prescribed the necessary recommended changes, if any. The Fire Chief may also hire its own qualified consultant for technical assistance, the cost of which shall be reimbursed by the person requesting the modification.

5.201 DEFINITIONS. Unless otherwise expressly stated, the following terms shall, for the purpose of this subchapter, have the following meaning: (1) AHJ or AUTHORITY HAVING JURISDICTION. If a code, standard or regulation that is adopted by this Chapter uses the term "AHJ" or "Authority Having Jurisdiction," for purposes of this Chapter those terms shall mean the Fire Department.

(2) APPROVED AGENCY. An agency generally accepted as experts in fire prevention such as Underwriters Laboratories, Inc., the National Bureau of Standards, the American Gas Association Laboratories or other nationally recognized testing agencies.

(3) FALSE ALARM. An alarm of fire when no fire exists.

(3) KEY LOCK BOX. A steel key vault, mounted on a building in a location that is accessible from the outside of the building, that contains keys to access the building as required by sec 5.223(11).

(4) REMODEL. To change any building or structure in such a way that affects the structural strength, internal circulation, or exits of the existing building or structure or that creates a fire hazard. Remodeling does not include maintenance, re-roofing, or alterations to the heating and ventilating or electrical system.

(5) TRAVEL DISTANCE. The distance a fire apparatus travels while laying out fire hose on a paved surface capable of supporting said fire apparatus.

5.202 INCORPORATION OF STANDARDS BY REFERENCE. (1) CODES, STANDARDS AND REGULATIONS ADOPTED BY REFERENCE. In addition to other state and national codes, standards and regulations specifically adopted elsewhere in this Chapter, the following codes, standards and regulations are adopted by reference in their entirety. Any violation of the codes, standards or regulations adopted by reference constitutes a violation of this Code. (a) State of Wisconsin Fire Prevention Regulations, Ch. Comm. 14 of the Wisconsin Administrative Code, as updated and revised from time to time.

(b) The most current printed version of the National Fire Protection Association Uniform Fire Code (NFPA 1) legislatively enacted by the State of Wisconsin.

(c) The most current printed version of the International Building Code as adopted by the State of Wisconsin.

(d) The most current printed version of the International Existing Building Code as adopted by the State of Wisconsin.

(2) CONFLICTS. In cases of conflict between this Code and the codes, standards and regulations adopted by reference, the most restrictive provision shall govern.

(3) GOOD OR SAFE PRACTICES. Wherever in this subchapter reference is made to nationally recognized good or safe practice, the intent is that the practice to be followed shall be reasonable and safe, as deemed by the Fire Chief. (a) The Fire Chief, on request of any person affected by any decision as to what constitutes nationally recognized good or safe practice, shall identify the specific provisions of the Fire Prevention Code or other standard publications on which he bases his decision. Any person aggrieved by such decision may appeal to the Fire Prevention Board in accordance with sec. 5.120 of this Code.

(b) Any publications used to determine nationally recognized good or safe practice shall be broadly construed to determine intent, but no provisions contrary to this Code or any of the codes, standards or regulations adopted by reference shall be used as a reference.

(4) The Fire Chief shall maintain in his office, available for public inspection and use during regular office hours, a complete set of all codes, standards and regulations adopted as part of this Chapter and all other publications which he may use as the basis for decisions as to what is nationally recognized good or safe practice.

5.203 PERMITS. (1) Permits required under this chapter are in addition to and not in replace of any other licenses or permits required by federal, state or local law.

(2) APPLICATION. All applications for permits, as required by this chapter, shall be made on the appropriate application form provided by the Fire Department and shall include any plans and other data as the Fire Department may require.

(3) FEES. (a) Fees for permits required under this chapter shall be established and revised from time to time by the Common Council. A schedule of the established fees shall be maintained by the Fire Department .

(b) Double Permit Fees. Fees required in addition to, rather than in lieu of, the penalties established for violations of this chapter. Double Permit Fees shall be charged for failure to obtain a permit.

(4) INSPECTIONS. The Fire Chief or the Bureau shall inspect the property to which any permit applies, with the exception of annual permits, to determine its safety in respect to matters covered by the permit. All permits required by this chapter shall be issued by the Fire Chief or the Bureau upon satisfactory evidence that the intent of this subchapter will be maintained. Nothing in this subsection shall be interpreted to mean that the Fire Chief or the Bureau may not inspect property to which an annual permit applies.

(5) ISSUANCE OR DENIAL OF PERMIT. (a) All applications for permits shall be acted upon promptly. The Fire Chief or the Bureau shall, within 10 business days from the receipt of an application, either issue the requested permit or state in writing to the applicant reasons for not issuing it.

(b) When two or more permits are required for any individual establishment, the Fire Chief or the Bureau shall issue separate permits specifying what items each permit covers.

(6) AVAILABILITY OF PERMIT. Permits shall, at all times, be available for public inspection at the premises covered by the permit.

(7) CHANGE IN CONDITIONS. It shall be the responsibility of a permit holder to notify the Fire Department of any change in the conditions upon which the permit was issued.

(8) RECORD OF PERMITS. The Fire Chief shall maintain a record of all permits issued which shall be open to public inspection as required by secs. 1.80 and 1.81 of this Code.

5.204 ORDER TO INSTALL APPLIANCES. The Fire Chief or the Bureau, upon review of new conceptual or site plans, or upon routine inspections, shall designate and order suitable fire appliances to be installed. Such appliances may consist of fire alarm systems, fire sprinkler systems, standpipe and hose, or fixed or portable extinguishing systems suitable for the probable class of fire. In especially hazardous processes or excessive storage, appliances of more than one type may be required

5.205 FIRE HYDRANTS. (1) PLACEMENT. All fire hydrants shall be set back from the face of curbing in accordance with the City's *Standard Specifications for Public Works Construction*, as updated from time to time.

(2) MAINTENANCE REGULATIONS. The following regulations apply to all fire hydrants. (a) A 3.5 foot working clearance shall be maintained in all directions around the entire fire hydrant. Other than lawn grass, no vegetation may be planted or other obstructions placed or maintained within the working clearance.

(b) No person may place or maintain any obstructions of any kind in front of the large diameter (steamer connection) opening of any fire hydrant.

(c) All fire hydrants shall be painted the color designated by the West Bend Fire Department. Different colors may be designated for different fire hydrants at the discretion of the Fire Chief.

(3) PRIVATE FIRE HYDRANTS. (a) Where Required. Private fire hydrants are required in the following situations: 1. When the front of a building is set back 250 feet or more from the street or highway;

2. When substantial portions of the building (25% and greater is deemed substantial) are more than 300 feet travel distance from a city hydrant; or

3. When any future building plans might also require additional private fire hydrants, as determined by the Fire Department.

(b) Additional Requirements. 1. The minimum water supply for a private fire hydrant shall be no less than 1,250 gallons per minute with a residual water main pressure no less than 20 pounds per square inch.

2. All private fire hydrant water system piping and appurtenances must comply with the most current printed version of NFPA 24.

(c) Inspection, Testing And Maintenance. 1. Private fire water system mains and hydrants shall be periodically inspected, tested and maintained in accordance with West Bend Water Utility guidelines.

2. The owner of a private fire hydrant shall immediately inform the Fire Department and the West Bend Water Utility when the private fire hydrant is damaged, inoperable, or found deficient in required flow.

3. All inoperable private fire water systems or fire hydrants shall be repaired as soon as possible or within a reasonable time frame as determined by the Fire Department.

4. All records of inspections of private fire water systems and fire hydrants shall be maintained on site at the property served by the private fire water system or hydrant and shall be made available to the Fire Department upon request.

5.206 FIRE SPRINKLER SYSTEMS. (1) WHERE REQUIRED. (a) Fire sprinkler systems are required in accordance with the current regulations adopted by the State of Wisconsin Department of Commerce as found in the Wisconsin Administrative Code, as amended or renumbered from time to time, or as required by sec. 5.204 of this Code. An approved fire sprinkler system shall be installed and maintained in accordance with the requirements of NFPA 101 (also known as the Life Safety Code), NFPA 13, NFPA 13R, NFPA 13D and NFPA 25.

(b) The owner of any building being renovated that has an existing fire sprinkler system required by state or local code shall bring the entire building's fire sprinkler system into current code compliance in accordance with the International Existing Building Code, as adopted herein.

(c) The owner of any building that changes the occupancy use of that building shall upgrade the existing fire sprinkler system if necessary to meet the current hazard group requirements based upon the occupancy type as defined in the NFPA hazard group.

(d) The owner of any existing building that was not required to have a fire sprinkler system installed at the time of construction because of the intended use of the building, is required to install an automatic fire sprinkler system if the building's use changes resulting in a new intended use hazard classification under the NFPA that requires installation of an fire sprinkler system.

(e) In residential buildings, an effective fire sprinkler system shall be installed to protect a building with a total habitable floor area exceeding 8,500 square feet if the building is used as a place of abode.

(2) PERMIT REQUIRED. A permit is required for the installation of all new fire sprinkler systems or when 15 or more sprinkler heads are added or modified in an existing fire sprinkler system.

(a) Application Procedure. An applicant for a permit under this section shall submit a complete and accurate application to the Fire Department on a form supplied by the Fire Department, together with the engineering plans for the fire sprinkler system and the fee for the permit.

(b) Issuance of Permit. Upon approval of the engineering plans for the fire sprinkler system by the Fire Chief, the Fire Prevention Bureau, or the State of Wisconsin and completion of the application requirements by the applicant, the Fire Chief or the Fire Prevention Bureau shall issue the permit.

(3) ADDITIONAL SYSTEM REQUIREMENTS. (a) System Drain. The fire sprinkler system shall have a drain piped to the outside of the building.

(b) Inspectors Test Valve. The fire sprinkler system shall have an inspector's test valve piped so as to discharge water to the outside of the building.

(c) Residential Occupancies. In multi-family residential buildings without a common interior area, the fire sprinkler system riser shall be located in a separate heated room with direct access from the outside of the building for use by the Fire Department. The design of this adjacent room shall be suitable so as the installation and maintenance of the fire sprinkler system can be achieved.

(d) Monitoring. New fire sprinkler systems shall be monitored by an off-site central station monitoring service that is permitted to operate in the City of West Bend.

(e) Outside Notification. The fire sprinkler system shall have a horn/strobe located above the Fire Department connection (FDC), as defined in NFPA 13.

(f) FDC Location. The location of the FDC shall be no more than 150 feet travel distance to a water supply. The FDC shall be located on the front of the building or another location on the building acceptable to the Fire Chief or Bureau.

(4) SYSTEM ACCEPTANCE REQUIREMENTS. The installer of a fire sprinkler system shall provide a minimum of 2 business days notice to the Fire Department prior to the performance of any inspection or test to the system. (a) Underground Pipe Test. The underground water main supplying the fire sprinkler system shall be flushed in the presence of a member of the Fire Department.

(b) Installation Inspection. The installation of all sprinkler piping, heads and risers shall be inspected by a Fire Inspector before being covered.

(c) Final Acceptance Test. All newly installed fire sprinkler systems or existing fire sprinkler systems in which 15 or more fire sprinkler heads are added or modified, shall be hydrostatically tested in the presence of a Fire Inspector. The test shall include flows from the main drain, fire flow test and the inspector's test drain.

(5) INSPECTION, TESTING AND MAINTENANCE. (a) All fire sprinkler systems shall be periodically inspected, tested and maintained in accordance with NFPA 25. A person or company holding tester credentials issued by the State of Wisconsin shall perform the annual tests. Nothing in this section precludes the owner or occupant of the building from performing the daily, weekly, monthly, quarterly or semi-annual visual/testing requirements as required by NFPA 25.

(b) The owner or occupant of a building containing any required fire sprinkler system shall maintain the system in an operative condition at all times which includes periods where the building may not be occupied.

(c) The occupant or owner of a building shall notify the Fire Department immediately when the building's fire sprinkler system is rendered out of service for any reason. If the system is out of service for more than 4 consecutive hours in a 24-hour period, the building shall be evacuated or an approved fire watch shall be provided as specified in the current printed version of NFPA 101 (also known as the Life Safety Code).

5.207 FIRE ALARM SYSTEMS. (1) WHERE REQUIRED. (a) Fire alarm systems are required in accordance with the current regulations adopted by the State of Wisconsin Department of Commerce as found in the Wisconsin Administrative Code, as amended or renumbered from time to time; as required by sec. 5.204 of this Code; and as required by NFPA 101 (also known as the Life Safety Code).

(b) The owner of any building being renovated that has an existing fire alarm system required by state or local code shall bring the entire building's fire alarm system into current code compliance in accordance with the International Existing Building Code, as adopted herein.

(c) The owner of any building who replaces the existing fire alarm panel shall also update or add fire alarm detection and notification devices for the entire building in accordance with the requirements for new fire alarm system installations.

(d) The owner of any existing building that was not required to have a fire alarm system installed at the time of construction because of the intended use of the building, is required to install a fire alarm system if the building's use changes resulting in a new intended use hazard classification under the NFPA that requires installation of a fire alarm system.

(e) As determined by the Fire Chief or Fire Inspectors.

(2) PERMITS REQUIRED. The permit requirements of this subsection do not apply to buildings that are single-family and two-family residential dwellings. (a) Installation Permit. No person may install or replace a fire alarm system until an installation permit has been issued by the Fire Department. 1. Each fire alarm system installation shall be assessed a fee, in accordance with the fee schedule, based upon the number of smoke and heat detectors required for the system.

2. An applicant for a permit under this section shall submit a complete and accurate application to the Fire Department on a form supplied by the Fire Department together with the engineering plans for the fire alarm system, the fee for the permit, and copy of a minimum one year signed contract for monitoring services with an alarm monitoring company licensed under sec. 5.208.

3. Upon approval of the engineering plans for the fire alarm system by the Fire Chief, the Fire Prevention Bureau, or the State of Wisconsin, and completion of the application requirements by the applicant, the Fire Chief shall issue the permit.

4. After installation, the fire alarm system must be inspected and accepted by the Fire Department as compliant with this chapter and the engineering plans submitted with the installation permit application.

(b) Annual Permit. An annual permit is also required for all monitored fire alarm systems.

(3) ADDITIONAL SYSTEM REQUIREMENTS. The following minimum system requirements shall be met for all fire alarm systems: (a) Duty to Maintain. The permittee shall be responsible for maintaining the fire alarm system in proper working order at all times.

(b) Duty to Respond to Alarm. The permittee or his designee, as identified to the Fire Department on the permit application, shall respond for the purpose of resetting the alarm when the fire alarm system is activated.

(c) Monitoring. All monitored fire alarm systems, regardless of whether the monitoring is required by law, shall be monitored at all times by a fire alarm company permitted to do so under sec. 5.208 of this Code.

(d) Responsibility for Costs. The permittee shall be responsible for all costs related to the Fire alarm system, its monitoring, and relaying alarms to the Fire Department.

(e) Out of Service Alarm. 1. The permittee shall give the Fire Department notice immediately if any fire alarm is out of service due to malfunction.

2. The permittee shall give the Fire Department advanced notice if any fire alarm is to be out of service due to maintenance, repair, testing, disconnection, termination of monitoring, or any other anticipated reason.

3. The notice required under this section shall give the reason for the fire alarm being out of service and the anticipated length of time the alarm will be out of service.

4. When a fire alarm has been out of service, the permittee shall notify the Fire Department immediately when the alarm is back in service.

(f) Status Panel. Fire alarm systems shall display at a panel the device(s) activating the fire alarm system and capable of indicating the status of all specific components connected to the system.

(g) Annunciators. Fire alarm annunciators shall be installed in all protected premises. The number of and locations of the fire alarm annunciators installed must be approved by the Fire Department.

(h) Additional Notification Devices. As determined by the Fire Department, additional notification and/or initiation appliances or devices may be required due to size, occupancy hazards, building construction, and/or occupancy use.

(i) Automatic Dialing Alarm Systems Prohibited. No person shall install any device that, when activated automatically, dials the Fire Department and repeatedly gives a recorded message.

(4) REVOCATION. (a) The Fire Chief may revoke a permit issued under this section if the fire alarm system repeatedly actuates false alarms without any corrective action by the permittee to repair the system.

(b) When a fire alarm system permit is revoked, the Fire Chief or Fire Prevention Board shall order the disconnection of the fire alarm system and that the building be brought into compliance with this Code.

(5) SYSTEM ACCEPTANCE REQUIREMENTS. The installer of a fire alarm system shall provide a minimum of 2 business days notice to the Fire Department prior to the performance of any inspection or test to the system. At the time the alarm system is accepted by the Fire Department, the installer of the fire alarm system shall make available to the Fire Department a fire alarm system completion report.

(6) INSPECTION, TESTING AND MAINTENANCE. (a) All buildings or portions of buildings containing fire alarm systems, whether required by this Code or not, shall be maintained in good working order and tested annually by a qualified fire alarm company as required by NFPA 72. Records of this testing shall be located by the fire alarm control panel and be made available to the Fire Department upon request.

(b) All fire alarm systems, whether required by this Code or not, shall undergo quarterly testing every year. Records of the testing shall be located by the fire alarm control panel. The testing shall involve the activation of either a smoke detector or pull station which shall cause the building's fire alarm horn and/or strobe units to activate.

(c) The occupant or owner of a building shall notify the Fire Chief or Fire Department immediately when the building's fire alarm system is rendered out of service for any reason. If the system is out for more than 4 consecutive hours in a 24-hour period, the building shall be evacuated or an approved fire watch shall be provided as specified in the current printed version of NFPA 101 (also known as the Life Safety Code).

(7) FALSE ALARMS. (a) False Alarm Fee. After the fire alarm system has been installed for 90 days, the permittee shall be subject to an $850 false alarm fee for each subsequent false alarm after the first unexcused false fire alarm in a calendar year. False alarms fees may be waived by the Fire Chief if the permitee can demonstrate the fire alarm system was properly maintained and serviced in accordance with NFPA 72 or that the false alarm was not the result of negligence on the part of the permittee.

(b) Collection of False Alarm Fee. False alarm fees shall be billed to the permittee, and, if not timely paid, may be placed on the tax roll as a special charge pursuant to sec. 66.0627, Wis. Stats.

(8) LIMITATION OF LIABILITY. The City accepts no liability for any defects in any fire alarm system or any transmission malfunctions or delays.

5.208 FIRE ALARM MONITORING COMPANY PERMIT. (1) PERMIT REQUIRED. No person may provide fire alarm monitoring services for fire alarm systems without an annual permit from the Fire Department.

(2) ISSUANCE OF PERMIT. The permit shall be issued after approval of the application, including a contact sheet, by the Fire Chief or the Fire Prevention Bureau and the payment of the permit fee.

(3) OPERATIONAL REQUIREMENTS. (a) The permittee shall meet all fire alarm monitoring central station requirements in accordance with NFPA 72.

(b) The permittee shall provide service 24 hours per day, 7 days a week.

(c) Notice of all fire alarms must be given to the Fire Department within 20 seconds of the alarm being activated unless advanced written approval is obtained from the Fire Chief.

(d) The permittee shall immediately inform the Fire Department in writing, of any change in the facts, information, or circumstances set forth in the application.

(e) The Fire Department may make unannounced tests or phone calls to check compliance with this section.

5.209 FIRE EXTINGUISHERS. (1) WHERE REQUIRED. Fire extinguishers are required in accordance with the standards, codes and regulations adopted herein.

(2) SUBSTANDARD EXTINGUISHERS PROHIBITED. (a) Only extinguishing devices approved by the Fire Chief may be sold or distributed in the City. In absence of evidence that they are unsafe or unsuitable for their intended use, the Fire Chief shall approve all non-toxic type fire extinguishers that are tested and approved by Factory Mutual Laboratories; Underwriters Laboratories, Inc.; or Underwriters Laboratories of Canada.

(b) The Fire Chief shall order the removal and destruction of any fire extinguishing devices that he finds to be a danger to the safety of the public due to excessive age or lack of proper maintenance. Such determination shall be made in according to standards prescribed by Factory Mutual Laboratories, Underwriters Laboratories, Inc., or Underwriters Laboratories of Canada.

(3) INSPECTION, TESTING AND MAINTENANCE REQUIREMENTS. (a) All fire extinguishers shall be recharged at periodic intervals in accordance with NFPA 10.

(b) Recharging of extinguishers shall only be done by qualified persons who have obtained appropriate certification or training for recharging of fire extinguishers, as determined in the sole discretion of the Fire Chief. The Fire Chief may request a copy of the certification or training record from the person. Proof of this certification or training shall be made available upon the Fire Chief's request.

5.210 FIRE PROTECTION FOR KITCHENS. (1) WHERE REQUIRED. (a) Commercial cooking fire protection systems are required in accordance with the current regulations adopted by the State of Wisconsin Department of Commerce as found in the Wisconsin Administrative Code, as amended or renumbered from time to time, or as required by sec. 5.204 of this Code.

(b) The owner of any building being renovated that has an existing commercial cooking fire protection system required by state or local code shall bring the entire building's commercial cooking fire protection system into current code compliance in accordance with the International Existing Building Code, as adopted herein.

(2) PERMIT REQUIRED. A permit is required for the installation of all new commercial cooking fire protection systems or modification of an existing system.

(a) Application Procedure. An applicant for a permit under this section shall submit a complete and accurate application to the Fire Department on a form supplied by the Fire Department, together with the engineering plans for the commercial cooking fire protection system and the fee for the permit.

(b) Issuance of Permit. Upon approval of the engineering plans for the commercial cooking fire protection system by the Fire Chief, the Fire Prevention Bureau, or the State of Wisconsin and completion of the application requirements by the applicant, the Fire Chief or the Fire Prevention Bureau shall issue the permit.

(3) ADDITIONAL REQUIREMENTS. All commercial cooking fire protection systems must comply with NFPA 17A and NFPA 96.

(4) SYSTEM ACCEPTANCE. After installation, all commercial cooking fire protection systems must be inspected and accepted by the Fire Department as compliant with this chapter and the engineering plans submitted with the permit application. All commercial cooking fire protection systems shall be required to perform a system trip test prior to acceptance by the Fire Department. The installer of the commercial cooking fire protection system shall provide a minimum of 2 business days notice to the Fire Department prior to the performance of any inspection or test to the system.

(5) INSPECTION, TESTING AND MAINTENANCE REQUIREMENTS. All commercial cooking fire protection systems shall be periodically inspected, tested and maintained in accordance with NFPA 1.

5.211 OTHER REQUIRED FIRE PROTECTION SYSTEMS. (1) WHERE REQUIRED. Other types of fire protections systems are required in accordance with Table 13.8 of the NFPA 1.

(2) PERMIT REQUIRED. A permit is required for the installation of any new fire protection system or modification of an existing system.

(a) Application Procedure. An applicant for a permit under this section shall submit a complete and accurate application to the Fire Department on a form supplied by the Fire Department, together with the engineering plans for the fire protection system and the fee for the permit.

(b) Issuance of Permit. Upon approval of the engineering plans for the fire protection system by the Fire Chief, the Fire Prevention Bureau, or the State of Wisconsin and completion of the application requirements by the applicant, the Fire Chief or the Fire Prevention Bureau shall issue the permit.

(3) MONITORING. All other required fire protection systems that are required to be monitored under any provision of this Chapter or the applicable NFPA code section, shall be monitored at all times by a fire alarm monitoring company permitted to do so under sec. 5.208 of this Code.

(4) SYSTEM ACCEPTANCE. After installation, all fire protection systems must be inspected and accepted by the Fire Department as compliant with this chapter and the engineering plans submitted with the permit application. The installer of a fire protection system shall provide a minimum of 2 business days notice to the Fire Department prior to the performance of any inspection or test to the system.

(5) INSPECTION, TESTING AND MAINTENANCE. (a) All fire protection systems shall be periodically inspected, tested and maintained in accordance with NFPA 1.

(b) The owner or occupant of a building containing any required fire protection system shall maintain the system in an operative condition at all times which includes periods where the building may not be occupied.

(c) The occupant or owner of a building shall notify the Fire Department immediately when the building's fire protection system is rendered out of service for any reason. If the system is out of service for more than 4 consecutive hours in a 24-hour period, the building shall be evacuated or an approved fire watch shall be provided as specified in the most current printed version of NFPA 101 (also known as the Life Safety Code).

5.212 STANDPIPES. (1) WHERE REQUIRED. (a) Standpipe systems are required in accordance with the current regulations adopted by the State of Wisconsin Department of Commerce as found in the Wisconsin Administrative Code, as amended or renumbered from time to time, or as required by sec. 5.204 of this Code.

(b) The owner of any building being renovated that has an existing standpipe system required by state or local code shall bring the standpipe system into current code compliance in accordance with the International Existing Building Code, as adopted herein.

(c) The owner of any building that changes the occupancy use of that building shall upgrade the existing standpipe system if necessary to comply with the current hazard group requirements based upon the occupancy type as defined in the NFPA 14 hazard classifications.

(d) The owner of any existing building that was not required to have a standpipe system installed at the time of construction because of the intended use of the building, is required to install a standpipe system if the building's use changes resulting in a new intended use hazard classification under the NFPA that requires installation of a standpipe system.

(2) PERMIT REQUIRED. A permit is required for the installation of all new standpipe systems or modification of an existing system.

(a) Application Procedure. An applicant for a permit under this section shall submit a complete and accurate application to the Fire Department on a form supplied by the Fire Department, together with the engineering plans for the standpipe system and the fee for the permit.

(b) Issuance of Permit. Upon approval of the engineering plans for the standpipe system by the Fire Chief, the Fire Prevention Bureau, or the State of Wisconsin and completion of the application requirements by the applicant, the Fire Chief or the Fire Prevention Bureau shall issue the permit.

(3) ADDITIONAL SYSTEM REQUIREMENTS. (a) The location of standpipe connections shall be in accordance with NFPA 14, shall be unobstructed and shall be acceptable to the Fire Department so that all portions of the building can be reached by a nozzle attached to 150 feet of fire hose.

(b) When required by the Fire Department, an approved standpipe shall be installed as construction progresses on a building or structure such that the standpipe is available for Fire Department use in the top most floors constructed. Temporary standpipes may be provided in place of permanent standpipes during the period of construction if approved by the Fire Department.

(c) The Fire Department connections for the standpipe shall be approved by the Fire Department and shall be placed on a separate riser from the building's fire sprinkler system unless a different configuration is approved by the Fire Chief or the Bureau.

(d) Hose connection types and locations shall be approved by the Fire Department prior to construction.

(4) SYSTEM ACCEPTANCE. All standpipe systems must be inspected and accepted by the Fire Department as compliant with this chapter and the engineering plans submitted with the permit application. The installer of the standpipe system shall provide a minimum of 2 business days notice to the Fire Department prior to the performance of any inspection or test to the system.

(5) INSPECTION, TESTING AND MAINTENANCE. All standpipe systems shall be periodically inspected, tested and maintained in accordance with NFPA 25.

5.213 BUSINESSES AND ACTIVITIES REQUIRING PERMITS. No person shall operate any business or engage in any activity listed below until a permit has been issued by the Fire Chief or the Bureau. (1) Tents and air supported structures.

(2) Hot Work Operations, as define in NFPA 1.

(3) Manufacturing, selling, storing, using or transporting any of the following materials or equipment: (a) Explosives and blasting agents.

(b) Fireworks.

(c) Flammable and combustible liquids.

(d) Liquefied petroleum gas activities including, but not limited to permanent, temporary and cylinder exchange programs.

(4) Outdoor Burning.

5.214 TENTS AND AIR SUPPORTED STRUCTURES PERMIT. (1) STANDARDS ADOPTED. The most current printed version of NFPA 102 is hereby adopted by reference regarding tents and air supported structures.

(2) PERMIT REQUIRED. No tent or air supported structure in excess of 800 square feet shall be erected or occupied except with a permit from the Fire Chief. The permit shall not be issued until a special event permit has been obtained from the City Clerk's office in accordance with Chapter 12 of this Code.

(3) LIMITED OCCUPANCY. No tent or air supported structure shall be occupied or used for a period in excess of 2 months in any one location.

(4) FLAME PROOFING CERTIFICATION REQUIRED. The material of all tents and air supported structures, except ropes and safety nets, shall be adequately flame proofed and tested as required by NFPA 701, as updated and renumbered from time to time. Certification of such testing must be attached to the tent or air supported structure in a visible location.

(5) NO SMOKING. (Am Ord. #2674 – 5/17/10 – Effective 7/5/10). No smoking shall be permitted in any tent or air supported structure that is 800 square feet in area or greater and "No Smoking" signs of suitable size, as determined by the Fire Chief or Fire Inspector, shall be conspicuously posted.

5.215 HOT WORK OPERATIONS PERMIT (WELDING & CUTTING OPERATIONS). This section shall apply to the processes of hot work operations as defined in NFPA 1, Chapter 41.

(1) STANDARDS ADOPTED. The most current printed version of NFPA 51B is hereby adopted by reference regarding hot work operations.

(2) PERMIT REQUIRED. A permit is required for any commercial entity performing hot work operations. An annual permit or a limited time permit is required as determined by the Hot Work Decision Tree found in NFPA 1, Chapter 41.

(3) FIRE CONTROL. Fire control is required in accordance with NFPA 1.

5.216 EXPLOSIVES AND BLASTING AGENTS. (1) STANDARDS ADOPTED. Chapters Comm. 5, 7 and 8 of the Wisconsin Administrative Code, as revised and renumbered from time to time, are hereby adopted by reference regarding explosives and blasting.

(2) PERMIT REQUIRED. A permit is required for the following activities: (a) Manufacturing, possessing, storing, selling or disposing of explosives or blasting agents.

(b) Use of explosives or blasting agents.

(c) Operating a terminal for handling explosives or blasting agents.

(3) BOND REQUIRED. Before a permit required under this section is granted, the applicant for such permit shall file with the Fire Department a bond deemed adequate for the particular circumstances by the Fire Chief. The bond shall be available for the payment of any damages resulting from the applicant's activities involving explosives or blasting agents.

(4) STORAGE. Storage of explosives and blasting agents shall meet the requirements of the most current printed version of NFPA 495.

5.217 FIREWORKS. (1) STATUTES ADOPTED. The provisions of sec. 167.10, Wis. Stats., are hereby adopted and incorporated in this section by reference insofar as they are not in conflict with the remainder of this section. In the event of any conflict between this section and this state statute, whichever provision is stricter shall apply.

(2) FIREWORKS DEFINED. The term "fireworks" shall be defined as provided in 167.10(1), Wis. Stats. The City elects to include within the definition of "fireworks" the devices listed in 167.10(1)(e), (f), and (j) to (n).

(3) SALES REGULATED. No person shall sell, offer to sell, possess with intent to sell, or give away fireworks within the City.

(4) POSSESSION AND USE REGULATED. Except as provided in sec. 167.10(3), Wis. Stats., no person shall possess or use fireworks without a permit issued in accordance with this section.

(5) USER'S PERMIT. (a) As provided in sec. 167.10(3), Wis. Stats., user's permits may be issued for festivals, public or private celebrations after proper application to the Fire Chief on forms provided by the Fire Chief. The permit application must be received by the Fire Chief not less than 30 days prior to the requested date of use.

(b) Before granting any fireworks permit, the applicant shall file with the Fire Chief an indemnity bond or certificate of liability insurance issued by an insurance

company authorized to write such policies in the State of Wisconsin in a form approved by the City Attorney in an amount not less than $2,000,000.00. The City shall be named as an insured in such policy of insurance.

(c) No later than 14 days prior to the scheduled event for which the user's permit is required, the applicant shall submit such proof of training of the applicant's employees as the Fire Chief may require.

(d) The Fire Chief shall issue the permit within 30 days after receipt of all items required for application as specified in this section. The permit shall be subject to such conditions as the Fire Chief determines are appropriate for public safety in accordance with nationally recognized safe practice.

(e) Notice of all user permits issued under this section shall be given to the Police Department at least 7 days before the date of authorized use.

(f) A user permit may not be issued to a person under 18 years of age.

(g) No alcohol beverages, as defined in Ch. 125, Wis. Stats., are permitted in the area for use or possession of fireworks specified in the user permit and no person within such area shall have an alcohol concentration, as defined in Ch. 340, Wis. Stats., in excess of 0.0.

(6) USE OF CERTAIN DEVICES REGULATED. Except as permitted by the permit, no person may use fireworks or devices listed in sec. 167.10(1)(g), Wis. Stats., at a fireworks display for which a permit has been issued if the display is open to the public.

(7) MANUFACTURING OF FIREWORKS. Chapter Comm. 9 of the Wisconsin Administrative Code, as revised and renumbered from time to time, is hereby adopted by reference regarding manufacturing of fireworks.

5.218 FLAMMABLE AND COMBUSTIBLE LIQUIDS. (1) STANDARDS ADOPTED. Chapter Comm. 10 of the Wisconsin Administrative Code, as revised and renumbered from time to time, is hereby adopted by reference regarding flammable and combustible liquids. Permits are required in accordance with the provisions therein.

(2) ISSUANCE OF PERMITS. The Fire Department is responsible for issuing both state and local permits related to flammable and combustible liquids. The Fire Chief shall issue permits for installation and removal of flammable and combustible liquids containers in accordance with Comm. 10 and the provisions of this section.

(3) VIOLATIONS. Any person in violation of this section shall, upon conviction of such violation, be subject to a forfeiture as described below and other costs or penalties as described in sec. 25.04. (a) First Offense. A forfeiture of not less than $50.00 nor more than $500.00.

(b) Second and Subsequent Offenses. A forfeiture of not less than $100.00 nor more than
$500.00.

5.219 LIQUEFIED PETROLEUM GAS. (1) SCOPE. This section shall apply to all storage, installation, handling and use of liquefied petroleum gases, as defined in Chapter Comm. 40 of the Wisconsin Administrative Code.

(2) STANDARDS ADOPTED. The most current printed version of NFPA 54 and NFPA 58 is hereby adopted by reference regarding gas utilization devices such as gas stoves and heaters.

(3) PERMIT. Every new, temporary and cylinder exchange liquefied petroleum gas installation utilizing storage of greater than 100 pounds (24 gallons) or more of gas requires a permit issued by the Fire Department, except for the use of gas with oxygen, the use of gas in gas utility plants, or the use of gas as a motor vehicle fuel and motor vehicle refrigerant. Such permit shall be conspicuously displayed in the vicinity of the storage container or equipment.

(4) STORAGE. Storage shall be in compliance with NFPA 1 and NFPA 58.

(5) VIOLATIONS. Any person in violation of this section shall, upon conviction of such violation, be subject to a forfeiture as described below and other costs or penalties as described in sec. 25.04. (a) First Offense. A forfeiture of not less than $50.00 nor more than $500.00.

(b) Second and Subsequent Offenses. A forfeiture of not less than $100.00 nor more than $500.00.

5.220 OUTDOOR BURNING. (1) PERMITS REQUIRED. (a) Natural Area Controlled Burn.

1. The Fire Chief may issue permits for controlled burns of natural areas if such burns are provided for in a Natural Area Vegetation Management Plan approved pursuant to sec. 11.08(5) of this Code and the owner of the property has written approval for the burn from the Wisconsin Department of Natural Resources.

2. The Natural Area Vegetation Management Plan shall include a site plan indicating the area of the burn, the availability of fire suppression equipment, number of personnel for fire attack, wind direction, temperature, time of burn.

3. Natural area controlled burns are not permitted within 50 feet of any structure.

(b) Special Event Burn. 1. The Fire Chief may issue permits for burning only non- chemically treated wood at special events or under special circumstances

including, but not limited to, ceremonial bonfires, for the preparation of food at special events for which a permit has been obtained in accordance with Ch. 12 of this Code.

2. Plans shall be submitted with the permit application that include a site plan indicating the area of the burn, the availability of fire suppression equipment, number of personnel for fire attack and the number of people expected at the special event

3. Burning must be under constant supervision by a competent, adult person.

4. Special event burns are not permitted within 100 feet of any structure or other combustible materials, and must be immediately extinguished after the special event.

5. Special event burn permits may be issued for construction sites for the burning of non-chemically treated wood in approved appliances for the strict purpose of heating sand in inclement weather.

(c) Standards. The standards for issuing permits under this section shall be established from time to time by resolution of the Common Council upon advice from the Fire Chief and shall be available for public inspection at the office of the Fire Chief.

(d) Revocation. The Fire Chief may revoke a permit issued under this section if atmospheric conditions make such outdoor burning hazardous.

(2) PERMITS NOT REQUIRED. Permits are not required for the following types of outdoor burning: (a) The use of charcoal, electricity, natural gas, or liquid petroleum gas for food preparation in portable broilers, grills or similar appliances.

(b) The following standards apply to all types of properties, except single-family and two-family dwellings.

1. No hibachi, gas fired grills, charcoal grills or other similar devices used for cooking, heating, or any other purpose may be used on any balcony above ground level. Electric ranges, electric grills or similar electrical apparatus approved by Underwriter's Laboratory may be stored and used on balconies above ground level.

2. Storage of charcoal or gas fired grills in excess of 300 square inches on balconies is prohibited. The storage of gas cylinders on balconies shall be limited to 2 pounds.

3. Gas fired and charcoal grills shall not be used under any overhanging portion of a building or within 10 feet of any structure. Gas fired and charcoal grills can be stored on ground level porches or patios, but shall not be used there.

5.221 ELEVATORS. All buildings or structures constructed after the effective date of this section, except single-family and two-family residential occupancies, shall provide access to all floors by at least one elevator of such a size and arrangement to accommodate straight entry of a 24 inch wide and 85 inch long ambulance stretcher in the horizontal, open position. Such elevator shall be identified by the international symbol of emergency medical services (also known as the Star of Life). This symbol shall not be less than 3 inches high and shall be placed inside on both sides of the hoist way door frame.

5.222 FIRE DEPARTMENT APPARATUS ACCESS. Access shall be provided to all buildings and structures for the Fire Department's apparatus in accordance with the minimum requirements found in NFPA 1.

5.223 FIRE PREVENTION AND PRECAUTIONS AGAINST FIRE. In addition to all standards, codes and regulations adopted herein, building owners and occupants shall comply with the following provisions: (1) FIRE DRILLS. Fire exit drills shall be held at monthly intervals in all public and private educational occupancies.

(2) OPEN AIR BURNING PROHIBITED. Except as specifically permitted in this section and section 5.220, no person shall build, light, create or permit any fire outdoors. (a) Subject to the requirements described in paragraph (c) below, only charcoal, electricity, natural gas, liquefied petroleum gas or other substances used in accordance with the manufacturer's instructions may be used for food preparation in portable broilers, grills, and similar appliances.

(b) Subject to the requirements described in paragraph (c) below, only non-chemically treated wood or other substances used in accordance with the manufacturer's instructions may be burned in a fully enclosed device manufactured for the purpose of wood burning, but only if used as recommended by the manufacturer of the device. Fully enclosed means that any openings through which air or other gases may enter or escape are fully covered by spark arresting screens.

(c) Requirements for broilers, grills, appliances and devices under paragraphs (a) and (b) above and the conditions under which they may be used shall be established from time to time by resolution of the Common Council upon advice from the Fire Chief and shall be available for public inspection at the office of the Fire Chief.

(d) This section does not prohibit use of small open flames for welding, acetylene torches, heating tar, safety flares or similar applications.

(e) This section does not prohibit fires set by the Fire Department for practice and instruction of firefighters or for testing firefighting equipment.

(3) SMOKING. (a) For purposes of this section, smoking shall be defined as the possession of a lighted pipe, cigar, cigarette or tobacco in any form.

(b) Where conditions are such as to make smoking a fire hazard the Fire Chief may order the owner or occupant to post "No Smoking" signs of suitable size in each building, structure, room or place in which smoking shall be prohibited. The Fire Chief may designate specific safe locations, if necessary, in any building, structure or place in which smoking may be permitted.

(c) It shall be unlawful for any person to remove any legally required "No Smoking" sign or to smoke in any place where a legally required "No Smoking" sign is posted.

(d) Smoking in places of assembly, as defined in NFPA 101 (also known as the Life Safety Code) is prohibited.

(e) Smoking is prohibited inside of a building or structure while it is under construction.

(4) TORCHES. Any person using a torch or other flame producing device for plumbing or electrical soldering or for removing paint or wallpaper from any building or structure shall provide one approved fire extinguisher or water hose connected to the water supply on the premises where such torch is operated. A competent person shall remain on the premises for one hour after the torch or flame-producing device has been used.

(5) HOT ASHES AND OTHER DANGEROUS MATERIAL. No person may intentionally deposit hot ashes, cinders or smoldering coals or greasy or oil substances susceptible to spontaneous ignition into any combustible receptacle. Metal receptacles, unless resting on a noncombustible stand, in every case shall be kept at least 5 feet away from any combustible wall or partition or exterior window opening.

(6) ACCUMULATIONS OF WASTE MATERIALS. (a) Roofs, courts, yards, vacant lots and open spaces shall be kept free of deposits or accumulations of waste paper, hay, grass, straw, weeds, litter or combustible waste or rubbish of any kind. Except under a Natural Area Vegetation Management Plan approved pursuant to sec. 11.08(5) of this Code, all weeds, grass, vines or other growth located on a property that constitute a fire hazard, shall be cut down and removed by the owner or occupant of the property.

(b) Whenever any owner or occupant of any property neglects or refuses to remove such weeds within 48 hours after written notice requiring the removal of the same is given by the Fire Chief, abatement and penalty may be pursued as provided in sec. 11.08 of this Code.

(7) HANDLING READILY COMBUSTIBLE MATERIALS. Any person making, using, storing or having under his control any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw or combustible waste materials shall, at the close of each day or upon leaving the property unattended for any period of time, cause all such materials which are not compactly baled and stacked in an orderly manner to be removed from the building or stored in suitable vaults or in metal lined, covered receptacles or bins.

(8) STORAGE OF READILY COMBUSTIBLE MATERIALS. (a) No person may store in any building or upon any premises more than 2,500 cubic feet gross volume of combustible empty packing cases, boxes, barrels or similar containers; rubber tires; baled cotton; rubber; cork or other similarly combustible material except as permitted by NFPA 1.

(b) The following items shall not be stored in basements or storage bins of apartments or other multiple family dwellings.

1. Charcoal, except in a metal container equipped with a metal cover.

2. Oily rags or dust mops except in approved self closing metal containers.

3. Flammable liquids of any nature other than motor oils or similar oils in approved containers.

4. Bottle gases Such as propane, acetylene, oxygen or other substances of a similar nature.

5. Gasoline motors and gasoline power equipment such as outboard motors, power lawn equipment, snow blowers, snow plows, motorbikes, motorcycles, etc.

(c) The following items may not be maintained or stored in any building or structure regardless of the occupancy of that building or structure.

1. Dangerous or unlawful amounts of flammable, combustible or explosive material.

2. Hazardous conditions arising from defective or improperly installed equipment for handling or using flammable, combustible or explosive material.

3. Dangerous accumulations of rubbish, waste paper, boxes, shavings, or other highly flammable materials.

4. Accumulations of dust or waste materials in air conditioning systems or of grease in kitchen exhaust hoods and ducts.

(9) MAINTENANCE OF CHIMNEYS AND HEATING APPLIANCES. All chimneys, smokestacks or similar devices for conveying smoke or hot gases to the outer air and the stoves, furnaces, restaurant type cooking equipment, incinerators, fire boxes or boilers to which they are connected shall be constructed and maintained in a safe manner as determined by the Fire Chief or Fire Inspectors.

(10) SPARK ARRESTORS REQUIRED. Any chimney or smoke stack attached to equipment used for heating or supplying power in a commercial building, manufacturing

building or any public building, which equipment uses, in whole or in part, any fuel that may cause the emission of sparks or burning embers from such chimneys or smoke stacks, shall be served by a spark arrestor or any other device to prevent the emission of sparks or embers. Said arresting device must be properly installed during operation and maintained. Buildings used exclusively for single-family and two-family residences are exempt from this section.

(11) KEY LOCK BOX REQUIRED. (a) The Fire Chief shall designate a key lock box system to be implemented within the City and shall have the authority to require all structures and associated businesses within the structure to use the designated system, except that a key lock box is not required on each building if the owner has a group of buildings or shares a key lock box with another building owner such that the key lock box location is not more than 300 feet from the front entrance of the building(s).

(b) All of the following structures and associated businesses within the structure shall be equipped with a key lock box at or near the main entrance of the structure or such other location as approved by the Fire Chief.

1. Commercial and industrial structures protected by an automatic fire alarm system, automatic fire suppression system or secured in a manner that restricts access during an emergency;

2. All multi-family residential structures with a 4-family occupancy or greater, that have restricted access through locked doors and those having a common corridor for access to living units;

3. Government structures and nursing care facilities; and

4. Any other structure as deemed necessary by the Fire Chief.

(c) All existing structures shall comply with this ordinance within 6 months from its effective date.

(d) All newly constructed structures subject to this section shall have the key lock box installed and operational prior to the issuance of an occupancy permit.

(e) The owner or operator of a structure or a business within a structure required to have a key lock box shall, at all times, keep a key(s) in the key lock box that will provide access into the structure or business.

1. The Fire Department will be the only holder of the key that opens the key lock box.

2. The entry key(s) shall be updated as necessary and will be checked as part of fire inspection visits.

3. The owner or operator of a structure or business within a structure required to have a key lock box shall annually provide the Fire Department, on a form provided by the Fire Department, a list of the emergency contacts for use in case of an emergency.

(f) The key lock box shall contain all of the keys listed below.

1. Keys to all locked points of egress, whether located at the interior or exterior of the structure.

2. Keys to all locked mechanical rooms.

3. Keys to all locked elevator rooms.

4. Keys to all elevator controls.

5. Keys to all locked fire alarm panels.

6. Keys to all locked fire suppression systems.

7. Keys to any other areas as required by the Fire Chief.

(g) The key lock box shall be installed at the owner's expense.

(h) The size and type of the key lock box shall be as determined by the Bureau.

(i) Structures that are staffed 24 hours a day by either a front desk person or a caretaker are exempt from the requirements of this sec. 5.223(11).

5.224 REVOCATION OF PERMITS, APPROVALS OR CERTIFICATES. (1) The Fire Chief may revoke any permit, approval or certificate issued under this chapter in any case where he finds that any of the original conditions for issuance have not been maintained, where there has been a change in conditions, where there are repeated violations of this Chapter or where there was any false statement or misrepresentation of any material fact in the application or plans on which the issuance of such permit, approval or certificate was based.

(2) The Fire Chief shall promptly notify the holder of the permit, approval or certificate of the revocation in writing and, if so requested by the holder in writing within 7 days after the mailing of the revocation notice, the effective date of the revocation shall be deferred pending the outcome of the administrative review process described in this subsection. The matter shall then be reviewed by the Fire Chief whose decision including reasons for the decision shall be provided in writing to the holder of the permit, approval or certificate. The written decision of the Fire Chief shall be subject to review by a public

hearing before the Board if requested in writing by the holder of the permit, approval or certificate within 7 days after the mailing of the Fire Chief's written decision. The Board's decision shall also be in writing and is considered a final decision unless appealed to Circuit Court.

5.225 APPROVALS BY THE FIRE CHIEF. (1) With regard to such matters required by this chapter that are subject to the approval of the Fire Chief, the Fire Chief shall issue approvals only for such devices and materials as are suitable for their intended use and provide adequately for safeguarding the lives and safety of the public and for reasonable safety to property.

(2) The Fire Chief shall use as a guide for his decisions on approvals any applicable nationally recognized standards, codes, regulations or published listings of nationally recognized testing laboratories and in any individual case shall, on request, state the basis for his decision.

5.226 PENALTY. Any person who shall violate any provision of this chapter or who shall fail or neglect to comply with any lawful order of the Fire Chief issued pursuant to the provisions of this chapter shall be subject to a penalty as provided in sec. 25.04 of this Code and every day on which such person shall fail or neglect to comply with such order shall be deemed a separate offense.