

## Chapter 17

### FIRES AND FIRE PREVENTION

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#### **17.01 Applicability.**

(1) The provisions of this chapter shall apply equally to new and existing conditions, except where existing conditions not in strict compliance with the terms of this chapter shall be permitted to continue where the exceptions do not constitute a distinct hazard to life or property in the opinion of the Chief.

(2) Nothing contained in this chapter shall be construed as applying to the transportation of any article or thing shipped under the jurisdiction of and in compliance with the regulations prescribed by the United States Department of Transportation (USDOT), nor as applying to the military forces of the United States.

(3) All lawful rules, regulations and orders pertaining to fire prevention of any other lawfully constituted body shall be a part of this chapter as if fully written. Stricter regulations will govern when regulations differ with this chapter.

#### **17.02 Administration and Enforcement.**

(1) This chapter shall be operated under the supervision of the Chief of the Fire Department (hereinafter referred to as Chief).

(2) The Chief shall assign such Department personnel as shall be necessary to enforce the regulations of this chapter. The Fire Chief or his appointed personnel shall inspect or cause to be inspected all premises as provided for in § SPS 314.01 on a periodic basis and shall make such orders as may be necessary for the enforcement of laws and ordinances governing the same for the safeguarding of life and property from fire. "Periodic basis" shall mean all occupancies in the jurisdiction shall be inspected on an annual basis or more frequently as determined by the Fire Chief or his appointed personnel as provided for in § SPS 314.01, Wis. Adm. Code.

(3) The Chief and personnel of the Fire Department shall enforce the regulations of this chapter and all other laws, lawful orders and ordinances relating to the following:

- (a) The prevention of fires.
- (b) The protection of persons and property.
- (c) The storage, sale, use and handling of combustibles and explosives.
- (d) The installation and maintenance of fire alarm systems, fire protection equipment, appliances and devices.
- (e) The maintenance of fire escapes as means of egress.
- (f) The investigation of the cause, origin and circumstances of fires.

(4) Reports.

(a) The Department shall make such reports as may be required by the Wisconsin Department of Safety and Professional Services.

(b) Records of all system inspections, tests and maintenance required by the applicable standards shall be maintained on the premises for a minimum of three years and shall be submitted to the Fire Chief.

(5) Other duties. The Department shall perform such other duties as are set forth in this chapter, the statutes of Wisconsin, lawful orders of the Department of Safety and Professional Services, the ordinances and directives of the Village and all additional duties prescribed by the Village Administrator.

### **17.03 Adoption of National and State Codes.**

(1) Wisconsin Administrative Code. Except as otherwise specifically provided in this chapter, the following chapters of the Wisconsin Administrative Code are hereby adopted by reference and made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutes incorporated herein are considered to be part of this chapter in order to secure uniform statewide regulation.

SPS 307

Explosives and Fireworks

SPS 310	Flammable, Combustible and Hazardous Liquids
SPS 314	Fire Prevention
SPS 316	Electrical
SPS 328	Smoke Detectors and Carbon Monoxide Detectors
SPS 340	Gas Systems
SPS 361 to 366	Commercial Building Code

(2) National Fire Protection Association. The following codes of the National Fire Protection Association (NFPA) are adopted by reference:

- (a) NFPA 231D, Standard for Storage of Rubber Tires.
- (b) NFPA 501A, Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities.
- (c) NFPA 704, Standard System for the Identification of the Hazards of Materials for Emergency Response.

(3) Wisconsin Statutes. The following sections of the Wisconsin Statutes are adopted by reference:

- (a) Section 941.10, Negligent handling of burning materials.
- (b) Section 941.12, Interfering with firefighting.
- (c) Section 941.13, False alarms.

#### **17.04 Hazardous Materials Warning.**

(1) All industrial, commercial and institutional facilities that manufacture, process, use or store hazardous materials shall post warnings on the exterior of that building or structure housing the material. It shall be visible and readable from a safe distance and be in accordance with NFPA 704.

(2) The purpose of this section is intended to provide basic information to firefighting, emergency and other personnel enabling them to more easily decide whether to evacuate the area or to commence emergency control procedures. It is also intended to provide them with information to assist in selecting firefighting tactics and emergency procedures.

#### **17.05 Closing and Vacating of Buildings and Structures.**

(1) The Chief is hereby empowered to order into compliance with the regulations of this chapter and all other laws and lawful orders relating to fire prevention and fire protection all existing buildings and structures governed by this chapter.

(2) The Chief is hereby empowered and directed to close any building or structure and order it vacated, wherein violations of any regulations of this chapter are found and not corrected within a reasonable time as stipulated by the Chief.

(3) Where the public is exposed to immediate danger, the Chief is empowered and directed to order the closing, vacating, repairing or razing of any such building, structure or premises at once.

**17.06 Minimum Requirements for Safety from Fire in Housing.** See section 9.14.

**17.07 Key Lock Box System.** See section 8.11(7).

**17.08 Fire Extinguishing Equipment.**

(1) Fire extinguishing equipment.

(a) The Chief is hereby empowered to designate the number, type and location of fire extinguishers and other fire protection equipment as may be deemed necessary in any building or structure.

(b) The owner, agent or manager of every theater and place of public entertainment shall employ a person of competency, satisfactory to the Chief, who, during every performance or public assemblage within such building or structure shall be on duty to take charge of the fire extinguishing equipment required.

(2) Sprinklers; standpipe systems.

(a) Where the Fire Chief finds that by reason of construction or highly combustible occupancy, the existing building constitutes a severe fire hazard to its occupants or adjoining property, he may order the installation of an approved automatic sprinkler system that is designed specifically for that building.

(b) Any sprinkler system, firefighting water supply standpipe, hydrant, etc., in existence on or after the effective date of this chapter shall not be removed or taken out of service for any reason, including vacating of the premises or abandonment, building ownership or change of building use except as provided below. If the fire protection system must be taken out of service temporarily, the owner shall notify the North Fond du Lac Fire Department, in writing, at least 48 hours in advance. (Note: Temporary equals five calendar days or less.)

(c) Owner or occupant may not remove any system without making other fire protection provisions suitable to and approved by the Fire Chief.

(d) When the water supply to the building is interrupted or disconnected, the owner shall provide adequate pump-in connections and maintain the system in such a manner that the North Fond du Lac Fire Department can pump adequate water into the system for fire control.

(e) Once the system has been placed out of service, the owner shall test the system annually for integrity and functional ability and submit test results to the Fire Chief.

(f) When a building is being demolished or renovated and a standpipe or sprinkler system is existing within the building, the standpipe or sprinkler system or both shall be maintained in an operable condition so as to be available for use by the North Fond du Lac Fire Department. The standpipe or sprinkler system or both shall be demolished with the building, but in no case shall the system or systems be more than one floor below the floor being demolished.

(g) When fire protection systems are installed, a fire hydrant is to be within 150 feet of a fire department connection (FDC). When a public fire hydrant is not within 150 feet of a FDC, a private hydrant will need to be installed.

### **17.09 False Fire Alarms; Interfering with Fire Alarm Systems.**

No person shall give or cause to be given a false fire alarm with intent to deceive any public official or employee or tamper, meddle or interfere in any way with any fire alarm system or device or any part thereof, or make any connection therewith so as to interfere with the proper working of any such system or with intent to injure, break or destroy any machinery or fixtures connected with such system.

### **17.10 Manufactured Home Installations.**

(1) Definitions. The following terms have the meanings indicated:

#### **MANUFACTURED HOME**

A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 square feet or more and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and including the plumbing, heating, air conditioning and electrical systems contained therein, except that such term shall include any structure which meets the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the National Manufactured Home Construction and Safety Standards.

#### **MOBILE HOME**

A structure, transportable in one or more sections, which is eight body feet or more in width and 32 body feet or more in length and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein.

**(2) Fire safety considerations.** Community management shall instruct its staff in the use of the fire protection equipment available and define specific duties in the event of a fire. Tenants shall be instructed in applicable fire prevention and fire protection rules.

**(3) Arrangement of manufactured homes.**

**(a)** The arrangement of each manufactured home community shall meet with the authority responsible for providing the fire protection services.

**(b)** A community site plan shall be supplied to the North Fond du Lac Fire Department. The site plan shall show the numerical designation or street name and number of each manufactured home site in the community. Each manufactured home site shall be marked for identification. Such a marker shall be easily readable from the street serving the site.

**(4) Access to manufactured home for fire protection services.** Access to a manufactured home for fire protection services shall be such as to permit fire apparatus to approach within 100 feet of each manufactured home.

**(5) Outdoor hazards.** Care shall be taken to maintain all areas free of dry brush, leaves and weeds which might spread fires to buildings.

**(6) Detection systems in community buildings.** Fire detection and alarm systems installed in community buildings shall be installed in accordance with NFPA 72, National Fire Alarm and Signaling Code.

**(7) Water supplies for fire protection; minimum requirements.**

**(a)** Water supplies for North Fond du Lac Fire Department operations shall be required by the Village. Water supplies shall be at least adequate to permit the effective operation of two 1-3/4 inch hose streams on any fire in a building. The supply may be derived from hydrants connected to an underground water supply system, a reservoir or water supply with a source of not less than 3,000 gallons.

**(b)** Hydrants, when provided, shall be located within 20 feet of community streets or public ways readily accessible for North Fond du Lac Fire Department use and located within 300 feet of all homes and buildings. Hydrant-hose coupling threads shall be national standard threads (see NFPA 1963, Standard for Fire Hose Connections).

**(8) Manufactured home site fire safety requirements.** Any portion of a manufactured home, excluding the tongue, shall not be located closer than 10 feet side to side, eight feet end to side, or six feet end to end horizontally from any other manufactured home building unless the exposed composite walls and roof of either structure are without openings and constructed of materials which will provide a one-hour fire rating or the structures are separated by a one-hour rated barrier.

**(9) Use and maintenance of space under structures.** The space under manufactured homes and accessory buildings and structures shall not be used for the storage of combustible materials

nor for the storage or placement therein of flammable liquids, gases or liquid or gasoline powered equipment.

**(10)** Emergency information. The requirements of this section shall be printed and posted in conspicuous places in the community and shall contain the following information:

- (a)** Emergency — 911.
- (b)** North Fond du Lac Fire Department phone number.
- (c)** Police Department phone number.
- (d)** Sheriff's Department phone number.
- (e)** Community office phone number.
- (f)** Nearest public phone.
- (g)** Address of the community.
- (h)** Plot map showing streets and site identification.

**(11)** Smoke detectors. Current manufactured home standards (see, for instance, Manufactured Homes Construction and Safety Standards, 24 CFR 3280.208, and the Standard for Manufactured Housing, NFPA 501) require the installation of smoke detectors in each manufactured home. This equipment is mandatory and shall be maintained in any existing manufactured home not so equipped.

**(12)** Portable fire extinguishers.

- (a)** Portable fire extinguishers, when required or installed, shall be of the type and size required by NFPA 10, Standard for Portable Fire Extinguishers. It is recommended that each building owner provide a listed portable fire extinguisher suitable for handling an incipient fire in the building. A listed extinguisher labeled as suitable for Class A, B and C fires (multipurpose dry chemical type) is recommended.

**(13)** Management actions for fire safety. The purpose of this section is to give guidance for manufactured home community management. Community management should prepare posters containing community fire safety information. The type of material has been detailed and available from the North Fond du Lac Fire Department. The objective is to give information to the community's manufactured home owners/occupants and to encourage their cooperation in the interest of protection of life and property from fire.

**(14)** LP gas containers.

- (a)** In addition to mounted containers, a home may have two additional vessels installed on the lot. The home may be served by either the vehicle containers or vessels on the lot, but not by both at the same time. LP gas containers should be installed in accordance with the applicable provisions of NFPA 58, Liquefied Petroleum Gas Code.
- (b)** Liquefied petroleum gas vessels should be charged in accordance with the applicable provisions of NFPA 58, Liquefied Petroleum Gas Code.

(c) Owners shall not place empty LP gas containers under their manufactured homes. Empty containers shall be left in place if there is more than one container. If the manufactured home's LP gas supply is limited to one container and a replacement has been secured, any empty fuel container shall be stored in the area designated for such storage.

### **17.11 Negligence of Smokers.**

Any person who by smoking or attempting to light cigars, cigarettes, pipes or tobacco in a careless or reckless manner, whether willfully or not, sets fire to any bedding, furniture, curtains, draperies, house, household fittings or any part of any building whatsoever, so as to endanger life or property in any way or to any extent, shall be subject to a penalty as provided in this chapter.

### **17.12 Open Flame Fixtures; Candles; Open Burning.**

(1) No open flame, candle or other open flame fixture shall be used in any public building or structure, except within a constituted church or lodge buildings or structures. Unattended open flame candles or other open flame fixtures shall not be used in seated areas of any public assembly rooms or buildings, except those used for dining (protected flame type only).

(2) No open flame candles or open flame fixtures, guarded or not, shall be used for lighting or decorative purposes in any buildings or structures used for public amusement or recreation.

(3) The use of outdoor portable incinerators, drums, barrels or other containers, and outdoor or inside fireplaces for the burning of leaves, trash, garbage, building materials, or refuse is hereby prohibited.

(4) No person shall install, use, or maintain an outdoor wood burning heating system in the Village of North Fond du Lac.

(5) Open burning is prohibited. Outdoor fires within the corporate limits of the Village of North Fond du Lac are prohibited except as set forth in Subsection **5(a)** and **(b)** of this section.

(a) Except for one- and two-family dwellings, as defined in Chapter **21**, Zoning, no grills or devices used for outdoor fires for cooking are authorized to be used above the first story of any building on a balcony, raised porch or platform, etc.

(b) Recreational fires.

**1.** No recreational fires may be started or allowed to continue burning unless such recreational fire is fully contained within an approved fire pit or outdoor fireplace.

**a.** An approved fire pit is any below ground dug pit not greater than 36 inches inside diameter (inside edge of the pit to inside edge); lined with noncombustible material, soil, metal or stone; a

minimum of six inches deep; and ringed on the outer diameter with stone, brick or concrete.

**b.** An outdoor fireplace is any commercially available appliance designed to contain a wood fire when operated according to manufacturer's instructions with all lids, screens and spark arresting devices in place; or permanent fireplace structure built entirely of noncombustible materials designed with spark arrestors and screens to contain a wood fire.

**2.** No recreational fire pit shall be closer than 25 feet to any dwelling, building structure, shed or garage or closer than 10 feet to any wooden fence, deck or combustible material. Commercially available outdoor fireplace appliance shall not be within 10 feet of any structure or combustibles; all recreational fires are to be set back a minimum of six feet from adjoining property lines.

**3.** No recreational fire shall be started or allowed to continue burning when the wind direction or wind speed will cause embers or other burning material to be carried onto any building or combustible material; nor any time that the wind direction will carry smoke into the open windows of any building. Smoke from any recreational fire shall not create a nuisance for neighboring properties and fires shall be completely extinguished when Police or North Fond du Lac Fire Department investigation determines a nuisance is present.

**4.** Fuel for outdoor recreational fires shall consist of natural wood or manufactured fire log material only and may not include leaves, rubbish, garbage, trash, construction materials, or any materials made of or coated with rubber or plastic, leather or petroleum-based materials. Flammable or combustible liquids may not be used to aid in starting any outdoor fire. Flammable or common/standard dry kindling materials may be used to aid in starting any outdoor fire. Common/standard dry kindling material may be used to aid in starting fires.

**5.** Recreational fires shall be constantly attended and supervised by a competent person at least 18 years of age until the fire has been completely extinguished. The means for extinguishing any fire (as deemed necessary by the Fire Chief) must be kept immediately available at all times when a recreational fire is burning. Proper fire extinguishing equipment includes: a garden hose, shovels, water buckets or an ABC rated fire extinguisher at least ten-pound capacity.

**6.** Any party who starts or maintains a recreational fire that is allowed to burn out of control shall be held responsible for paying any costs associated with fire control efforts to extinguish the fire.

**(c)** Ceremonial bonfires may be permitted by the Fire Chief upon written receipt of a written request for the fire. Requests for permission shall contain date, time and site of proposed fire as well as the name of the requesting group or organization and shall be submitted to the Fire Chief three days prior to the date desired for the holding of the fire. The allowable quantity of material to be burned shall be determined by the Fire Chief and shall be based upon the fire safety considerations of the situation and the desired duration of the burn. Material for bonfires may not include rubbish, garbage, trash, any materials made of or coated with rubber, plastic, leather or petroleum based materials and may not contain any flammable or combustible liquids.

**(d)** The burning of brush and other natural vegetation, when its removal is required for the development of that property, may be permitted with the consent of the Chief. Each request will be reviewed by the Chief or his designee. If the site and condition are acceptable, a permit will be issued. A burning permit form available at the North Fond du Lac Fire Department will be completed and submitted prior to burning.

### **17.13 Sparks from Chimneys and Smokestacks.**

The owner of any chimney or smokestack used in connection with heating or power boilers or furnaces or for burning waste or refuse from which there is emitted sparks or burning embers shall provide on such chimney or smokestack an approved arrestor, screen or other device that will prevent such emission.

### **17.14 Storage of Rubber Tires.**

**(1)** Small-scale storage of used tires in excess of 100 units, but fewer than 10,000 units, is not permitted in the Village.

**(2)** Small-scale storage of new tires in excess of 300 units, but fewer than 10,000 units, shall be protected by an approved automatic fire suppression system.

**(3)** Large-scale storage of 10,000 or more new and used tires shall comply with NFPA 231D, Standard for Storage of Rubber Tires.

### **17.15 Permits Required.**

**(1)** Flammable and combustible liquids storage.

(a) Storage of flammable liquids in tanks or containers larger than 55 gallons above or underground and combustible liquid in containers larger than 275 gallons shall require a permit.

(b) Abandonment of aboveground or underground flammable and combustible storage tanks, either by filling in place or removal, shall require a permit.

(c) Storage of liquefied petroleum gas over 30 gallons, natural gas, or compressed natural gas shall require a permit.

**(2) Explosives.**

(a) Any person wishing to conduct blasting operations in the Village shall obtain a permit from the Fire Chief.

(b) This person shall not store any explosive materials in the Village limits, except the amount needed for that day's use. No explosive materials shall remain on the site overnight.

**17.16 Violations and Penalties.**

(1) Any person violating any provision of this chapter shall, upon conviction of such violation, be subject to a penalty as provided in 24.05 of this Code.

(2) Any accidental or unintentional activation of any fire alarm system, be it mechanical, electronic, human or by any other method, which has summoned the North Fond du Lac Fire Department three or more times in a calendar year shall result in a fee being charged to the owner of such equipment as set by resolution of the Village Board. The Chief may grant a grace period for up to 90 days regarding such charges following the initial installation or renovation of a mechanical or electronic fire alarm system.