



## **Public Safety**

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## Title 5

### Public Safety

#### Article 1

#### Law Enforcement

- 5.1.1 Organization of Police Department
- 5.1.2 Records and Reports
- 5.1.3 General Powers of Police Officers
- 5.1.4 Responsibilities of Chief of Police
- 5.1.5 Rules and Policies for the Police Department
- 5.1.6 Maintenance of Personnel Records and Performance Evaluations
- 5.1.7 Police Chief's Responsibility for Training
- 5.1.8 Civilians to Assist
- 5.1.9 Hearing Authorities for Suspension or Removal of Law Enforcement Officers

#### **5.1.1 ORGANIZATION OF POLICE DEPARTMENT**

The Village of Marathon City Police Department shall consist of a Chief of Police and such other officers, assistants and patrolmen as from time to time may be appointed by the Village Board pursuant to the provisions of the Wisconsin Statutes.

#### **5.1.2 RECORDS AND REPORT**

- (A) **Monthly Reports.** The Chief of Police shall give a monthly general report to the Village Board of all activities of the Department during the preceding month.
- (B) **Police Records.** There shall be kept by the Department a suitable record in which shall be entered the name of every person arrested in the Village, the name of the person making the arrest, the date and cause of the arrest, the Court from which the warrant was issued, the disposition made of the case, the amount of fine and costs paid and to whom paid, bond posted, and all complaints in full.

### 5.1.3 GENERAL POWERS OF POLICE OFFICERS

Every member of the Police Department shall:

- (A) Familiarize himself with the ordinances of the Village and the Statutes and attend to the enforcement of such ordinances by all lawful means.
- (B) Help prevent crimes, misdemeanors and violations of Village ordinances and protect the health, safety, public peace and order of the Village and its inhabitants.
- (C) Report all street and sidewalk obstructions, unlighted street lamps, unlawful street signs or signals, and defective or dangerous streets and sidewalks to the appropriate person or organization responsible for their repair or service.
- (D) Maintain order at the scene of a fire or any other fire response within the Village.
- (E) See that the necessary permits and licenses issued by the State or Village are in possession of or properly displayed by any person engaged in an activity or business within the Village for which such permit or license is required and that the terms of such permits or licenses are complied with.
- (F) Perform such other lawful duties as ordered by the Chief of Police or his authorized representative.
- (G) Take and file an official oath as prescribed by Wis. Stat. § 19.01 before entering into the official duties of a police officer.

### 5.1.4 RESPONSIBILITIES OF CHIEF OF POLICE

- (A) **Duties.** In addition to the duties imposed upon him elsewhere in this Code of Ordinances, the Chief of Police shall:
  - (1) Have command of the Police Department in administrative matters, subject to the direction of the Village Board.

- (2) Cause to be maintained accurate records of complaints, crimes, traffic accidents, ordinance violations, arrests, summons, incidents and calls for police service and shall provide a system of periodic summary and analysis to ensure the most efficient and effective deployment and use of the Department's resources. He shall submit or cause to be submitted to the various agencies such reports and summaries as are required by State Statutes or ordinances and shall participate in voluntary programs designed to improve law enforcement and public safety.
- (3) Submit such reports and comply with such administrative procedures as may be prescribed by the Village Board relative to fiscal and administrative matters.
- (4) Submit such reports and/or information and comply with such policies as may be prescribed by the Village Board.
- (5) Have control of assignment, hours of duty, and transfer of all members of the Department.
- (6) Plan, organize, staff, direct, and control all of the human and material resources of the Department for the most effective and efficient discharge of its duty to protect persons and property, preserve the peace, protect the rights of citizens and enforce the Wisconsin Statutes and the ordinances of the Village as are within its jurisdiction. He shall supervise the preparation and presentation of annual reports and budgets for the Police Department. He shall be required to certify to the correctness of all bills incurred by the Department.
- (7) Strive to maintain suitable, productive relationships with other Village departments and with other governmental agencies and private organizations concerned with law enforcement, crime prevention, administration of justice and public safety. He shall cooperate and exchange information with other Village departments in matters relating to their various functions.
- (8) Plan to execute programs designed to prevent and repress crime, apprehend and prosecute offenders, recover property, and regulate non-criminal conduct, giving highest priority in the allocation of resources to crime and other offenses most hazardous to life and property.

- (B) Custody of Department Equipment. The Chief of Police shall be the custodian of all Village property, equipment and supplies under the control of, or used by, the Police Department and shall be responsible for the care, maintenance, safeguarding and accurate records of such property, equipment and supplies.
- (C) Custody of Property. The Chief of Police shall be the custodian of all lost money or goods and shall be responsible for the safekeeping, lawful disposition and accurate record of the same. The Chief shall see that all such property is returned to its lawful owner or otherwise disposed of according to the applicable statutes.

#### **5.1.5 RULES AND POLICIES FOR THE POLICE DEPARTMENT**

The Chief of Police shall establish and promulgate Rules of Conduct, Directives and Policies and Procedures and prescribe such duties for individual members as he may deem necessary for the effective and efficient command and operation of the Department; provided no such Rules of Conduct, Directive or Policy Procedure duties or assignment shall be in conflict with the statutes, ordinances and approved Village personnel rules and regulations.

#### **5.1.6 MAINTENANCE OF PERSONNEL RECORDS AND PERFORMANCE EVALUATIONS**

The Chief of police shall cause to be maintained adequate personnel records of employment, assignment, promotions, attendance, performance and training for all members of the Department. He shall also comply with all provisions of the Law Enforcement Standards Board in regard to background investigations. He shall keep himself adequately informed of the activities of the Department and be assured that the duties of his subordinates are properly discharged. He shall formulate procedures for recognizing outstanding performance by Department members for investigating complaints of misconduct by any Department member and for taking appropriate disciplinary action subject to the provisions of the applicable statutes, Rules of the Department and the jurisdiction of the Village Board.

### **5.1.7 POLICE CHIEF'S RESPONSIBILITY FOR TRAINING**

The Chief of Police is responsible for the training of all members of the Department. He shall cause adequate and progressive programs of training to be organized and conducted to prepare Department members in the knowledge, procedures and techniques of their duties and responsibilities. He will insure that, within budgetary limitations, members of the Department attend training courses, seminars, and conferences necessary to maintain and improve their job skills and professional knowledge. He shall encourage Department members to further their education in Law Enforcement through study, special courses, college attendance, extension programs and independent readings.

### **5.1.8 CIVILIANS TO ASSIST**

All persons in the Village, when called upon by any police officer or peace officer, shall promptly aid and assist him in the execution of his duties and whoever shall neglect or refuse to give such aid or assistance shall be subject to the general penalty as provided in Section 1.1.12 of this Code of Ordinances.

### **5.1.9 HEARING AUTHORITIES FOR SUSPENSION OR REMOVAL OF LAW ENFORCEMENT OFFICERS.**

(A) Pursuant to Wis. Stat. § 61.65(am) the Village may not suspend, reduce, suspend and reduce or remove any police chief or other law enforcement officer who is not probationary unless the Village follows the procedure pursuant to Wis. Stat. § 62.13(5). To act under this subsection in place of the Board of Police and Fire Commissioners, the Village will establish a committee of not less than three (3) members, none of whom may be an elected or appointed official of the Village or be employed by the Village. The Village shall pay each member for the member's cost of serving on the committee.

## ARTICLE 2

### Fire Department

- 5.2.1 Fire Department Organization
- 5.2.2 Fire Chief and Other Officers
- 5.2.3 Fire Personnel
- 5.2.4 Equipment and Apparatus
- 5.2.5 Police Powers of Fire Department

#### 5.2.1 FIRE DEPARTMENT

- (A) **Membership:** The Fire Department of the Village of Marathon City shall consist of the Fire Chief, Assistant Chief, a Secretary-Treasurer, and as many drivers, firefighters, and emergency medical services personnel as may be accepted by the Department as members, provided that at no time shall the Department consist of less than 20 active members.
- (B) **Fire Department to Adopt Bylaws:** The Fire Department shall adopt Bylaws addressing its control, management, and governance, including for the regulation of its business proceedings. Such Bylaws shall be adopted by a majority vote of the Department members and approved by the Village Board. Amendments shall be adopted in the same manner.

#### 5.2.2 FIRE CHIEF AND OTHER OFFICERS

- (A) **Appointment.** The Fire Chief and the Assistant Fire Chief shall be appointed by the Village Board to serve continuous terms and may be removed by the Village Board, at pleasure. Actions pursuant to this subsection are completed by majority vote.
- (B) **Qualifications.** The Fire Chief and the Assistant Fire Chief shall maintain status as members of the Fire Department in good standing, reside within fifteen (15) miles of the jurisdictional boundaries of the Village, and have training and experience in fire department operations.

- (C) **Fire Chief Duties.** The Fire Chief shall have general supervision of Fire Department personnel, apparatuses, and equipment, subject to the ordinances of the Village and the Bylaws of the Department. The Fire Chief shall be present at all fires and command all firefighting operations. The Chief may demote or expel any officer or member of the Department, except the Assistant Fire Chief, for neglect or refusal to perform departmental duties, subject to the right of any such person demoted or expelled to appeal to the Village Board. The Fire Chief shall enforce or cause to be enforced all fire prevention ordinances, laws, and regulations of the Village and the State of Wisconsin.
- (D) **Fire Inspectors.** The Fire Chief shall also serve as the Fire Inspector for the Village of Marathon City and shall have the power to appoint one or more deputy Fire Inspectors. In such capacity, the Fire Chief shall perform all duties required of Fire Inspectors by the laws of the State of Wisconsin and this Code of Ordinances.
- (E) **Assistant Fire Chief Duties.** The Assistant Fire Chief shall perform the duties of the Fire Chief in the event that the Fire Chief is unable to so perform the duties due to death, disability, or absence. The Assistant Fire Chief shall also have such duties as may be delegated by the Fire Chief.
- (F) **Other Officers.** All other officers of the Fire Department shall be elected, selected, or appointed and shall have such duties and powers as may be prescribed by the Bylaws.

### 5.2.3 FIRE PERSONNEL

- (A) **Applications.** Applications for membership in the Fire Department shall be filed with the Department Secretary-Treasurer. Each applicant shall also file a certificate of physical fitness from such physician as the Chief may designate. The name of any applicant appointed by the Chief as provided in the Bylaws shall be presented to the members of the Department for confirmation.
- (B) **Age Limit.** Active membership in the Fire Department for members shall cease at the age of 65. Upon reaching the age of 65, active members shall become honorary members and shall be relieved from firefighting duties.

#### 5.2.4 EQUIPMENT AND APPARATUS

No apparatus shall be used for any purpose except for firefighting within the Village limits, an area outside Village limits under contract with the Village or in training thereof, except pursuant to an agreement approved by the Village Board after the Chief has given his or her recommendations on such use. With the approval of the Chief such apparatus may be used for emergency purposes other than firefighting within the Village. A written report of such uses shall be made quarterly to the Village Board.

#### 5.2.5 POLICE POWERS OF FIRE DEPARTMENT

- (A) **Authority at Fires.** The Fire Chief and his assistants or officers in command are hereby vested with full and complete police authority at the site of a fire and may cause the arrest of any person failing to give the right of way to Fire Department personnel responding to a fire call.
- (B) **Fire Site Authority.** The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting firefighters, law enforcement, emergency medical services personnel, and those admitted by order of any officer of the Fire Department, shall be permitted to enter.
- (C) **Removal of Property.** The Fire Chief shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire, and during the progress of any fire, to prevent the further spread of the fire. The Chief shall also have the power to cause the removal of all wires or other facilities and the turning off of all electricity of other services where the same may impede the work of the Fire Department during the progress of a fire.
- (D) **Fire Personnel May Enter Adjacent Property.** It shall be lawful for any fire personnel acting under the direction of the Fire Chief or any officer in command to enter upon the premises adjacent to or in the vicinity of any building or other property then on fire for the purpose of extinguishing such fire and no person shall hinder, resist or obstruct any fire personnel in the discharge of their duty as hereinbefore provided.
- (E) **Duty of Bystanders to Assist.** Every person who shall be present at a fire shall be subject to the orders of the Fire Chief or officer in command and may be required to render assistance in fighting the fire or in removing or guarding property. Such officer shall have the power to cause the arrest of any person refusing to obey said orders.

## ARTICLE 3

### Fire Prevention

- 5.3.10 Introduction
- 5.3.11 Definitions
- 5.3.12 Standards Adopted by Reference
- 5.3.13 General Fire Safety Requirements
- 5.3.14 Fire Prevention, Detection and Protection
- 5.3.15 Outdoor Burning
- 5.3.16 False Alarms
- 5.3.17 Administration and Enforcement

#### 5.3.10 INTRODUCTION

- (A) **Title.** This Article shall be known, cited and referred to herein as the "Village of Marathon City Fire Prevention Code," except as referred to herein as this "Article."
- (B) **Purpose.** The purpose of this Article is to prescribe regulations consistent with recognized good practice for the safeguarding of life, health, safety and welfare of the public as well as establish minimum standards for the design and construction of buildings and the prevention of fire and explosion from hazardous conditions that potentially exist in buildings or on premises and to the occupants thereof.
- (C) **Scope.** The provisions of this Article shall apply to all public buildings and places of employment, to include all buildings or structures located on such properties, except as provided in subsection (D).
- (D) **Exempt buildings.** The following buildings and uses are not public buildings or places of employment and are not subject to the provisions of this Article:

- (1) One- and two-family dwellings except where specified.
- (2) Temporary buildings used for construction purposes only, not to exceed two stories in height and not used as living quarters.
- (3) Buildings owned by the federal government.

### 5.3.11 DEFINITIONS

- (A) Unless otherwise expressly stated, the following terms shall, for the purpose of this Article, have the meanings indicated below:
- (1) Alarm System means any device designated for the detection of an unauthorized entry or other unlawful act on a premises or for the detection of a fire, or both, which, when activated, produces a signal, which signal is caused to be transmitted by the system to the County Dispatch Center or the Fire Department and/or which signal, if produced by a device designed solely to detect fire, is caused to be transmitted in an audible manner to the general area surrounding the premises.
  - (2) Alarm System Operator means any person or business that operates a receiving device designed for the detection of an unlawful act or for the detection of a fire, or both, who in turn by telephone or other means transmits such information to a law enforcement agency and/or the Fire Department.
  - (3) Approved mean accepted by the Fire Chief as a result of investigation and experience or by reason of test, listing, or approval by a member of the current list maintained by the United States Department of Labor, Occupational Safety and Health Administration of nationally recognized testing laboratories.
  - (4) Dwelling means a building occupied exclusively for residence purposes and having not more than two apartments.
  - (5) False Alarm means any of the following:
    - (a) The unintentional activation of an alarm system caused by a person, and/or his or her employee, agent, guest, or property.

- (b) The activation of an alarm system by mechanical failure or malfunction because of improper maintenance of the alarm system.
- (c) The activation of an alarm system because of improper installation and/or use of the equipment.
- (d) The intentional activation of an alarm system where no unauthorized entry or commission of an unlawful act or fire exists.

The above subsection is not intended to include false alarms caused by abnormal weather conditions, acts of God, or by prior arrangements made for the testing of the alarm system.

- (6) Fire Department means the Marathon City Fire Department.
- (7) ICC Container means any container approved by the Interstate Commerce Commission for shipping any liquid, gaseous or solid material of a flammable, toxic or other hazardous nature.
- (8) Multifamily House means a building occupied as the home or residence of individuals, families or households living independently of each other of three or more units.
- (9) Person includes a person, persons, firms, partnerships, companies, associations and corporate bodies.
- (10) Police or Police Department means the Marathon City Police Department.
- (11) Village means the Village of Marathon City.

**5.3.12 STANDARDS ADOPTED BY REFERENCE**

(A) **Adoption of state codes.** The Village hereby adopts the following chapters from the Wisconsin Administrative Code, Department of Safety and Professional Services. These regulations are adopted by reference and incorporated into the Village’s Fire Prevention Code with the same force and effect as if fully set forth herein. Any future amendments, modifications, revisions, renumbering, recodification, additions or deletions of the codes so adopted shall be incorporated herein and made a part of this Article. This adoption also includes any other laws referenced within the adopted codes to the extent necessary that this code adoption by reference is given its full force and effect:

Wis. Adm. Code Ch. SPS 314 Fire Prevention.

(B) **Adoption of National Fire Protection Association codes.** The Village hereby adopts the following codes of the National Fire Protection Association or NFPA. These regulations are hereby adopted by reference and incorporated into the Village Fire Prevention Code with the same force and effect as if fully set forth herein. Any future amendments, modifications, revisions, renumbering, recodification, additions or deletions of the codes so adopted shall be incorporated herein and made a part of this Article. This adoption also includes any other laws referenced within the adopted codes to the extent necessary that this code adoption by reference is given its full force and effect:

- NFPA 1            Fire Code
- NFPA 54        National Fuel Gas Code
- NFPA 58        Liquefied Petroleum Gas Code
- NFPA 101      Life Safety Code

(C) **Violation of regulations adopted by reference.** Any violation of these provisions constitutes a violation of this Article.

(D) **Copies of NFPA Codes.** Copies of the National Fire Protection Association Codes are available from:

NFPA

1 Batterymarch Park

Quincy, Massachusetts

USA 02169-7471

[www.nfpa.org](http://www.nfpa.org)

(E) **Copies of state codes.** Copies of the Wisconsin Administrative Code, Chs. Department of Safety and Professional Services are available from:

State of Wisconsin, Document Sales and Distribution

2310 Darwin Rd, Madison, WI 53704-3108 USA

[DOADocumentSalesInformation@wi.gov](mailto:DOADocumentSalesInformation@wi.gov)

And also available at:

[https://docs.legis.wisconsin.gov/code/admin\\_code/sps](https://docs.legis.wisconsin.gov/code/admin_code/sps)

(F) **Conflicting regulations.** Whenever regulations in this Article or the codes adopted herein are in conflict with each other or more or less restrictive than other regulations or restrictions imposed by other provisions of the statutes or other ordinances, the regulations which are more restrictive or impose a higher standard or requirement shall govern.

### 5.3.13 GENERAL FIRE SAFETY REQUIREMENTS

- (A) **Rapid entry key boxes.** The Village elects to use rapid entry lock box devices and material lock boxes such as those provided by the Knox Box Company. Rapid entry key boxes shall be encouraged on all multifamily dwellings of three families or more that have a common entrance or share a common area accessible by all occupants. Key boxes shall be encouraged on all assisted living facilities and community-based residential facilities as designated by the Fire Department and any location where entry to the property is secured in whole or part by a fence, gate and/or wall, connected buildings or as otherwise directed by the Fire Department. Entry key override switches shall be required on an exit door at any location which uses a card reader entry system and/or a magnetic door lock security system. The only exception to this requirement is if the Fire Chief elects to keep a key in a key box inside the fire engine(s).
- (1) **Location.** The Fire Inspector(s) shall approve the location of any rapid entry key box prior to installation. Key boxes shall be located on the front of a building near the main entrance at grade level, unless otherwise directed.
- (2) **Contents.** The owner, agent or on-site manager shall provide the appropriate keys to the building to be placed in the key box. New keys shall be provided at such time as any locks are changed. Examples of keys to be provided are:
- (a) A master key or keys to locked points of egress, whether interior or exterior.
  - (b) Keys to locked mechanical rooms.
  - (c) Keys to locked elevator rooms.
  - (d) Keys to elevator controls.
  - (e) Keys to fire alarm panels or equipment.
- (3) **Compliance.** All newly constructed buildings, not yet occupied buildings currently under construction, and all buildings or businesses applying for a certificate of occupancy that are subject to this Section shall comply immediately.

- (4) **Costs; ordering.** Property owners shall be responsible for all costs of purchasing and installation of any key box or material lock box. The property owner shall be responsible for ordering any key box, key override switch or material lock box required by this Section.
  
- (B) **Commercial change in occupancy.** Any owner, agent, or occupant making a change in occupancy of an existing commercial building, or occupying a previously vacant commercial space, shall be required to obtain a safety inspection by the Fire Department prior to the new tenant taking occupancy.
  - (1) **Inspection.** The owner, agent, or occupant of a commercial building shall schedule an appointment with the Fire Inspector(s) for an inspection of the building and occupied space(s). Any violations of this Article or any other portion of the Village Code observed at the time of inspection shall be corrected prior to the new tenant taking occupancy.
  - (2) **Fee.** There shall be a fee set by the Village Board for this inspection.
  
- (C) **Fire lanes.** The Fire Chief, the Fire Inspector(s), or such other subordinates as the Chief shall designate shall establish fire lanes at any shopping center, school, or business which presents a potentially hazardous situation because of otherwise restricted access for Fire Department vehicles due to parked cars.
  - (1) **Access defined.** Fire lanes shall provide access to at least two sides of all buildings 200 feet in length. For buildings over 200 feet in length, fire lanes shall be provided for access to all four sides of the building or group of buildings. Fire lanes shall be at least 30 feet in width with the road edge closest to the building. Any dead-end fire lane more than 300 feet long shall be provided with a turnaround area of at least 90 feet in diameter.
  - (2) **Markings and signs.** Fire lanes shall be marked with freestanding signs, marked curbs, sidewalks and traffic surfaces with the words "Fire Lane No Parking" painted in contrasting colors at a size and spacing approved by the Fire Department. The owner/occupant shall be responsible for markings.
  - (3) **Violations.** In any area designated as a fire lane, parking shall be prohibited and shall result in the issuance of citations pursuant to Village ordinances. Any vehicle parked in a fire lane shall be towed at the owner's expense.

- (4) **Exception.** Any commercially-licensed vehicle actively engaged in delivery or pickup shall be excluded from this Section.
- (D) **Barbecue grills, kettles and outdoor hibachis.** For all multi-family dwellings of three or more separate occupancies, no hibachi, grill, or other similar devices used for cooking, heating, or any other purpose shall be used or kindled on any balcony, under any overhanging portion, or within 10 feet of any structure. For all multi-family dwellings of three or more separate occupancies, no hibachi, grill, or other similar devices used for cooking shall be stored on a balcony.
- (E) **Storage of flammable liquids.** When used in this Section, the words "flammable liquids" shall include any volatile flammable liquid with a flash point at or below 100° F. No person shall use, keep or store or permit to be used, kept or stored gasoline in containers greater than six gallons. Six gallons or less of gasoline shall be stored in approved safety cans. Nothing herein contained shall be construed as applying to gasoline contained within a motor engine that a tank is supplying.
- (F) **Storage of combustible materials and equipment.** The following items shall be prohibited from being stored in basements, or storage bins of apartments or other multifamily dwellings, within the Village:
- (1) Charcoal, except in a metal container with a metal lid.
  - (2) Oily rags.
  - (3) Flammable liquids of any nature other than new motor oils in original manufacturer's containers.
  - (4) Bottled gases, propane, acetylene, oxygen, or other substances similar in nature.
  - (5) Gasoline motors and gasoline-powered equipment, such as outboard motors, power lawn equipment, snow blowers, motorcycles, etc.

- (G) **Accumulations of waste materials.** Accumulations of wastepaper, hay, grass, straw, weeds, litter, or combustible or flammable waste or rubbish of any kind shall not be permitted to remain upon any roof or in any court, yard, vacant lot or open space. All weeds, grass, vines or other growth, when the same endangers property or is liable to be fired, shall be cut down and removed by the owner or occupant of the property it is on.
- (H) **Chimneys and heating devices.** All chimneys, smokestacks or similar devices for conveying smoke or hot gases to the outer air, and the stoves, furnaces, fire boxes, or boilers to which they are connected, shall be constructed and maintained in such a manner as not to create a fire hazard.
- (I) **Hazardous materials or infectious agents.** This Section shall apply to all hazardous materials or infectious agents, which shall mean any material or combination of materials which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration, physical, chemical, or infectious characteristics. This term includes, but is not limited to, products that are explosive, toxic, corrosive, flammable, irritants, strong sensitizers, pesticides, or a biological hazard.
- (1) **Reporting.** All persons, firms or organizations using, researching, storing or producing hazardous materials and/or infectious agents shall notify the Fire Department in writing as prescribed by this Article.
- (2) **Standards.** The manufacturing, storage, handling and use of hazardous materials and/or infectious agents shall be safeguarded in accordance with the applicable NFPA and industry standards and with the manufacturer recommendations.
- (a) The Fire Inspector(s) may require the separated storage or isolated storage of any hazardous or infectious material that in combination with other substances may bring about a fire, health hazard, or explosion or may liberate a flammable, nonflammable or poisonous gas.
- (b) The Fire Inspector(s) may require separation of hazardous or infectious materials from other storage facilities, when the quantity to be stored increases the fire, health or explosive hazard to any occupancy.

- (c) Limitation on storage quantities shall be considered with regard to proximity of these exposures to congested commercial and industrial areas.
  - (d) The Fire Inspector(s) may require fire suppression, fire detection, on-site containment, smoke venting or control, and/or other fire protection, life safety, or environmental safe systems, as deemed necessary.
- (3) **Identification markings.** Buildings, storage trailers, stationary tanks, areas and rooms of all buildings that contain a hazardous or infectious material shall be identified with signs in accordance with this section and NFPA 704, Standard System for the Identification of the Hazards of Materials for Emergency Response. Signs shall be maintained at all times and shall be located as directed by the Fire Inspector(s). Signs shall be durable, weather-resistant and unobstructed.
- (a) A sign at least 7 1/2 inches square with the required identification numbers indicating the highest number of the most hazardous material for each hazard shall be conspicuously placed on or near the exterior door closest to the hazardous material.
  - (b) A sign with no numbers at least 7 1/2 inches square shall be conspicuously placed on the front of the building as directed.
  - (c) Doors that directly access a room or area that contains a hazardous or infectious material shall be identified with a numbered sign at least 7 1/2 inches square. In any room that has more than one hazardous material, the sign shall list the highest number for each hazard classification.
  - (d) Special hazards shall be identified in the lower quadrant of the sign as follows:
    - (i) Radiation hazard: standard radiation symbol.
    - (ii) Water-reactive hazard: W.
    - (iii) Oxidizer: OX.
    - (iv) Biological hazard: BIO.
    - (v) Corrosive: COR.

- (4) **Material safety data sheets.** Material safety data sheets (MSDS) shall be required for all materials which are stored, used, or handled and shall be available on site in a location approved by the Fire Inspector(s).
  
- (J) **Electrical fire safety.** This Section shall apply to new, existing, permanent, or temporary electrical appliances, equipment, fixtures, or wiring.
  - (1) All electrical appliances, fixtures, equipment, or wiring shall be installed and maintained in accordance with NFPA 70.
  - (2) Extension cords shall not be used as a substitute for permanent wiring.
  - (3) Switchboards, panel boards, and distribution boards installed for the control of light and power circuits, battery-charging panels supplied from light or power circuits, and motor control centers shall be located in dedicated spaces and protected from damage.
    - (a) Dedicated equipment space. The space equal to the width and depth of the equipment and extending from the floor to a height of six feet (1.83 meters) above the equipment or to the structural ceiling, whichever is lower, shall be dedicated to the electrical installation. No piping, ducts, or equipment foreign to the electrical installation shall be located in this zone.
  
- (K) **Access to gas shutoff valves.** Shutoff valves shall be located in places so as to provide access for operation and shall be installed so as to be protected from damage.

#### **5.3.14 FIRE PREVENTION, DETECTION, AND PROTECTION**

- (A) **Sprinkler systems.** Prior to any modification to, or installation of, a new sprinkler system, or the alteration of an existing sprinkler system (to include one- and two-family dwellings), plans shall be submitted to the Village or its designee for review as a Department of Safety and Professional Services certified municipality.
  - (1) **Standards.** All sprinkler systems must meet the standards of NFPA 13D, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes, NFPA 13R, Standard for the Installation of Sprinkler Systems in Low-Rise Residential Occupancies, NFPA 25, Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems, and any other standards adopted by reference in this Article.

- (2) **Fire pumps and water tanks.** If water supply is limited or static pressure drop provides inadequate water supply or pressure to any sprinkler system, a fire pump and/or a water tank may be required. The Fire Inspector(s) may require the installation of such at a cost to the owner. Installation shall be according to NFPA 20 and 22 with plans submitted for approval.
  - (3) **Signaling.** Each sprinkler riser shall have both an internal alarm bell located at the riser and an external alarm bell located on the nearest outside wall to signal the flow of water. For any system which uses a fire pump as a part of the sprinkler system, a red strobe light shall be mounted on the outside wall of the pump house to signal pump operation. Location is to be approved by the Fire Inspector(s).
- (B) **Other fire suppression systems.** Prior to any modification to, or installation of, any new fire suppression system, or the alteration of any existing system, plans shall be submitted to the Fire Department for review and approval.
- (1) **Standards.** All fire suppression systems, other than water-based sprinkler systems, shall comply with this Section and all other NFPA standards adopted by reference in this Article.
- (C) **Fire alarm or detection systems.** Prior to any modification to, or installation of, a new fire alarm or detection system, or the alteration of an existing system (to include one- and two-family dwellings), plans shall be submitted to the Fire Department for review.
- (1) **Standards.** All fire alarm or detection systems shall comply with this Section and NFPA 72, National Fire Alarm and Signaling Code, as well as all other standards adopted by reference in this Section.
  - (2) **Submittals.** One copy of the plan and specifications shall be submitted to the Fire Department for review. The Fire Inspector(s) shall keep one copy on file. Full responsibility for the accuracy of any plans and specifications is the sole responsibility of the installer.
  - (3) **Additional requirements.** The additional requirements listed below are for fire alarm and smoke detection systems:

- (a) In buildings where duct-type smoke detectors are required, they shall be tied into the main fire alarm control panel as either an alarm or trouble signal.
  - (b) Temporary smoke detectors installed during construction shall be replaced with new smoke detectors prior to occupancy.
  - (c) Smoke detectors located in hallways and basement areas shall be placed at thirty (30) feet on center.
  - (d) Control panels or display pads shall be located in accessible areas for rapid Fire Department access.
- (D) **Portable fire extinguishers.** Portable fire extinguishers shall be required in all public buildings and places of employment, to include any building or structure located on such properties.
  - (1) **Standards.** All portable fire extinguishers shall comply with the provisions of this Section and those of NFPA 1, Fire Code, NFPA 10, Standard for Portable Fire Extinguishers, and any other standards adopted by reference in this Article.
  - (2) **Occupancy certificates.** Prior to the granting of an occupancy certificate for new construction, or a change in occupancy certificate for existing structures, the Fire Inspector(s) shall approve the type, number and location of all portable fire extinguishers.
  - (3) **Fees.** No fee shall be charged by the Fire Department for the installation inspection of any portable fire extinguisher.
- (E) **Fire doors and fire windows.** All penetrations through fire walls or smoke barriers shall be protected by fire doors or fire windows.
  - (1) **Standards.** All exits, fire doors and fire windows shall comply with NFPA 80, Standard for Fire Doors and Other Opening Protectives, NFPA 221, Standard for High Challenge Fire Walls, Fire Walls, and Fire Barrier Walls, and NFPA 1, Fire Code, as well as all other standards adopted by reference in this Article.

- (2) **Testing.** Whether required by this Section or any other standard adopted by this Article, all horizontal and vertical sliding and rolling doors or windows shall be tested annually to check for proper operation and full closure. Resetting of the release mechanism shall be done in accordance with the manufacturer's requirements.
  - (3) **Records.** A written record of all tests, inspections and maintenance shall be kept on site for five (5) years and made available for review by the Fire Inspector(s).
- (F) **Private hydrants and post indicator valves.** Only approved fire hydrants and post indicator valves (PIVs) shall be allowed for use on private property for the sole purpose of fire protection.
- (1) **Inspection, testing, maintenance and repair.**
    - (a) Annual flow tests are required on all approved fire hydrants. Manual operation of all PIVs to the closed position shall also be required annually. Written records shall be kept on site and available for inspection for a period of no less than seven (7) years.
    - (b) Approved fire hydrants and PIVs shall be maintained in proper operating condition at all times. Upon the request of the Fire Department, the owner shall perform such tests (to include flow tests) in order to demonstrate proper operating conditions. Written records shall be maintained showing test results, dates, duration of tests, locations and who performed the tests. Records shall be kept on site and available for inspection for a period of no less than seven (7) years.
    - (c) At no time shall any fire hydrant or PIV be obstructed under any circumstance. Obstructions may include, but are not limited to, snow accumulation, vegetation, refuse, parked vehicles, and material or equipment storage.
    - (d) Property owners shall immediately notify the Fire Department and Village Water Utility whenever a fire hydrant or PIV has been damaged or has become inoperable. Repairs to damaged or inoperable equipment shall be completed by the owner as soon as possible and tested before putting them back into service.

- (e) Any time an owner is found not properly testing or maintaining his fire hydrants and/or PIVs, the Fire Department and Village Water Utility shall perform such tests at the expense of the owner.
  - (f) Private water mains serving private fire hydrants shall be the same size as the public mains supplying the private water system. In any case, mains do not have to exceed ten (10) inches but shall be at least six (6) inches in diameter.
- (G) **Existing systems.** Any fire prevention, detection or protection system already installed shall be considered an existing system and shall comply with the provisions of this Article as previously set forth.
- (1) **Smoke detection systems.** Whether battery-operated or electrically interconnected, all smoke detectors shall be tested at least once every six (6) months. Written records shall be maintained showing test results, dates, duration of tests, locations and who performed the tests. Records shall be kept on site and available for inspection for a period of no less than seven (7) years. At such time when records are found to be missing or outdated for a period of more than one (1) year, and the smoke detectors have been found to be missing or inoperable, the Fire Inspector(s) may order the installation or replacement of the existing system with new electrically interconnected smoke detectors to include the fire alarm control panel at a cost to the owner.
  - (2) **Manual fire alarm systems.** Manual pull alarms shall be tested monthly by physically activating the device. Only one pull station need be tested each month if there are fewer than twelve (12) locations in the protected building. Should there be more than twelve (12) locations, additional stations must be tested at the same time with the intent of completing the entire system within one (1) calendar year. Records shall be kept on site and available for inspection for a period of no less than seven (7) years. At such time when records are found to be missing or outdated for a period of more than one (1) year, and the pull alarm stations have been found to be missing or inoperable, the Fire Inspector(s) may order the installation or replacement of the existing system or device with a new system or device to include the fire alarm control panel at a cost to the owner. Manual fire alarms shall be tested in the presence of the Fire Inspector(s) annually.

- (3) **Contracted service providers.** Whenever inspection, testing and maintenance services are contracted by the owner or agent with an outside vendor, the vendor shall provide a written report of all work performed. This report shall be the same as provided in the appropriate NFPA section, describing all work performed and listing any deficiencies or needed repairs. This report shall be left with the owner or agent and a copy shall be sent to the Fire Inspector(s) by the service provider.

### 5.3.15 OUTDOOR BURNING

- (A) **Permit required.** Outdoor burning in the Village will be allowed by permit-only, for unique reasons, and when conditions of this Section are met.
  
- (B) **Approval; conditions.** Prior approval for open burning via a permit shall be required. A permit may be obtained from the Fire Department. Except as provided in Section 5.2.15(C) of this Article, all persons shall obtain a permit from the Fire Department before kindling or maintaining any open burning or authorizing the kindling or maintaining of any open burning within the Village limits. The Village may also attach special rules or restrictions relating to open burning. Such rules may govern conditions including but not necessarily limited to the following:
  - (1) Hours when burning is allowed.
  - (2) Day(s) when burning is allowed.
  - (3) Material which may or may not be burned.
  - (4) Whether open burning is allowed or whether burning is only allowed with an approved incinerator or burning device.
  - (5) What constitutes an approved burning device or incinerator.
  - (6) The size of the material pile burned by open burning.
  - (7) The distance to be maintained between the materials being burned and other flammable material.
  - (8) Supervision required for burning, including the minimum age of supervisors and the type of fire-extinguishing equipment which must be present at the burn site.
  - (9) The manner in which ashes created by the burning are to be disposed of.

- (C) **Exceptions.** The following open burning shall be permitted without authorization from the Fire Department:
- (1) Outdoor cooking over a fire contained in a device or structure designed for such use.
  - (2) Recreational fires consisting of fire pits and/or fire rings not more than 36 inches in diameter, encircled with nonflammable material, or commercially built and/or approved fire containers with a maximum length of materials to be burned of 36 inches and located a minimum of 20 feet from any structure or 10 feet from a lot line. Materials used in a recreational fire shall not extend outside of their approved container. Recreational fires shall be extinguished by 12:00 midnight or when left unattended.
    - (a) Recreational fires shall be constantly attended and supervised by a competent person at least eighteen (18) years of age until such fire is extinguished. This person shall have readily available for use such fire-extinguishing equipment as may be necessary for the total control of the fire while burning and/or extinguishing the fire.
    - (b) Fuel for recreational fires shall consist of clean, dry material only, and it shall not be ignited with flammable or combustible liquids. Material for recreational fires may not include leaves and/or pine needles, rubbish, garbage, trash or any material made of or coated with rubber, plastic, leather or petroleum-based materials. The material may not contain any flammable or combustible liquids.
    - (c) If, at any time, smoke from the fire makes a neighbor uncomfortable and one is so advised, the fire shall be extinguished immediately.
  - (3) Burning related to training for the Fire Department.
- (D) **Restrictions.** The following restrictions shall be applicable when an outdoor burning permit has been issued:
- (1) All outdoor burning conducted pursuant to a permit shall be performed in a safe, pollution-free manner, when wind and weather conditions minimize adverse effects, and in conformance with local and state fire protection regulations. Outdoor burning permits shall not be used to covertly burn plastic, construction debris or other prohibited materials.

- (2) The size of the pile of material to be burned shall not exceed four (4) feet in any direction measured horizontally or three (3) feet measured vertically.
  - (3) The pile of material being burned shall be at least fifty (50) feet away from any structure, wood or lumber pile, wooden fence, trees or bushes. Provision shall be made to prevent the fire from spreading to within fifty (50) feet of such items, or the fire shall otherwise be contained in an approved incinerator or burning device which is located at least twenty (20) feet from any structure, wood or lumber pile, wooden fence, trees or bushes.
  - (4) Any ashes created by burning such material as is lawful under this Section are to be disposed of in a manner authorized by law.
  - (5) Outdoor burning shall be constantly attended and supervised by a competent person at least eighteen (18) years of age until such fire is extinguished. This person shall have readily available for use such fire-extinguishing equipment as may be necessary for the total control of the fire while burning and/or extinguishing the fire.
  - (6) No materials may be burned upon any street, parkland, curb, gutter or sidewalk.
  - (7) Fuel for outdoor burning shall consist of clean, dry material only, and it shall not be ignited with flammable or combustible liquids. Material for open burning may not include leaves, rubbish, garbage, trash or any material made of or coated with rubber, plastic, leather or petroleum-based materials. The material may not contain any flammable or combustible liquids.
  - (8) The Fire Department shall have the authority to prohibit any or all open fires when atmospheric conditions or local circumstances make such fires hazardous.
  - (9) Outdoor burning shall be permitted only from 4:00 p.m. until 10:00 p.m.
- (E) **Burning prohibited under certain weather conditions.** Any and all outdoor burning, including recreational fires, shall be prohibited when the wind velocity exceeds nine miles per hour or circumstances make the fire potentially hazardous. Local circumstances include, but are not limited to, thermal inversions, ozone alerts, and very dry conditions.

- (F) **Other regulations.** Other regulations not listed in this Article but prescribed in Wis. Adm. Code Ch. SPS 314, as well as all applicable statutes and/or ordinances, shall also be followed.
- (G) **Order to extinguish.** If, at any time, smoke from the fire makes a neighbor uncomfortable and one is so advised, the fire shall be extinguished immediately.

### 5.3.16 FALSE ALARMS

- (A) **Special alarm monitoring services.** None of the provisions of this Section shall prevent the Fire Department from providing special alarm monitoring services as may be required because of medical reasons or communicative disorders.
- (B) **False alarm fees.**
  - (1) Any signal, message or other communication transmitted by an alarm system, person or other device which causes a Fire Department response and which is determined by the Fire Department not to be of an existing emergency or to otherwise be an unlawful situation shall pay a fee in accordance with the schedule of fees adopted for the Fire Department. Any fees payable to the Fire Department which are delinquent may be assessed by the Village against the property involved as a special charge for current service, without further notice, pursuant to Wis. Stat. § 66.0627.
  - (2) The user of any private alarm system shall pay the Fire Department a fee according to the schedule of fees established by the Village Board for any false alarm occurring in a moving twelve-month period. There shall be no false alarm fee charged during the thirty-day period immediately following the installation of a new alarm system.

### 5.3.17 ADMINISTRATION AND ENFORCEMENT

- (A) **Enforcement officers; liability.**
  - (1) It is recognized that the Fire Chief, the Fire Inspector(s), and such subordinates in the Fire Department as the Chief shall designate are duly authorized as deputies of the Department of Safety and Professional Services of the State of Wisconsin. The Fire Chief, the Fire Inspector(s), and such subordinates in said Fire Department as the Chief shall designate are duly authorized agents of the Village for the enforcement of all the provisions of this Article and all other standards adopted by reference herein.

- (2) This Article shall not be construed to affect the responsibility of any person owning, operating or installing any equipment for damages to persons or property caused by any defect therein, nor shall the Village be held as assuming any such liability by reason of the inspection or re-inspection authorized herein or the permit issued as herein provided or by reason of the approval or disapproval of any equipment authorized herein.
- (B) **Application to new and existing conditions.** The provisions of this Article shall apply equally to new and existing conditions, except that existing conditions not in strict compliance with the terms of this Article shall be permitted to continue where the exceptions do not constitute a distinct hazard to life or adjoining property.
- (C) **Modifications.** The Fire Chief shall have power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of this Article, provided that the spirit of this Article shall be observed, public safety secured, and substantial justice done. The particulars of such modification, when granted or allowed, and the decision of the Fire Chief thereon shall be entered upon the records of the Fire Department and a signed copy shall be furnished to the applicant.
- (D) **Fire prevention inspections.** The Fire Chief, the Fire Inspector(s), and such subordinates in said Fire Department as the Chief shall designate shall be responsible for having all public buildings and places of employment, to include any building or structure located on such property, inspected for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or any violations of any law or ordinance relating to fire hazards or to the prevention of fires.
- (E) **Frequency of inspections.** The Fire Chief shall inspect or cause to be inspected by the Fire Inspector(s) or such subordinates in said Fire Department as the Chief shall designate at least once per nonoverlapping twelve (12) month period each calendar year, or as often as may be necessary, all buildings and premises described in this Article.
- (F) **Inspection warrants.** The Fire Chief may obtain a special inspection warrant as granted under Wis. Stat. § 66.0119 when necessary in his opinion for the purpose of making an inspection or investigation of any building or premises where the owner has either failed to respond to previous orders for entry or has refused entry.

- (G) **Written orders.** Whenever the Fire Chief, any Fire Inspector(s), or such subordinates in said Fire Department as the Chief shall designate shall find in any building or on any premises any condition liable to cause fire, or any violation of any law or ordinance relating to fire hazards or to the prevention of fires, or any condition which interferes with the life, health or safety of any individual or occupant, they shall order the same to be removed or remedied.
- (H) **Service of orders.** The service of orders under this Article may be made upon either the occupant of the premises to which it is directed, the owner of the premises, or both. Any such order may be given verbally, handwritten on an approved inspection form or typed and delivered to such occupant personally or by placing such order in a conspicuous place on the door to the entrance of the premises. Whenever it may be necessary to serve an order upon the owner of the premises, such an order may be served by either hand delivering to and leaving a copy with such a person or, if such owner is absent from the jurisdiction of the Fire Department making the order, by mailing a copy to the owner's last known address.
- (I) **Compliance with orders.** Any such order given shall forthwith be complied with by the owner and occupant of such building, structure or premises. The owner or occupant may, within seventy-two (72) hours of the receipt of such order, appeal to the Fire Chief in writing for a review of such order, who shall thereafter as soon as possible file his decision. Unless such order is revoked or modified by the Fire Chief, it shall remain in full force and shall be complied with in the time fixed in said order. Appeals of orders in conflict with orders of the Department of Safety and Professional Services may be made pursuant to Wis. Adm. Code § SPS 314.01(9)(b). Any person who shall fail or neglect to comply with any lawful order issued pursuant to the provisions of this Article may be assessed a re-inspection fee for compliance inspections in excess of two per any twelve (12) month period. The fee shall be in accordance with the schedule of fees established for the Fire Department. Reinspection fees that are not timely paid shall be entered on the tax roll as a special charge pursuant to Wis. Stat. § 66.0627.
- (J) **Appeals.** Whenever the Fire Chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of this Article do not apply or that the true intent and meaning of this Article have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the Village Board within then (10) days from the date of the decision of the Fire Chief. In the event of such an appeal, the Village Board shall set a time and place for hearing thereof and give to the appellant at least ten (10) days' notice thereof by mail or personally.

(K) **Investigation of fires.**

- (1) The Fire Chief shall investigate the cause, origin and circumstances of every fire occurring in the Village which is of suspicious nature or which involves loss of life or injury to persons or by which property has been destroyed or substantially damaged. Such investigations shall be begun immediately upon the occurrence of such a fire by the fire officer in whose district the fire occurs, and, if it appears that such fire is of suspicious origin, the Fire Chief shall take charge immediately of the physical evidence, shall notify the proper authorities designated by law to pursue the investigation of such matters, and shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case.
- (2) The Village Attorney and the Police Department, upon request of the Fire Chief, shall assist in the investigation of any fire which, in the opinion of the Fire Chief, is of suspicious origin.

(L) **Fire records.** The Fire Chief shall keep a record of all fires and of all the facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby and whether such losses were covered by insurance and, if so, in what amount. Such record shall be made daily from the reports made by the Fire Department officers and inspectors. All such records shall be public.

(M) **Annual report.** A report of the Fire Department shall be made annually and transmitted to the Village Board; it shall contain all proceedings under this Article, with such statistics as the Fire Chief may wish to include therein. The Fire Chief shall also recommend any amendments to this Article which, in his or her judgment, shall be desirable.

(N) **Violations and penalties.**

Any person who violates this Article, and/or fails to comply with any orders issued pursuant to this Article by the Fire Chief, the Fire Inspector(s), or such subordinates in said Fire Department as the Chief shall designate, shall be subject to Section 1.1.12 of this Code.