

ORDINANCE NO. 829

**AN ORDINANCE TO AMEND AND RECREATE SECTION 38
OF THE VILLAGE OF MUKWONAGO MUNICIPAL CODE
PERTAINING TO FIRE PREVENTION, PROTECTION, AND CONTROL**

WHEREAS, the Village of Mukwonago Fire Prevention and Protection Code has not received a major update since 1982, and

WHEREAS, the Village recognizes that there have been numerous building fire prevention code changes through the Wisconsin Department of Commerce, International Code Council, and the National Fire Protection Association since 1982, and

WHEREAS, the Village determines that it is in the best interest to modify the Municipal Code to reflect those changes, and

WHEREAS, the requirements set forth in Section 38 are found to be adequately addressed in the attached Ordinance.

NOW THEREFORE, the Village Board of the Village of Mukwonago, Waukesha, and Walworth County, Wisconsin, DO ORDAIN AS FOLLOWS:

SECTION I. Section 38 of the Municipal Code of the Village of Mukwonago is amended and recreated to read as set forth in the attached entitled, "FIRE PREVENTION, PROTECTION, AND CONTROL CODE."

SECTION II. SEVERABILITY. The several sections of this ordinance are declared to be severable. If any section shall be declared by decision of a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of other portions of the ordinance.

SECTION III. EFFECTIVE DATE. This ordinance shall take effect as provided for by law.

Passed and adopted this 20th day of July, 2010.

James O. Wagner, Village President

Attest: _____
Paul J. Moderacki, Village Clerk

Date Adopted: July 20, 2010
Date Published: July 28, 2010
Date Effective: July 29, 2010

**MUKWONAGO FIRE DEPARTMENT
CHAPTER 38
FIRE PREVENTION, PROTECTION, AND CONTROL CODE**

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ARTICLE I. IN GENERAL

Sec. 38-1. General Provisions

(1) Intent.

- (a) To provide the Municipality with comprehensive regulations to improve public safety by attempting to control, limit, restrict and/or eliminate fire hazards.
- (b) To improve life safety for employees, firefighters, and frequenters of places of employment and public buildings.
- (c) To regulate the installation, use and maintenance of equipment; regulating the use of structures, occupancies and open areas.
- (d) To require the removal and/or reduction of fire hazards; establishing the responsibilities and procedures for code enforcement; and to set the minimum standards for compliance and achievement of these objectives.
- (e) To protect property from the hazards of fire and explosion by establishing minimum standards for the use, operation, maintenance and inspection of buildings, structures and premises.

(2) Applications.

- (a) The provisions of this code shall apply to all public buildings and places of employment.

Exceptions:

The following buildings and uses are not public buildings or places of employment and are not subject to the provisions of this code:

- 1. One and two-family dwellings
- 2. Buildings used exclusively for farming as described in Wi. ss.102.04 (3).

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.

- (b) The provisions of this code shall apply equally to new and existing conditions, except that existing conditions not in strict compliance with the terms of this subsection shall be permitted to continue where the exceptions do not constitute a distinct hazard to life or adjoining property or have been superseded by this code.
- (c) The provisions of this code apply equally to the property owner and/or occupant.

- (d) Sections 27-9, 27-10, 27-14 (1)(a), (b) 1,2,3, (e), 27-15 (1)(a),(2),(3),(5)&(6), 27-98 and 27-99 applies to all individuals and/or properties within the jurisdiction of the municipality.

(3) Additions to, change of use or remodeled buildings.

- (a) If fifty (50) percent or more of the total floor area of a building is remodeled and/or added, the entire building shall be brought into compliance with the requirements of this Code.
- (b) If twenty-five (25) to forty-nine (49) percent of the total floor area of a building is remodeled and/or added, that part of the building which is remodeled and/or added shall be brought into compliance with the requirements of this Code.
- (c) If less than twenty-five (25) percent of the total floor area of a building is remodeled and/or added, the requirements of this Code need not be provided unless the area includes dwelling units. If the total floor area includes dwelling units, that part of the building which is remodeled and/or added shall be brought into compliance with this Code.
- (d) All percentages of additions or remodeling shall be cumulative as applied to (a), (b), and (c) above.
- (e) If the use of and/or contents of any existing building is changed and becomes more hazardous as determined by the **Authority Having Jurisdiction (AHJ)**, the building shall be brought into compliance with this code.
- (f) Those portions, elements, systems or components of existing buildings and structures to be altered or modified on or after the effective date of the rules under this Code and where the alteration, modification or the addition affects a building element or component relating to subject matters regulated by this Code, shall be designed, constructed and maintained in accordance with the applicable rules of this Code as the rules exist on one of the following:
 1. The date plans for the alteration or modification are conditionally approved by the AHJ.
 2. The date the local building permit is issued.
 3. The date the replacement is initiated, where 27-1(3)(f)1. & 2. do not apply.

(4) Plan submittals.

- (a) Any time that a Fire Protection, Fire Alarm, Fire Control, and/or Fire Suppression System and/or any portion thereof is installed, altered, added on to, or has appliances removed, plans shall be submitted to the AHJ for review and conditional approval.

- (b) All plans for Fire Protection, Fire Alarm, Fire Control, and/or Fire Suppression Systems and/or any portion thereof must meet or exceed the applicable NFPA and AHJ's requirements.
 - (c) Plans shall be submitted for review to the AHJ prior to a permit being issued.
 - (d) A minimum of three copies of each plan, specification, and required calculation shall be submitted. Two copies of each may be retained by the AHJ.
 - (e) An AutoCAD electronic file of the plans shall also be submitted to the AHJ with each submittal and upon the completion of each project with the as-built conditions.
 - (f) A completed permit application must accompany all plan submittals.
 - (g) The permit application must be signed by the individual assuming complete responsibility for the submitted system(s).
 - (h) The permit application for all fire sprinkler and standpipe systems must be signed by an individual who holds a valid Wisconsin Automatic Fire Sprinkler Contractors License.
 - (i) The appropriate permit, inspection and/or plan review fees must be submitted with each permit application.
 - (j) Plans will not be reviewed until all fee(s) have been received by the Municipality.
 - (k) All plan reviews are based on information provided. All plan reviews are done for general code compliance only. Plan reviews do not relieve or limit the responsibility and/or liability of any contractor, architect, engineer, designer or any other responsible party for the system(s) reviewed. The Municipality or any of its agents and/or firm or persons hired by the Municipality to review plans are not responsible for and do not accept any responsibility and/or liability for the system(s) reviewed.
- (5) Permit required.
- (a) A permit must be obtained prior to any open burning and the start of installation and/or alteration of any portion of a Fire Protection, Fire Alarm, Fire Control, and/or Fire Suppression System.
 - (b) An operational permit issued by the AHJ is required prior to using a building or a portion thereof as a high-piled combustible storage area exceeding five-hundred (500) Square feet.

- (c) Permits will only be issued after the required Fire Protection, Fire Alarm, Fire Control, and/or Fire Suppression System plans and specifications have been reviewed and conditionally approved by the AHJ.
 - (d) Permits for the installation and/or alteration of Fire Sprinkler and/or Standpipe Systems will only be issued to individuals who hold a valid Automatic Fire Sprinkler Contractors License.
 - (e) Any contractor that begins installation and/or alteration of any system regulated by this code prior to obtaining the required permit will be charged a triple permit fee.
 - (f) The Fire Inspector shall have authority with the Building Inspector in the issuance of occupancy permits for multi-family, places of employment, commercial structures, places of public assembly and schools to the extent that the AHJ shall inspect and have approval authority over proposed occupancies to ensure compliance with this chapter
- (6) Inspection and testing.
- (a) All Fire Suppression Systems and *Fire Alarm Systems* required under this Code shall be inspected by the AHJ prior to having any of its parts covered-up or concealed in any manner whatsoever. The AHJ shall be given a forty-eight (48) hour notice prior to any system inspection.
 - (b) The AHJ shall witness all tests of *Fire Control Systems, Fire Alarm Initiating Devices, Notification Appliances*, and any other required system requiring an operational test. The AHJ shall be given a forty-eight (48) hour notice prior to any system witness test.
- (7) Right of entry.
- (a) The AHJ and/or their authorized representative may, at all reasonable hours enter any place of employment and/or public building within their jurisdiction for the purposes of making any inspection or investigation which, under the provision of this subchapter they shall deem necessary.
 - (b) The AHJ shall inspect, or cause to be inspected, all places of employment and public buildings as often as may be necessary, but not less than once a year.
 - (c) The purpose of any inspection and/or investigation is to determine if any violations of the provisions or intent of this Code and/or the codes or standards adopted by reference exist and to order corrections of the violations observed.
 - (d) The AHJ, upon the complaint of any person or whenever they shall deem necessary, shall inspect any place of employment and/or public building and premises within their jurisdiction.

(e) Any owner or occupant of any place of employment and/or public building, who refuses to permit, prevents or interferes with entry into or upon the premises by anyone authorized by the AHJ shall be guilty of violating this chapter and shall be subject to fines. **Exception:** The interiors of dwelling units will not be inspected unless an inspection is specifically requested by the owner or occupant and/or as allowed by State Statutes.

(8) Enforcement and documentation.

(a) The Fire Chief or anyone the Fire Chief has designated their AHJ, shall enforce the provisions of this Code.

(b) Whenever any Officers, Members or Inspectors of the Fire Departments Bureau of Fire Prevention shall discover fire hazards as listed below, they shall order such conditions or materials removed or remedied in such manner as may be specified.

1. Dangerous or unlawful amounts of flammable, combustible or explosive material as determined by the AHJ.
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 as determined by the AHJ.
4. Accumulations of dust, grease, or waste materials in air conditioning systems, exhaust ducts or vent hoods.
5. Obstructions including snow to or in fire escapes, stairs, passageways, doors, or windows, liable to interfere with the operation of the Fire Department or egress of occupants.
6. Any building, structure, or premises which for want of repairs, lack of exit facilities, fire alarm apparatus or fire extinguishing equipment or by reason of age or dilapidated condition, or from any cause, creates a fire hazard.

(c) The AHJ may use any means necessary in documentation of inspections or conditions, including the use of electronic equipment.

(9) Notification of use or occupancy change.

(a) Whenever there is a change in occupancy or the agent(s) (manager, shift supervisor, after hour's emergency contact, etc.) of that occupancy, the owner or their duly authorized agent shall submit the changes in writing to the Fire Department within five working days. The information shall consist of the following:

1. Name and address of occupancy
2. Owners name, address and phone number(s)
3. Agents name, address and phone number(s)
4. Other information as required by the AHJ

- (b) Whenever a change in the service company for the alarm system have occurred within the occupancy, the owner or authorized agent shall submit the changes in writing to the Fire Department within five working days. The information shall consist of the following:
 - 1. All information required in 27-01(9)(a)
 - 2. Type(s) of fire protection systems
 - 3. Service company name, address and phone number(s)
- (c) No change can be made in the use or occupancy of any building or structure, or any space within a building, structure, or space of a building or structure either in a different division of the same occupancy group or in a different occupancy group, unless the building or structure complies with this code's requirements for the new division of occupancies, as these requirements exist. **Exception:** This subsection does not apply to an approved *Temporary* use or to a new use that will be less hazardous, based on life and/or fire risk, than the existing use.
- (d) An inspection by the Fire Department shall be required for any new or change of occupancy.

(10) Temporary use.

The AHJ may allow a building or portion of a building to be used temporarily in a manner that differs from the approved use for the building or space, or may approve a temporary building to be used by the public, subject to all of the following provisions:

- (a) The AHJ along with the Building Inspector shall determine the time frame within which the temporary use is permitted, based on the extent hazards are created by the temporary use.
- (b) The AHJ shall determine and enforce the maximum occupancy load.
- (c) The AHJ shall determine any fire protection and/or control devices and life safety provisions that may be needed.

Sec. 38-2. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose of this code, have the meaning indicated in this section.

Access Box. A steel key vault, mounted on the exterior of a building that contains keys, floor plans, maps or other items as required by the AHJ, for access to all portions of the building.

Adult Day Care. Any place, that receives at any time for compensation four or more adults, for care and supervision, for less than twenty-four (24) hours a day.

Adult Family Home. Similar to a CBRF except that they are licensed for five or less tenants.

Approved. Acceptable to the AHJ.

Approved Agency. An agency accepted or acceptable to the Bureau of Fire Prevention, such as Underwriters Laboratories, Inc., the National Institute of Standards and Technology, the American Gas Association laboratories or other nationally recognized testing authorities.

Assembly Group A. Group A occupancies includes, among other, the use of a building or structure, or a portion thereof, for the gathering together of persons for purposes such as civic, social or religious functions, recreation, food or drink consumption or awaiting transportation. A room or space used for assembly purposes by less than fifty (50) persons and accessory to another occupant shall be included as a part of that occupancy. Assembly occupancies shall include the following:

- (a) *A-1.* Assembly uses, usually with fixed seating, intended for the production and viewing of performing arts or motion pictures.
- (b) *A-2.* Assembly uses intended for food and/or drink consumption.
- (c) *A-3.* Assembly uses intended for worship, recreation or amusement and other assembly uses not classified elsewhere in Group A.
- (d) *A-4.* Assembly uses intended for viewing of indoor sporting events and activities with spectator seating.
- (e) *A-5.* Assembly uses intended for participation in or viewing outdoor activities.

Automatic Fire Detector. A device designed to detect specific products of fire – smoke, heat or both.

Authority Having Jurisdiction (AHJ). Shall be the Fire Chief, or designee of the Fire Chief, to enforce this Code, the laws of the State of Wisconsin, as designated in COMM 14.02 (1), pertaining to the prevention of fires and public safety, and approving equipment installation, or procedures as outlined in NFPA Standards, Codes and/or Recommended Practices.

Automatic Closing Device. Means one which functions without human intervention and is actuated as a result of predetermined temperature rise, rate of rise of temperature, combustion products or smoke density.

Automatic Fire Alarm System. A system which automatically detects fire condition and actuates *Notification Appliances* throughout the protected premises.

Automatic Fire-Extinguishing System. An approved system of devices and equipment which automatically detects a fire and discharges an approved fire-extinguishing agent onto or in the area of fire.

Automatic Fire Sprinkler System. An integrated system of underground and/or overhead piping designed in accordance with fire protection standards. The system includes a suitable

water supply. The portion of the system above ground is a network of specially sized or hydraulically designed piping installed in a structure or area, generally overhead, and to which automatic sprinklers are connected in a systematic pattern. The system is usually activated by heat from a fire and discharges water over the fire area.

Basement. That portion of a building that is partly or completely below *grade plane*. A basement shall be considered as a story.

Bureau of Fire Prevention. The Bureau of Fire Prevention is made up of the following personnel: The Fire Chief, The Fire Marshal and/or Fire Inspectors, or any other Designee of the Chief.

Boarding House. A building arranged or used as lodging for compensation, with or without meals, not occupied as a single-family unit.

Business Group B. Group B occupancy includes, among others, the use of a building or structure, or a portion thereof, for office, professional or service-type transactions, including storage of records and accounts.

Ceiling. The upper surface of a space, regardless of height. Areas with a suspended ceiling would have two ceilings, one visible from the floor, and one above the suspended ceiling.

Code. A standard that is an extensive compilation of provisions covering a broad subject matter or that is suitable for adoption into law independently of other codes and standards.

Combustible Material. All material not classified as “Noncombustible” are considered combustible. This property of a material does not relate to its ability to structurally perform under fire exposure. The degree of combustibility is not defined by standard fire test procedures.

COMM. Wisconsin Department of Commerce.

Common Area. Common area refers to any area in a building that can be accessed by more than one person from different families at one time.

Community Based Residential Facility CBRF. A community facility where five or more adults who are not related to the operator or administrator and who do not require care above intermediate level nursing care reside and receive care, treatment or services that are above the level of room and board, but that include no more than three hours of nursing care per week per resident.

Conditional Approval. An approval of plans and/or specifications by the AHJ based upon information provided to the AHJ, including but not limited to, any changes required by the AHJ to the above mentioned plans and/or specifications.

Consultant(s). A company, individual or agency hired by the Bureau of Fire Prevention to provide advice to the Bureau of Fire Prevention on fire related issues. Consultants may provide services, which could include plan reviews of fire suppression systems, fire alarm systems, witness tests and/or conduct inspections.

Day Care Center. Any place which receives at any one time for compensation four or more children under the age of seven years, for care and supervision, for less than twenty-four (24) hours a day or more than ten days a month, without the attendance of a parent, relative or legal guardian.

Dwelling or Dwelling Unit. A single unit providing living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. For the purpose of this code, *dwelling unit* includes apartments and condominiums but does not include hotel and motel rooms, guest suites, dormitories, boarding rooms, or sleeping rooms in nursing homes.

- (a) *Single Family Dwelling.* A detached building containing only one dwelling unit and designed for one family.
- (b) *Two Family Dwelling.* A detached building containing not more than two individual dwelling units which are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or common basement.

Educational Group E. Group E occupancy includes, among others, the use of a building or structure, or a portion thereof, by six or more persons at any one time for educational purposes through the 12th grade.

Factory Industrial Group F. Group F occupancy includes, among others, the use of a building or structure, or a portion thereof, for assembly, disassembly, fabricating, finishing, manufacturing, packaging, repair or processing operations that are not classified as Group H occupancy.

- (a) *F-1.* Moderate-Hazard occupancy.
- (b) *F-2.* Low-Hazard occupancy.

False Alarm. The willful and knowing initiation or transmission of a signal, message or other notification of an event of fire when no such danger exists.

- (a) *Malicious Alarm.* A false alarm of fire deliberately sounded by someone in order to inconvenience the Fire Department.
- (b) *Accidental Alarm.* An alarm set off and transmitted through accidental operation of an automatic or manual fire alarm device.
- (c) *Good Intent False Alarm.* An alarm that turns out to be false but was reported in good faith.

Family Unit. Two or more individuals who are related to each other by blood, marriage, adoption or legal guardianship. For purposes of this abode a group of not more than 4 persons not necessarily related by blood or marriage, living together in a single living unit will be considered equivalent to a single family.

Fire Alarm Annunciation Device. A device connected to a fire alarm to signal either a fire or trouble condition. Fire Alarm Annunciation Devices could include visual devices, horn/strobes, horns, bells, and/or annunciator panels.

Fire Alarm Initiating Device. A device connected to a *Fire Alarm System* that causes a trouble, supervisory and/or alarm signal to be initiated. Fire Alarm Initiating Devices could include: smoke, heat, flame, ionization, or photoelectric detectors, water flow, low air, low temperature, low water, or supervisory switches.

Fire Alarm System. A system or portion of a combination system that consists of components and circuits arranged to monitor and annunciate the status of the fire alarm or supervisory signal-initiating devices to activate notification appliances throughout the protected premises and to initiate the appropriate response to those signals.

Fire Control System. A system designed and constructed with the intent of controlling or limiting a fire. Fire Control Systems may be automatic or non-automatic. Fire Control Systems could include *Automatic Fire Sprinkler Systems*, standpipe systems, chemical agent systems, fire hydrants and/or any other system acceptable to the AHJ.

Fire Department Connection (FDC). A part of a sprinkler, standpipe, deluge and/or combination system to be used by the Fire Department to pump additional water into the system(s) it is connected to.

Fire Door Assembly. Any combination of a fire door, frame, hardware, and other accessories that together provide a certain degree of fire protection to the opening.

Fire Pumper Pad. A designated fire apparatus *parking only* site.

Fire Resistive. That property of materials of their assemblies that prevents or retards the passage of excessive heat, hot gases or flame under conditions of use. Materials are tested as prescribed in Section 703 of the Wisconsin Enrolled Building Code.

Firewall. A fire-resistance-rated wall having protected openings, which restricts the spread of fire and extends continuously from the foundation to or through the roof, with sufficient structural stability under fire conditions to allow collapse of construction on either side without collapse of the wall.

Floor Area or Square Footage of a Building. Refers to the total square footage of the sums of all basement, floor levels, balconies and mezzanines.

- (a) The area for basements and floor levels shall be measured from the outside perimeter of the outside walls.
- (b) The area for mezzanines shall be determined from the product of the length of the mezzanine multiplied by the width of the mezzanine.
- (c) For the purpose of determining square footage, fire division walls will not be accepted as outside walls or area dividers.

- (d) Buildings that are in close proximity to each other will have their building square footage added together to arrive at the total square footage.
 - 1. For the purpose of determining close proximity the following will hold true:
 - a. Single story buildings – Thirty (30) feet apart or less.
 - b. Two story buildings – Sixty (60) feet apart or less
 - c. Three story buildings – Sixty (60) feet apart or less.
 - d. All other multiple story buildings – Sixty (60) feet apart.
 - e. Buildings of variable height next to each other – Thirty (30) feet apart or less.
- (e) For the purpose of determining square footage a Fire Wall which has a fire resistance rating of not less than four hours and which subdivides or separates a building to restrict the spread of fire, including a three foot parapet wall is an approved area divider.

Floor, Ground. That level of a building on a sloping or multilevel site which has a floor line at or not more than three feet above exit discharge grade for at least ½ of the required exit discharges.

Frequenter. Means every person, other than an employee, who may go in or be in a place of employment or public building under circumstances which render such person other than a trespasser. Such term includes a pupil or student when enrolled in or receiving instruction at an educational institution.

Grade Plane. A reference plane representing the average of finished ground level adjoining the building exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building.

Height, Building. The vertical distance from the *Grade Plane* to the average height of the highest roof surface.

Hazardous Group H. Group H occupancy includes, among others, the use of a building or structure, or a portion thereof, that involves the manufacturing, processing, generation or storage of materials that constitute a physical or health hazard in quantities in excess of those found in Tables 307.7(1) through 307.7(4) of the *International Building Code*.

- (a) *H-1.* Buildings and structures which contain materials that poses a detonation hazard.
- (b) *H-2.* Buildings and structures which contain materials that pose a deflagration hazard or a hazard from accelerated burning.
- (c) *H-3.* Buildings and structures which contain materials that readily support combustion or pose a physical hazard.
- (d) *H-4.* Buildings and structures which contain materials that are health hazards.
- (e) *H-5.* Semiconductor fabrication facilities and comparable research and development areas in which hazardous production materials are used and the aggregate quantity of materials is in excess of those listed in Tables 307.7(1) and 307.7(2) Of the *International Building Code*.

Institutional Group I. Group I occupancy includes, among others, the use of a building or structure, or a portion thereof, in which people having physical limitations because of health or age are harbored for medical treatment or other care or treatment, or in which people are detained for penal or correctional purposes or in which the liberty of the occupants is restricted. Institutional occupancies are classified as I-1, I-2, I-3 or I-4, as described in the *International Building Code*.

Listed. Means included in a list published by a nationally recognized testing laboratory, inspection agency, or other organization concerned with product evaluation, that maintains periodic inspection of production of listed equipment or materials and whose listing states either that the equipment or materials meet nationally recognized standards or has been tested and found suitable for use in a specified manner.

Manual Fire Alarm System. A system or portion of a combination system that consists of components and circuits arranged to initiate the *Notification Appliances* and appropriate response to those signals only after a person manually activates the fire alarm system.

Mercantile Group M. Group M occupancy includes, among others, building and structures or a portion thereof, for the display and sale of merchandise, and involves stock of goods, wares or merchandise incidental to such purposes and accessible to the public.

Mezzanine or Mezzanine Floor. An intermediate level or levels between floor and ceiling of any story with an aggregate floor area of not more than one-third of the area of the room or space in which the level or levels are located.

Miscellaneous Group U. Buildings and structures of an accessory character and miscellaneous structures not classified in any specific occupancy shall be constructed, equipped and maintained to conform to the requirements of this code commensurate with the fire and life hazard incidental to their occupancy.

Multifamily Dwelling. A building or portion thereof containing three or more dwelling units, such as tenements, apartments, or rooming houses. Row houses with fire walls extending from the basement to the underside of the roof separating each living unit are not considered multifamily for the purpose of this chapter.

NFPA. The National Fire Protection Association.

Noncombustible Materials. A noncombustible material is one which, in the form in which it is used, meets one of the requirements listed below. Materials used adjacent to or in contact with heat producing appliances, warm air ducts, plenums and chimneys shall be classified as noncombustible only on the basis of requirement (a). Noncombustible does not apply to the flame-spread characteristics of interior finish or trim materials. No material shall be classified as noncombustible building construction material, which is subject to increase in combustibility or Flame-Spread Classification (FSC) beyond the limits herein established through the effects of age, moisture or other atmospheric conditions. (See flame spread rating in WI. Adm. Code.)

- (a) Materials which pass the test procedure of ASTM E-136 for non-combustibility of elementary materials when exposed to a furnace temperature of 1,382° F for a minimum period of five minutes and do not cause a temperature rise of the surface or interior thermocouple in excess of 54° F above the furnace air temperature at the beginning of the test and which do not flame after exposure of thirty (30) seconds.
- (b) Materials having structural base of noncombustible material as defined in par. (a), with a surfacing not more than 1/8" thick which has a Flame-Spread Classification (FSC) not greater than fifty (50) when tested in accordance with the method of test for surface burning characteristics of building materials (ASTM E-84).

Notification Appliance. A fire alarm system component such as a bell, horn, speaker, light, or text display that provides audible, tactile, visible outputs, or any combination thereof.

Occupant(s). The person or persons, who physically reside, work or are present in a facility.

Other Terms. Other terms not defined herein used in this section shall be as defined in the *International Fire Code* section 202 and are adopted herein by reference.

Owner. Includes his duly sworn agent or attorney, a purchaser, devisee, fiduciary or person having a vested or contingent interest in the property in question.

Places of Employment. Includes every place, whether indoors or out or underground and the premises appurtenant thereto where either temporarily or permanently any industry, trade or business is carried on, or where any process or operation, directly or indirectly related to any industry, employed by another for direct or indirect gain or profit, but does not include any place where persons are employed in private domestic service which does not involve the use of mechanical power or in farming.

Protected Premises. The physical location protected by a *Fire Alarm System*.

Remodel. To remodel, alter or both, means to change any building or structure which affects the structural strength, fire hazard, internal circulation, or exits of the existing building or structure. This definition does not apply to maintenance, re-roofing, or alterations to the heating and ventilating or electrical system.

Residential Group R. Group R occupancy includes, among others, the use of a building or structure, or portion thereof, for sleeping accommodations when not classed as an Institutional Group I.

- (a) *R-1.* Residential occupancies where the occupants are primarily transient in nature.
- (b) *R-2.* Residential occupancies containing more than two dwelling units where occupants are primarily permanent in nature.
- (c) *R-3.* Residential occupancies where the occupants are primarily permanent in nature and not classified R-1, R-2 or I, and where buildings do not contain more than two dwelling units or adult and child care facilities, that provide accommodations for five or fewer persons of any age for less than twenty-four (24) hours.

- (d) *R-4.* Residential occupancies shall include buildings arranged for occupancy as Residential Care/Assisted Living Facilities including five but not more than 16 occupants, excluding staff.

Roof Spaces. Buildings with combustible roofs shall have all roof spaces subdivided every 3000 square feet by one-hour rated partitions unless protected by an approved automatic fire sprinkler system. All openings must have a minimum of a one-hour rated self-closing door.

Rooming House. Means any building, which has a room or rooms for sleeping, without permanent provisions for cooking. Rooming House rooms do not include any room in a one or two-family dwelling.

Rough Inspection. Visual observation from the floor and/or ground level of any system and/or component thereof required by this code prior to being concealed in any way by any means.

Row House. A place of abode arranged to accommodate three or more attached side-by-side or back-to-back living units.

Shall. Indicates a mandatory requirement.

Should. Indicates a recommendation or that which is advised but not required.

Spacing. A horizontally measured dimension relating to the allowable coverage limits of fire detectors, automatic sprinkler systems, and fire alarm visual notification devices.

Standard. A document, the main text of which contains only mandatory requirements using the word "shall" to indicate mandatory requirements and which is in a form generally suitable for reference by another standard or code for adoption into law.

Storage Group S. Group S occupancy includes, among others, the use of a building or structure, or portion thereof, for storage that is not classed as Hazardous Group H.

- (a) *S-1.* (Moderate-Hazard Storage) Buildings occupied for storage uses which are not classified as S-2
- (b) *S-2.* (Low-Hazard Storage) Building used for storage of noncombustible material such as products on wood pallets or in paper cartons with or without single thickness divisions or in paper wrappings. Such products may have negligible amount of plastic trim such as knobs, handles, or film wrapping.

Story. That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. To determine the number of stories in a building, all floors will be counted whether they are above grade or below grade, including basements, sub-basements, and ground floors, but not including penthouses or mezzanines less than one-third (1/3) of a story.

Temporary. Less than one hundred-eighty (180) days.

Throughout. For the purpose of this code, throughout shall mean the following:

- (a) Throughout for automatic fire sprinkler systems means providing fire sprinkler protection in all areas of a structure as required by NFPA 13.
- (b) Throughout for automatic fire alarm systems means installing detection, audible and visual notification devices in all areas of the protected premises installed in accordance with NFPA 72.
- (c) Throughout for manual fire alarm systems means installing audible and visual notification devices in all areas of the protected premises installed in accordance with NFPA 72.

Water flow Test. A test of an available water supply that indicates the quantity of water flowing out of a specific orifice, at a specific pressure, at a specific point in time.

Welfare. Includes comfort, decency and moral well-being.

Sec. 38-3. Adoption of Wisconsin Department of Commerce codes.

- (1) The most current legislatively enacted versions by the State, on the effective date of this Code shall apply
 - COMM 3 Petition of Variance Procedure
 - COMM 5 Licenses, Certification and Registration
 - COMM 7 Explosive Materials
 - COMM 9 Manufacture of Fireworks
 - COMM 10 Flammable and Combustible Liquids
 - COMM 14 Fire Prevention
 - COMM 16 Electrical
 - COMM 18 Elevator Code
 - COMM 28 Smoke Detectors
 - COMM 34 Amusement Rides and Attractions
 - COMM 35 Infectious Agents
 - COMM 40 Gas Systems
 - COMM 41 Boilers and Pressure Vessels
 - COMM 45 Mechanical, Refrigeration
 - COMM 48 Petroleum Products
 - COMM 61-65 Enrolled Commercial Building Code
 - COMM 70 Historic Buildings
 - COMM 72 Solar Energy Systems
 - COMM 75-79 Existing Buildings
 - COMM 95-98 Manufactured Homes
- (2) Any violation of the incorporated provisions constitutes a violation of this code.
- (3) In cases of conflict between Local and State Codes, the most restrictive provisions shall govern.

Sec. 38-4. Adoption of International Code Council Inc. codes.

The latest I.C.C. publication(s) listed below and published on or before the effective date of this Code are adopted by reference, enforced and incorporated into this Code as if fully set forth herein:

- (1) International Fire Code (applies only to sections specifically referenced in this Code)
2003 edition

Sec. 38-5. Adoption by reference NFPA publications.

The latest NFPA publications published on or before the effective date of this Code are adopted by reference, enforced and incorporated into this Code as if fully set forth herein:

- | | |
|----------|------------------------------------------------------------------------------------------------------------------------------|
| NFPA 1 | <i>Uniform fire Code (applies only to the use, maintenance, operation and testing),
2006 edition</i> |
| NFPA 10 | <i>Standard for Portable Fire Extinguishers, 2002 edition</i> |
| NFPA 11 | <i>Standard for Low-, Medium- and, High-Expansion Foam, 2002 edition</i> |
| NFPA 12 | <i>Standard on Carbon Dioxide Extinguishing Systems, 2005 edition</i> |
| NFPA 13 | <i>Standard for the Installation of Sprinkler Systems, 2007 edition</i> |
| NFPA 13D | <i>Sprinkler Systems in One and Two-Family Dwellings and Manufactured Homes,
2007 edition</i> |
| NFPA 13R | <i>Sprinkler Systems in Residential Occupancies up to and Including four Stories in
Height, 2007 edition</i> |
| NFPA 14 | <i>Standard for the Installation of Standpipes, Private Hydrant, and Hose Systems,
2007 edition</i> |
| NFPA 15 | <i>Standard for Water Spray Fixed Systems for Fire Protection, 2007 edition</i> |
| NFPA 16 | <i>Standard for the Installation of Foam-Water sprinkler and Foam-Water Spray
Systems, 2003 edition</i> |
| NFPA 17 | <i>Standard for Dry Chemical Extinguishing Systems, 2002 edition</i> |
| NFPA 17A | <i>Standard for Wet Chemical Extinguishing Systems, 2002 edition</i> |
| NFPA 20 | <i>Standard for the Installation of Stationary Pumps for Fire Protection,
2007 edition</i> |
| NFPA 22 | <i>Standard for Water Tanks for Private Fire Protection, 2003 edition</i> |
| NFPA 24 | <i>Standard for the Installation of Private Fire Service Mains and their
Appurtenances, 2007 edition</i> |
| NFPA 25 | <i>Standard for the Inspection, Testing, and Maintenance of Water-Based Fire
Protection Systems, 2002 edition</i> |
| NFPA 30 | <i>Flammable and Combustible Liquids Code, 2003 edition</i> |
| NFPA 30B | <i>Code for the Manufacture and Storage of Aerosol Products, 2007 edition</i> |
| NFPA 33 | <i>Standard for Spray Application Using Flammable or Combustible Materials, 2007
edition</i> |
| NFPA 34 | <i>Standard for Standard Dipping and Coating Processes Using Flammable or
Combustible Liquids, 2007 edition</i> |

NFPA 35	<i>Standard for the Manufacture of Organic Coatings, 2005 edition</i>
NFPA 36	<i>Standard for Solvent Extraction Plants, 2004 edition</i>
NFPA 37	<i>Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines, 2006 edition</i>
NFPA 40	<i>Standard for the Storage and Handling of Cellulose Nitrate Film, 2007 edition</i>
NFPA 42	<i>Code for the Storage of Pyroxylin Plastic, 2002 edition</i>
NFPA 45	<i>Standard on Fire Protection for Laboratories Using Chemicals, 2004 edition</i>
NFPA 51	<i>Standard for the Design and Installation of Oxygen-Fuel Gas Systems for Welding, Cutting, and Allied Processes, 2002 edition</i>
NFPA 51A	<i>Standard for Acetylene Cylinder Charging Plants, 2001 edition</i>
NFPA 54	<i>National Fuel Gas Code, 2006 edition</i>
NFPA 55	<i>Standard for the Storage, Use, and Handling of Compressed Gases and Cryogenic Fluids in Portable and Stationary Containers, Cylinders, and Tanks, 2005 edition</i>
NFPA 58	<i>Liquefied Petroleum Gas Code, 2004 edition</i>
NFPA 59	<i>Utility LP-Gas Plant Code, 2004 edition</i>
NFPA 59A	<i>Standard for the Production, Storage, and Handling of Liquefied Natural Gas (LNG), 2006 edition</i>
NFPA 61	<i>Standard for the Prevention of Fires and Dust Explosions in Agricultural and Food Processing Facilities, 2002 edition</i>
NFPA 68	<i>Guide for Venting of Deflagrations, 2002 edition</i>
NFPA 69	<i>Standard on Explosion Prevention Systems, 2002 edition</i>
NFPA 70	<i>National Electrical Code®, 2005 edition</i>
NFPA 72	<i>National Fire Alarm Code, 2007 edition</i>
NFPA 75	<i>Standard for the Protection of Information Technology Equipment, 2003 edition</i>
NFPA 76	<i>Standard for the Fire Protection of Telecommunications Facilities, 2005 edition</i>
NFPA 80	<i>Standard for Fire Doors and Fire Windows, 2007 edition</i>
NFPA 82	<i>Standard on Incinerators and Waste and Linen Handling Systems and Equipment, 2004 edition</i>
NFPA 85	<i>Boiler and Combustion Systems Hazards Code, 2004 edition</i>
NFPA 86	<i>Standard for Ovens and Furnaces, 2007 edition</i>
NFPA 88A	<i>Standard for Parking Structures, 2007 edition</i>
NFPA 91	<i>Standard for Exhaust Systems for Air Conveying of Vapors, Gases, Mists, and Noncombustible Particulate Solids, 2004 edition</i>
NFPA 92B	<i>Standard for Smoke Management Systems in Malls, Atria, and Large Spaces, 2005 edition</i>
NFPA 96	<i>Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, 2004 edition</i>
NFPA 99B	<i>Standard for Hypobaric Facilities, 2005 edition</i>
NFPA 99C	<i>Standard on Gas and Vacuum Systems, 2005 edition</i>
NFPA 101	<i>Life Safety Code®, 2006 edition</i>
NFPA 101B	<i>Code for Means of Egress for Buildings and Structures, 2007 edition</i>
NFPA 102	<i>Standard for Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures, 2005 edition</i>
NFPA 105	<i>Standard for the Installation of Smoke Door Assemblies, 2007 edition</i>

NFPA 110 *Standard for Emergency and Standby Power Systems, 2005 edition*
NFPA 111 *Standard on Stored Electrical Energy Emergency and Standby Power Systems, 2005 edition*
NFPA 115 *Standard on Laser Fire Protection, 2003 edition*
NFPA 160 *Standard for the Use of Flame Effects Before an Audience, 2006 edition*
NFPA 170 *Standard for Fire Safety and Emergency Symbols, 2006 edition*
NFPA 204 *Standard for Smoke and Heat Venting, 2002 edition*
NFPA 214 *Standard on Water-Cooling Towers, 2005 edition*
NFPA 221 *Standard for High Challenge Fire Walls, Fire Walls, and Fire Barrier Walls, 2006 edition*
NFPA 230 *Standard for Fire Protection of Storage, 2003 edition*
NFPA 232 *Standard for the Protection of Records, 2007 edition*
NFPA 241 *Standard for Safeguarding Construction, Alteration, and Demolition Operations, 2004 edition*
NFPA 291 *Practice for Fire Flow Testing and Marking of Hydrants, 2007 edition*
NFPA 303 *Fire Protection Standards for Marine and Boatyards, 2000 edition*
NFPA 307 *Standards for the construction and Fire Protection for Marine Terminals, Piers, and Wharves, 2000 edition*
NFPA 318 *Standard for the Protection of Semiconductor Fabrication Facilities, 2006 edition*
NFPA 400 *Hazardous Chemical Code*
NFPA 418 *Standard for Heliports, 2006 edition*
NFPA 430 *Code for the storage of Liquid and Solid Oxidizers, 2004 edition*
NFPA 432 *Code for the Storage of Organic Peroxide Formulations, 2002 edition*
NFPA 434 *Code for the Storage of Pesticides, 2002 edition*
NFPA 484 *Standard for Combustible Metals, 2006 edition*
NFPA 490 *Code for the Storage of Ammonium Nitrate, 2002 edition*
NFPA 495 *Explosive Materials Code, 2006 edition*
NFPA 499 *Recommended Practice for the Classification of Combustible Dusts and of Hazardous (Classified) Locations for Electrical Installations in Chemical Process Areas, 2004 edition*
NFPA 560 *Standard for the Storage, Handling, and Use of Ethylene Oxide for Sterilization and Fumigation, 2002 edition*
NFPA 654 *Standard for the Prevention of Fire and Dust Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids, 2006 edition*
NFPA 655 *Standard for Prevention of Sulfur Fires and Explosions, 2007 edition*
NFPA 664 *Standard for the Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities, 2002 edition*
NFPA 704 *Standard System for the Identification of the Hazards of Materials for Emergency Response 2007 edition*
NFPA 720 *Standard for the Installation of Carbon Monoxide (CO) Warning Equipment in Dwelling Units 2005 edition*
NFPA 750 *Standard on Water Mist Fire Protection Systems, 2006 edition*
NFPA 780 *Standard for the Installation of Lightning Protection Systems, 2004 edition*
NFPA 801 *Standard for Fire Protection for Facilities Handling Radioactive Materials, 2003 edition*

NFPA 804	<i>Standard for Fire Protection for Advanced Light Water Reactor Electric Generating Plants, 2006 edition</i>
NFPA 850	<i>Recommended Practice for Fire Protection for Electric Generating Plants , 2005 edition</i>
NFPA 853	<i>Standard for the Installation of Stationary Fuel Cell Power Systems, 2007 edition</i>
NFPA 1123	<i>Code for Fireworks Display, 2006 edition</i>
NFPA 1124	<i>Code for the Manufacture, Transportation, Storage and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 edition</i>
NFPA 1125	<i>Code for the Manufacture of Model Rocket and High Power Rocket Motors, 2007 edition</i>
NFPA 1126	<i>Standard for the Use of Pyrotechnics before a Proximate Audience, 2006 edition</i>
NFPA 2001	<i>Standard on Clean Agent Fire Extinguishing Systems, 2004 edition</i>
NFPA 2010	<i>Standard for Fixed Aerosol Fire Extinguishing Systems, 2006 edition</i>

Sec. 38-6. Liability for damages.

The Code shall not be construed to affect the responsibility of any persons owning, operating, or installing equipment, for injury to persons or damage to property caused by any defect therein, nor shall the Municipality, any person, firm, company or agent(s) for the Municipality be held as assuming such liability by reason of any inspection or re-inspection authorized herein or the permit issued herein provided or by reason of the disapproval or approval of any equipment and/or system authorized herein

Sec. 38-7. Service of correction orders.

- (1) The service of correction orders shall be made upon the owner. A copy of the service order can be delivered personally to the owner or by leaving it with the person in charge of the premises. Whenever it may be necessary to serve such order upon the owner of the premises, such an order may be served either by delivering to and leaving with the person a copy of the order, or if such owner is absent from the jurisdiction of the AHJ making the order, by mailing such a copy to the owners last known post office address.
- (2) Conditions that are hazardous to life or safety of the occupants shall require immediate correction. All other violations shall be corrected within a specified time or date, as the AHJ shall determine.
- (3) When the owner of any property or person in apparent control of the property is issued an order by the AHJ and fails to comply with the order, the Municipality may do the work ordered and the cost of such work shall constitute a special assessment against the property upon which the work is done and shall be levied against such property pursuant to WI. ss. 66.66(16)(a).cr. 9/15/92, 1518.

- (4) No person shall refuse to permit or shall prevent or interfere with any entry into or upon any building or premise by the AHJ who is lawfully on the premises or interfere with any such inspection. If consent to enter onto personal or real properties which are not public buildings, or to portions of public buildings which are not open to the public, has been denied, the Fire Inspector shall obtain a special inspection warrant under WI. §SS. 66.0119.

Sec. 38-8. Variances.

- (1) The AHJ shall have the power to modify any of the provisions of this Code upon application in writing by the owner or occupant, or a duly sworn authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code, provided that the spirit of the Code shall be observed, public safety secured, and substantial justice done.
- (2) The AHJ thereon shall enter upon the records of the Department, and a signed copy shall be furnished to the applicant the particulars of such variances when granted
- (3) The AHJ 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 approval of the alternate material or method of construction.
- (4) If technical expertise is unavailable within the Municipality because of new technology, process, products, facilities, materials and uses attending design, operation or use of a building or premises subject to the inspection of the Municipality, the AHJ may require the owner or the person in possession or control of the building or premises to provide without charge to the Municipality, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire safety organization, acceptable to the AHJ and the owner, and 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. The department may also acquire technical assistance from a consultant and may charge a fee to the owner or occupant for the service provided.

Sec. 38-9. Revocation.

- (1) The AHJ may revoke any permit issued in accordance with this Code in any case where they may find that any of the conditions for the issuance have not been maintained or where there has been false statement or misrepresentation of any material fact in the application or plans on which the issuance was based.
- (2) The AHJ shall promptly notify the permit holder of the request for revocation and, if so requested by the permit holder, the effective date of the revocation shall be deferred

pending a hearing before the Chief of the Fire Department. The decision of the Chief for revocation, following the hearing, shall be final.

Sec. 38-10. Closing and vacating buildings.

- (1) The AHJ may order the compliance with this section and all other lawful orders or laws relating to fire prevention and fire protection in existing building and structures.
- (2) Where the public is exposed to immediate danger, the AHJ shall order the closing and vacating of the building at once.

Secs. 38-11 – 38-30. Reserved.

ARTICLE II. FIRE PREVENTION, PROTECTION, AND CONTROL

Sec. 38-31. Investigation of fires/police powers.

- (1) The Fire Department shall investigate the cause and origin, and circumstances of fires occurring within their jurisdiction to determine if the fire is of carelessness or design. Such investigations may begin immediately upon the occurrence of such a fire, and if it appears to the Officer making such an investigation that such fire is of suspicious origin and of a significant nature, the Fire Chief shall be notified of the facts. The AHJ 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. A member of the fire investigation team shall file a written report of damage associated with every fire in a timely manner. It shall contain a statement of all facts relating to the cause and origin and circumstances of such fire and other information as may be required.
- (2) The Municipal Attorney and any other Department of the Municipality, upon the request of the Fire Chief, shall assist in the investigation of any fire that, in the Chief's opinion, is of suspicious origin.
- (3) The Fire Chief, Officers in Command and the Fire Inspector at any fire are hereby vested with full and complete police authority. 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 or investigating an incident.
- (4) The Fire Chief or Officers in Command may prescribe certain limits in the vicinity of any incident within which no persons, excepting Firefighters and Police Officers and those admitted by order of any Officer of the Fire Department, shall be permitted to enter.
- (5) The Fire Chief or Officers in Command shall have the power to cause the removal of any property whenever it is deemed necessary and prudent for the preservation of

such property. During the progress of any fire, they shall have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes work of the Fire Department during the progress of fire.

- (6) It shall be lawful for any Fire Department personnel while acting under the direction of the Fire Chief or Officer in Command to enter premises adjacent to or in the vicinity of a building or other property that is on fire for the purpose of extinguishing, containing, or searching for extension of such fire or other exigent circumstances. No person shall hinder, resist or obstruct any Firefighter in the discharge of his duties as is herein before provided. The person so offending shall be deemed guilty of resisting Firefighters in the discharge of their duties.
- (7) During the progress of fire the Fire Chief or Officers in Command shall have the power to order the removal or destruction of any property necessary to prevent the further spread of fire or to ensure that the fire has not extended to other areas; providing that it is likely that, unless such property is removed, other property is in danger of being destroyed by fire.

Sec. 38-32. Automatic fire sprinkler protection.

- (1) INTENT. The intent of this section is to require the installation of *Automatic Fire Sprinkler Systems* to improve the protection of life and property within the Municipality. It will establish a minimum standard for fire safety through the standardization of the design, installation, testing and maintenance requirements for automatic fire sprinkler suppression.
- (2) INSTALLATION REQUIRED. An *Automatic Fire Sprinkler System* shall be installed in all structures where the floor area exceeds the thresholds established in Table 27-12(2) of the specific occupancy involved. For the purpose of determining square footage as it relates to the sprinkling of a building, firewalls shall not be considered area dividers unless the firewall is built in compliance with section 705 of the CBC

Table 27-12(2)

OCCUPANCY TYPE	TYPE I	TYPE II	TYPE III	TYPE IV	TYPE V
A-1	5000 SF	5000 SF	3000 SF	3000 SF	ALL
A-2	3000 SF	3000 SF	ALL	ALL	ALL
A-3	3000 SF	3000 SF	3000 SF	3000 SF	3000 SF
A-4	3000 SF	3000 SF	1000 SF	1000 SF	1000 SF
A-5	N/A	N/A	N/A	N/A	N/A
B	5000 SF	5000 SF	3000 SF	3000 SF	3000 SF
E*	ALL	ALL	ALL	ALL	ALL
F-1	5000 SF	5000 SF	3000 SF	3000 SF	3000 SF
F-2	5000 SF	5000 SF	3000 SF	3000 SF	3000 SF

H-1	1000 SF	1000 SF	1000 SF	1000 SF	1000 SF
H-2	1000 SF	1000 SF	1000 SF	1000 SF	1000 SF
H-3	1000 SF	1000 SF	1000 SF	1000 SF	1000 SF
H-4	1000 SF	1000 SF	1000 SF	1000 SF	1000 SF
H-5	1000 SF	1000 SF	1000 SF	1000 SF	1000 SF
I-1	5000 SF	5000 SF	3000 SF	3000 SF	3000 SF
I-2	ALL	ALL	ALL	ALL	ALL
I-3	ALL	ALL	ALL	ALL	ALL
I-4	ALL	ALL	ALL	ALL	ALL
M	5000 SF	5000 SF	3000 SF	3000 SF	3000 SF
R-1	5000 SF	5000 SF	3000 SF	3000 SF	3000 SF
R-2	Multi-Family Statute applies.				
R-3	Not required				
R-4	ALL	ALL	ALL	ALL	ALL
S-1	3000 SF	3000 SF	3000 SF	3000 SF	3000 SF
S-2	5000 SF	5000 SF	3000 SF	3000 SF	3000 SF
U	5000 SF	5000 SF	3000 SF	3000 SF	3000 SF

*excludes single family home day cares

- (3) In addition an automatic sprinkler system shall be installed in all:
- (a) Parking structures above and below ground with ceilings.
 - (b) CBRF's (Community Based Residential Facilities).
 - (c) Adult Family Homes.
 - (d) Throughout every building, new or existing, which by reason of its construction or combustible occupancy involves a life hazard to its occupants or in the judgment of the AHJ constitutes a fire menace.
- (4) Mini warehouses and unattached multifamily parking garages.
Throughout all buildings provided that they contain:
- (a) Five thousand square feet or more in area on any floor or exceeding two stories.
 - (b) Any portion that the floor is below grade level
- (5) Multifamily dwelling.
- (a) Fire-resistive buildings:
 1. Common areas in buildings up to five stories.
 2. Throughout in buildings five stories and more
 - (b) Non-fire-resistive buildings:
 1. Basement, stairways and corridors.
 2. Throughout all buildings over two stories.

3. Basements and garages are to be designed to protect as Ordinary Hazard Group I
- (6) Dormitories, fraternities and sorority houses.
Throughout all buildings.
 - (7) When a sprinkler system is required by this chapter but not the Wisconsin Department of Commerce, at a structure that is not currently serviced by a municipal water source:
 - (a) An NFPA compliant sprinkler system shall be installed. The following protection will constitute an approved *Automatic Fire Sprinkler System*. The system shall be installed and connected to an approved water supply (well, pressurized tank or fire pump), capable of delivering the required water at the required pressure as determined by hydraulically calculating the system demand in accordance with NFPA 13 for a period not less than fifteen (15) minutes for the most hydraulically demanding area. A letter from a certified fire protection engineer or a State of Wisconsin Permitted Fire Protection Designer attesting the ability of the system to comply with the above requirement shall be required prior to occupancy.
 - (b) Within ninety (90) days after a municipal water system becomes available, the sprinkler system shall be connected to the municipal water supply.
 - (8) ALL AUTOMATIC FIRE SPRINKLER SYSTEMS SHALL;
 - (a) Be monitored in accordance with NFPA 72.
 - (b) Have sprinkler control rooms located with adequate access for Fire Department, Sprinkler Maintenance and Inspection personnel and shall not be located within private dwellings with the exception of NFPA 13D systems.
 - (c) Have direct access from the exterior to the sprinkler control valve as determined by the AHJ.
 - (d) Have working drawings prepared in accordance with NFPA 13.
 - (e) Have a bell (minimum ten inch) and Strobe located above the FDC in accordance to NFPA 13.
 - (f) The FDC must be at least forty (40) feet from all gas meters, electrical meters and transformers.
 - (g) Be designed for the hazard being protected or as specifically specified in this code and/or as directed by the AHJ.
 - (h) All automatic fire sprinkler systems hydraulic designs are to be based on ninety (90) percent available water supply (10% safety margin shall be maintained). All

sprinkler systems designed shall be based on the most current approved water flow test conducted in accordance with NFPA 291.

- (i) Have all working drawings with all required hydraulic calculations prepared by the installing contractor and submitted to the AHJ for review and *Conditional Approval* prior to any portion of the system being installed.

(9) MAINTENANCE OF EQUIPMENT.

- (a) Sprinkler systems which have been installed in compliance with permit or order, or because of any law or code, shall be maintained in operative condition at all times. No owner or occupant shall reduce the effectiveness of the protection so required; except this provision shall not prohibit the owner or occupant from temporarily reducing or disconnecting the protection system when making necessary repairs, alterations or additions. The Fire Department shall be notified before repairs, alterations or additions are started and shall be notified again when the system has been restored to service.
- (b) Inspections and maintenance shall be performed by an approved agent, pursuant to the procedures listed in 27-04 and 27-05 of this Code. The property owner/occupant and sprinkler inspector shall immediately notify the Fire Department of any deficiencies found.
- (c) A service contract is required for annual service of the sprinkler system per according to NFPA 25. This will be required prior to obtaining an occupancy permit.
- (d) A service contract is required for the monitoring of systems where monitoring is required.
- (e) The latest annual test report must be posted at the riser or a location acceptable to the AHJ.

(10) APPLICATION TO EXISTING BUILDINGS.

- (a) Adult Family Homes and CBRFs regardless of number of occupants or class must be retrofitted with sprinkler protection acceptable to the AHJ.
- (b) Where the AHJ finds that an existing building, because of current occupancy or a change in occupancy constitutes a hazard to its occupants or adjoining property, the AHJ may order compliance with the provisions of this section. A hazard shall be determined by the existence of one or more of the following conditions:
 - 1. Any building which by reason of its construction or highly combustible occupancy involves a hazard to its occupants or, in the judgment of the AHJ, constitutes a fire menace, e.g., paint shop and other occupancies

involving processing, mixing, storing, and dispensing of volatile liquids or solids.

2. Non-fire-resistive characteristics of a structure.
 3. Accumulation of flammable or combustible materials.
 4. Lack of accessibility to the premises for fire-fighting equipment.
 5. Substantial number of fire calls or complaints on the premises.
 6. Traffic patterns for pedestrian ingress and egress which require protection under this section.
 7. Insufficient ventilation system.
 8. Lack of an internal communication system, or due to the size or type of building making regular fire department radio communication inoperable, the building owner is required to install a repeater system or something comparable to assist radio communications.
 9. Number, characteristics and movement of employees which require protection under this section
- (c) Installation of an automatic sprinkler system must be started within one year from the service of such orders and shall be completed within 180 days after construction has started.

(11) FIRE SPRINKLER CONTROL VALVE ACCESS

- (a) All structures that have automatic sprinkler systems shall comply with the following:
1. Have sprinkler control rooms located with adequate access for fire department, sprinkler maintenance and inspection personnel.
 2. Shall not be located within private dwellings with the exception of NFPA 13D systems.
 3. Have direct access from the exterior to the sprinkler control valves that is acceptable to the AHJ.
- (b) **Exceptions.** Any location where the installation of sprinklers may cause or increase an occupational hazard as determined by any governmental AHJ over such location or occupation

Sec. 38-33. Automatic fire protection for cooking areas.

- (1) **INTENT.** The intent of this section is to require automatic fire extinguishing systems in vent hoods and duct systems in all cooking areas to effectively extinguish fire at its source and reduce property damage and losses.
- (2) **INSTALLATION REQUIREMENTS.**
 - (a) A dimensional drawing showing the owner's name, owner's address, owner's phone number, the hood and ducts, and the extinguishing system shall be

prepared showing the size of the hood and ducts, the area of the protected surface, the name of the installing contractor, the address of the installing contractor, the phone number of the installing contractor, the manufacturer's name, the manufacturer's address, the manufacturer's phone number, the model designations, size and number of tanks, pipe nozzles, distance of nozzles above the cooking surface, location and type of detection devices, the location of any gas shut off valves and the location of manual pull stations.

- (c) The system shall be provided with automatic fuel shut-off.
- (d) A Class K fire extinguisher shall be installed per NFPA 10.
- (e) Alarms shall be connected to the fire alarm system per NFPA 72.
- (f) Cooking equipment used in processes producing smoke, or grease-laden vapors shall be equipped with an exhaust system that complies with all the equipment and performance requirements of NFPA 1 and NFPA 96, and all such equipment and performance shall be maintained per NFPA 96 during all periods of operation of the cooking equipment.

Sec. 38-34. Miscellaneous construction provisions.

(1) ADDRESSES AND DOOR LABELING

Addresses as assigned by the AHJ shall be placed on all structures or property supporting the same as follows:

- (a) Placement. The address shall be put in place on the structure as soon as reasonably possible during construction at a location acceptable to the AHJ.
- (b) Description of numbers and letters. Numbers and letters shall be of contrasting colors (e.g. Black and white) and readable from the road or highway and:
 - 1. Arabic numbers shall be used; script and roman numerals cannot be used alone, but may be used as an addition to the requirements of this section.
 - 2. All single family and two family residential buildings shall have street numbers, not less than four inches high and placed on the exterior wall of the principal building that faces the street or service drive providing access to the building. All such residential units shall also have street numbers, not less than three and one half inches high, placed on their respective mail box. If the building setback is greater than one hundred (100) feet from the roadway the address shall be moved no further than twenty-five (25) feet from the roadway and placed within ten feet of the entrance to the property. Numbers and letters shall be visible from the roadway at all times of the year.
 - 3. If the mailbox is on a different street from the residence, the street name and house number must be inscribed on the mailbox.

- (c) Multifamily requirements. All multifamily buildings shall have street numbers placed on the exterior of the principal building that faces the street service drive or parking lot and located adjacent to the individual unit entrances to the buildings. In addition, each building shall be identified by a letter or number, not less than twelve (12) inches high, located near the top of the building wall facing the street, service drive or parking lot serving that building. At the entrance of each access drive, there shall be a directory listing of the street numbers and building identifications that are accessible from the said street, service drive or parking lot. Suite numbers identifying the individual units must be placed on the primary entrance to each occupancy.
- (d) Commercial and Industrial requirements.
 - 1. If less than seventy-five (75) feet in height shall have street numbers, not less than six inches high, placed at the exterior wall of the principal building facing the street, service drive or parking lot providing access to that building and located adjacent to any primary entrance door.
 - 2. If more than seventy-five (75) feet in height shall have street numbers, not less than twenty-four (24) inches in height, located on the wall facing the primary street and main entrance.
 - 3. All suite numbers that identify each individual unit shall be placed on the primary entrance to each business or occupancy.
 - 4. All commercial or industrial structures, which have a rear service door, shall identify the occupant and the street address conspicuously and on said rear door in contrasting and reflective letters and/or numbers not less than six (6) inches in height, and shall continually maintain same.
- (e) Address numbering and lettering shall be in addition to addresses placed on mailboxes, paper boxes or similar objects.

(2) DOOR, FLOOR AND STAIRWAY IDENTIFICATION

Any occupancy having more than five exterior means of egress and/or more than two floors in height shall number the individual egress areas according to this section:

- (a) An identifying number shall be placed on the interior and exterior of each means of egress doorway not less than six inches high in contrasting color and light reflective. The main entrance or means of egress shall be numbered one with each additional means of egress, progressing clockwise around the exterior of the structure to reflect its relationship to the main entrance. All means of egress leading into the structure shall be numbered not just the required exit egresses.
- (b) Each interior door providing access to an enclosed stairway that is considered part of an accessible means of egress shall be identified with numbers and letters not less than three and one half inches high in the following manner:

1. Have a sign indicating floor level posted on both sides of the egress door in a location acceptable to the AHJ.
 2. Have a sign indicating the exterior exit door egress assigned in compliance with section 27.14(2)(a) located on both sides of the egress door in a location acceptable to the AHJ.
- (c) Identification numbers shall be placed on the exterior windows of all Hotels, Motels, Nursing Homes, and Multi-family occupancies to identify the room number or address it services. The numbers shall be not less than three and one half inches high and light reflective and in a location acceptable to the AHJ.

(3) FIRE ALARM SYSTEMS

- (a) INTENT. The intent of this section is to provide a means for automatic detection of fire conditions and to provide warning notification throughout all buildings and occupancies built herein after, structurally altered, and/or added to.
- (b) INSTALLATION REQUIRED. A Fire Alarm System shall be installed in all structures where the floor area exceeds the thresholds established in Table 27-14(4)(b) of the specific occupancy involved.

Table 27-14(4)(b)

OCCUPANCY TYPE	TYPE I	TYPE II	TYPE III	TYPE IV	TYPE V
A-1	5000 SF	5000 SF	3000 SF	3000 SF	ALL
A-2	3000 SF	3000 SF	ALL	ALL	ALL
A-3	3000 SF	3000 SF	3000 SF	3000 SF	3000 SF
A-4	3000 SF	3000 SF	1000 SF	1000 SF	1000 SF
A-5	N/A	N/A	N/A	N/A	N/A
B	5000 SF	5000 SF	3000 SF	3000 SF	3000 SF
E*	ALL	ALL	ALL	ALL	ALL
F-1	5000 SF	5000 SF	3000 SF	3000 SF	3000 SF
F-2	5000 SF	5000 SF	3000 SF	3000 SF	3000 SF
H-1	1000 SF	1000 SF	1000 SF	1000 SF	1000 SF
H-2	1000 SF	1000 SF	1000 SF	1000 SF	1000 SF
H-3	1000 SF	1000 SF	1000 SF	1000 SF	1000 SF
H-4	1000 SF	1000 SF	1000 SF	1000 SF	1000 SF
H-5	1000 SF	1000 SF	1000 SF	1000 SF	1000 SF
I-1	5000 SF	5000 SF	3000 SF	3000 SF	3000 SF
I-2	ALL	ALL	ALL	ALL	ALL
I-3	ALL	ALL	ALL	ALL	ALL
I-4	ALL	ALL	ALL	ALL	ALL
M	5000 SF	5000 SF	3000 SF	3000 SF	3000 SF
R-1	5000 SF	5000 SF	3000 SF	3000 SF	3000 SF
R-2	Multi-Family Statute applies.				
R-3	State Statutes apply				
R-4	ALL	ALL	ALL	ALL	ALL

S-1	3000 SF	3000 SF	3000 SF	3000 SF	3000 SF
S-2	5000 SF	5000 SF	3000 SF	3000 SF	3000 SF
U	5000 SF	5000 SF	3000 SF	3000 SF	3000 SF

*excludes single family home daycares

(c) **MINIMUM SYSTEM REQUIREMENTS.** The following minimum system requirements shall be met when any occupancy type exceeds the limits in table 27-14(4)(b). Minimum system requirements shall include:

1. Audible Notification Appliances shall be installed throughout protected premises.
2. Visible Notification Appliances shall be installed throughout protected premises.

Exceptions:

- a. Closets and/or other similar small storage rooms that do not exceed 50 square feet in floor area and are not normally occupied.
 - b. Normally unoccupied crawl spaces.
 - c. Normally unoccupied attic spaces.
 - d. Any non-accessible area.
 - e. Any area the AHJ deems Visible Notification Appliances are not required.
3. Appliances that automatically detect fire and/or products of combustion shall be installed throughout protected premises. The type of appliance used in each specific application and/or area must be appropriate for the applicable conditions and acceptable to the AHJ. The determination of the acceptability of any type of detector (products of combustion, flame, heat, etc.) shall be based upon occupancy and /or building use.

Exceptions:

- a. Closets and/or other similar small storage rooms that do not exceed fifty (50) square feet in floor area and are not normally occupied.
 - b. Normally unoccupied crawl spaces.
 - c. Normally unoccupied attic spaces.
 - d. Any non-accessible area
 - e. Appliances that automatically detect fire and/or products of combustion are not required in buildings that have complete automatic fire sprinkler systems installed in accordance with NFPA 13, unless required by the AHJ.
 - f. Any area the AHJ deems appliances that automatically detect fire and/or products of combustion are not required.
4. Manual Initiating Devices (pull stations) shall be located at all points of egress including all exit doors on every floor and/or building level.

Exceptions:

- a. Manual initiating devices are not required in buildings that have complete automatic fire sprinkler systems installed in accordance with NFPA 13.
5. Water flow detection devices shall be connected to the protected premises fire alarm system to specifically activate the notification appliances upon water flow.

6. Fire suppression system activation alarms shall be connected to the protected premises fire alarm system to specifically activate the notification appliances upon system activation. This includes but is not limited to Wet Chemical, CO2, Clean Agent, Water Mist and Dry Chemical Systems.
 7. Fire control and/or suppression systems supervisory condition indicators shall be connected to and monitored by the protected premise fire alarm system. This specifically includes but is not limited to: Valve Supervisory Switches (Tamper Switches), Low Air Switches, Low Water Switches, Low Temperature Switches, Fire Pump Condition Indicators and/or any other situation or condition deem necessary by the AHJ.
 8. *Fire Alarm Systems* shall be addressable and capable of indicating the status of all specific components connected to the system.
 9. All *Fire Alarm Systems* shall be monitored by a service acceptable to the AHJ.
 10. Fire alarm annunciators shall be installed in all protected premises. The number and locations of the fire alarm annunciators installed shall be acceptable to the AHJ
 11. As determined by the AHJ, any additional notification and/or initiation appliances/devices may be required due to size, occupancy hazards, building construction, and/or occupancy use.
- (d) SHOP DRAWINGS FOR FIRE ALARM SYSTEMS. Shop drawings for fire alarm systems are intended to provide basic information consistent with the objective of installing a fully operational, code compliant fire alarm system and to provide the basis for the record drawings required by NFPA 72. Conditional Approval of shop drawings is not intended to imply waiver or modification of any requirements of any Code or any other applicable criteria.
1. A minimum of three sets of plans, specifications, equipment data sheets and calculations must be submitted for conditional approval. The Municipality will retain two copies of each submittal and one copy will be returned to the installing contractor.
 2. Fire Alarm submittals shall include, shop drawings that include to an extent commensurate with the extent of the work being performed, floor plan drawings, riser diagrams (except for systems in single-story buildings), control panel wiring diagrams, point-to-point wiring diagrams, and typical wiring diagrams as described herein.
 3. All shop drawings shall be drawn on sheets of uniform size and shall include the following information:
 - a. Name of owner and occupant.
 - b. Location, including street address.
 - c. Device legend.
 - d. Date.
 - e. Floor plan drawings shall be drawn to an indicated scale and shall include the following information:
 - (1) Floor identification.
 - (2) Point of compass.

- (3) Graphic scale.
 - (4) All walls and doors.
 - (5) All partitions extending to within eighteen (18) inches of the finished ceiling.
 - (6) Room descriptions.
 - (7) Fire alarm device/component locations.
 - (8) Locations of fire alarm primary power connection(s).
 - (9) Locations of monitor/control interfaces to other systems.
 - (10) Riser locations.
 - (11) The location of the electrical panel that has the control panel circuit breaker.
 - (12) Name and address of installation contractor.
 - (13) Name and address of system designer.
4. Fire alarm system riser diagrams shall include the following information:
 - a. General arrangement of the system, in building cross-section.
 - b. Number of risers.
 - c. Type and number of circuits in each riser.
 - d. Type and number of fire alarm system components/devices on each circuit, on each floor or level.
 5. Control panel wiring diagrams shall be provided for all control equipment (i.e., equipment listed as either a control unit or control unit accessory), power supplies, battery chargers, and annunciators and shall include the following information:
 - a. Identification of the control equipment depicted.
 - b. Location(s) of control panels.
 - c. All field wiring terminals and terminal identifications..
 - d. All circuits connected to field wiring terminals, and circuit identifications.
 - e. All indicators and manual controls, including the full text of all labels.
 - f. All field connections to supervising station signaling equipment, releasing equipment, and fire safety control interfaces.
 6. Typical wiring diagrams shall be provided for all initiating devices, notification appliances, remote alarm light emitting diodes (LEDs), remote test stations, and end-of-line and power supervisory devices.
- (e) INSPECTIONS, TESTING AND RECORD KEEPING.
1. The Fire department and/or their representative(s) may inspect all *Fire Alarm System* installations. All equipment must be inspected prior to any equipment being installed. The fire department must be **notified at least forty-eight (48) hours prior to any fire alarm component being concealed.**
 2. The Fire Department and/or their representative(s) may witness all acceptance tests. The fire department must be **notified within forty-eight (48) hours prior to any testing.**

3. Two copies of the completed *Fire Alarm System* record of completion required by NFPA 72 must be provided to the Fire Department and/or their representative(s) prior to final acceptance.
 4. Permanent records must be provided in accordance with NFPA 72. This includes completed *Fire Alarm System* inspection and testing form.
- (f) SPECIAL REQUIREMENTS. On all buildings over four stories in height a Fire Command Center for fire department operations shall be provided. The Fire Command center shall comply with NFPA 72 and shall contain the features required in the International Fire Code and NFPA 1, 13.7.2.27.2.2.
1. Two-way telephone communication service shall be provided for the fire department use. This system shall be in accordance with NFPA 72. The communications system shall operate between the central control station and every elevator car, every elevator lobby, and each floor level of exit stairs.
 2. The requirements of NFPA 1, 13.7.2.27.2.2(A) shall not apply where the fire department radio system is approved as an equivalent system. [NFPA 101, 11.8.3.2.]
- (g) TESTING. When a fire alarm system and/or connected component is installed or altered, a fire alarm system performance test shall be conducted. Once the appropriate plans, permits, and installation work has been completed, the installing contractor shall contact the AHJ to set up the witnessing of a performance test to ensure all appliances are installed and functioning properly. Prior to requesting the AHJ witness a performance test the responsible parties must provide the AHJ with a completed copy of the Record of Completion required by NFPA 72.
- (h) MAINTENANCE. All devices shall be installed, maintained, and tested in accordance with NFPA 72 standards. If at any point a fire alarm fails to pass the annual test set forth in NFPA 72, the building owner and *Fire Alarm System* tester/inspector shall notify the AHJ of the test results. It shall be the AHJ's determination if that failed system is to be repaired or upgraded to comply with this code.
- (i) FIRE ALARM CONTROL PANELS. Shall display the status of the system components and be installed in a location acceptable to the AHJ. Adequate access for Fire Department, alarm maintenance, and inspection personnel shall be maintained. Fire alarm control panels shall not be located within private dwellings with the exception of one and two family dwellings.
- (4) FIRE DEPARTMENT ACCESS ROADS, AND FIRE LANES, AND PUMPER PADS.

Unobstructed fire lanes that are accessible from a public road shall be provided for every building or portion of a building in accordance with this Code and Comm 62.

- (a) Fire lanes shall have an unobstructed width of twenty-four (24) feet with the road edge closest to the building at least 10 feet from the building.
- (b) It shall be unlawful for any persons to park motor vehicles on, or otherwise obstruct any fire lane.
- (c) Where any part of a multi-family building is two (2) or more stories in height, the minimum unobstructed width of the fire lane parallel to one side of the building shall be twenty-six (26') feet.
- (d) For occupancies where a special hazard exists or where the size or configuration of the building, or contents limits normal fire apparatus access, the AHJ shall have the authority to require the installation of a "**Fire Pumper Pad**".
- (e) Fire Pumper Pads must be located outside of the building collapse zone in an area acceptable to the AHJ.
- (f) Fire Pumper Pads must be located within forty (40) feet of the *Fire Department Connection* and within forty (40) feet of the fire hydrant designated to supply the *Fire Department Connection*.
- (g) Access to the *Fire Pumper Pad* must be maintained at all times by the owner(s) and/or occupant(s).
- (h) Designated Fire Access Roads, and Lanes and *Fire Pumper Pads* must be submitted and conditionally approved prior to issuance of building permits.

(5) ELEVATOR CARS

All required passenger and freight elevators in all buildings and structures hereinafter constructed, except one and two family residential occupancies, shall:

- (a) Provide at least one elevator to all floors of such a size and arrangement to accommodate a twenty-four (24) inch by eighty-five (85) inch ambulance stretcher in the horizontal, open position.
- (b) The elevator arranged to accommodate an ambulance stretcher shall be identified by the Star of Life. This symbol shall not be less than three inches in height and shall be placed on both sides of the hoist way door frame.

(6) FIRE HYDRANTS

- (a) INTENT: The intent of this section is to insure adequate water supply for fire fighting purposes to structures, buildings, and normal premises. For the purpose of placing hydrants, "*NORMAL ACCESS ROUTES*" are defined as pavement, sidewalks, streets, driveways and paths leading to a building that are clear and

maintained year round. The normal access route does not include grass, parking stalls, ditches, hills, shrubs, flower beds, fences, walls or any other area typically used for ingress or regress to a building.

(b) WHERE REQUIRED:

1. **Buildings.** Any building or structure except single and two family dwellings, hereafter erected, shall provide at the owner's expense, approved water hydrants. Hydrants shall be located so that no part of the building is more than three hundred (300) feet from an approved hydrant by normal access routes. One hydrant shall be located within one hundred-fifty (150) feet of the Fire Department Sprinkler or Standpipe Connection, and this hydrant shall not be counted as a required hydrant fulfilling the three hundred (300) foot coverage rule. Required hydrants must be free standing and shall be installed not less than forty (40) feet from the building exterior wall and may not be closer than fifty (50) feet to another hydrant. Public hydrants across divided roads/highways shall not be used to fulfill the hydrant requirements for the building or premises. The AHJ will approve the actual location of all private hydrants. A copy of the building plan including site plans shall be provided to the Building Inspector for Fire Department use, in addition to any copies or building plans required by the Building Inspector.
2. **Mobile home parks.** Any new mobile home or trailer park or any mobile home or trailer park which expands by adding additional trailer or area to the present court site shall provide an approved water hydrant when any trailer or building located in such park is more than three hundred (300) feet from an approved hydrant. Water hydrants shall be provided so that no trailer or building is more than three hundred (300) feet from an approved hydrant by normal access routes.

(c) **APPROVED WATER HYDRANT.** An approved water hydrant shall mean a water hydrant with two, two and one-half and one, four and one-half inch Fire Department Connections with National Standard Threads and an operating nut size approved by the AHJ. The connecting water line between the public water main and the approved water hydrant shall not be less than six inches. All water hydrants approved by the AHJ and the Water and Sewer Utility shall be installed in compliance with standards of the Water and Sewer Utility and NFPA 24. All water hydrants shall be installed and maintained in such a manner and location so as to be accessible at all times to the Fire Department apparatus. All hydrants shall be installed, tested, in service, and accessible to the Fire Department prior to any above ground construction or combustibles are brought onto the site.

(d) **HYDRANT FLOWS.** Hydrant flows shall not be less than 1250 gallons per minute (GPM) with a twenty (20) pounds per square inch (PSI) residual. Additionally the hydrants providing coverage to a building or site under this section must supply a total flow sufficient to meet the requirements of the building. The procedure for determining fire-flow requirements for buildings shall be in accordance with Appendix B of the *International Fire Code*.

- (e) INSPECTION, TESTING, MAINTENANCE AND REPAIR.
1. Private fire service mains and water tanks shall be periodically inspected, tested and maintained in accordance with NFPA 25 at the following intervals:
 - a. Private fire hydrants inspected, flow tested and maintained annually and after each operation.
 - b. Property owner shall immediately advise the Fire Department and the Water Utility as to hydrants which have been damaged, inoperable, or have been found deficient in required fire flow.
 - c. All inoperable hydrants shall be repaired as soon as possible or within a reasonable time frame as determined by the AHJ.
 - d. All records of inspections shall be maintained on site and made available to the AHJ upon request.
 2. Hydrants must be accessible at all times. Prohibited obstructions may include but are not limited to snow, parked vehicles, materials, equipment, storage and, refuse. No obstructions shall be within four foot radius of the hydrant.

(7) ACCESS BOX SYSTEM REQUIREMENTS

- (a) An "Access Box" system has been adopted for use by this Fire Department. The following structures shall be equipped with an "Access Box" at or near the main entrance or such location as required by the AHJ.
1. Commercial or industrial structures protected by an automatic alarm system or automatic fire suppression system, or such structures that are secured in a way that restricts access during an emergency.
 2. Multi-family residential structures that have restricted access through locked doors and have a common corridor for access to the living units.
 3. Nursing homes, CBRFs, child day care and other health facilities.
 4. All educational occupancies
 5. The AHJ shall have the authority to require any structure to install and maintain an "Access Box".
- (b) All newly constructed structures subject to this section shall have the "Access Box" installed and operational prior to occupancy. All structures in existence on the effective date of this section and who are subject to this section shall have one year from the date of being ordered by the AHJ to have a "Access Box" installed to complete installation.
- (c) The owner or agent of a structure required to have an "Access Box" shall keep the following inside the box:
1. Keys to locked points of ingress and egress whether on the interior or exterior.
 2. The keys to locked mechanical, electrical, and elevator control rooms.
 3. The keys needed to open any alarm panels.

4. Floor plans or maps as required by the AHJ.
 5. The keys to other areas as directed by the AHJ.
- (d) All items required to be kept in the “*access Box*” shall be the most currently used and must be continually updated.
 - (e) The “*Access Box*” shall be installed at the owner’s expense.
 - (f) The size and type of “*Access Box*” will be determined by the AHJ.
 - (g) **Exception:** Any building or site that has twenty-four hour, seven-day a week guard service or any occupancy that remains open twenty-four hours a day, seven-days a week, does not require an “*Access Box*”, unless ordered by the Fire Chief.

(8) SITE PLAN REQUIREMENTS

Prior to occupancy, the owner of all buildings, except one and two family units, shall supply the Fire Department with an eight and one-half by eleven inch site plan which includes the following:

- (a) Location(s) of gas and electrical shut-offs.
- (b) Location(s) of high pile storage.
- (c) Location of *Fire Department Connection* and sprinkler control valve.
- (d) Dimensions of the structure in feet.
- (e) Location of the *Standpipe*.
- (f) Main entrance labeled.
- (g) Apartments, suites, or unit numbers.
- (h) Location of all hydrants on the site and surrounding streets.
- (i) Location of alarm panels.
- (j) Location of “*Access Box (s)*”.
- (k) Special fire protection and area covered: Heat Vents, FM 200 systems etc.
- (l) Special construction features: Sky Lights, Blowout Walls, etc.
- (m) Floor plans, including roof access points.

(9) ROUGH INSPECTIONS REQUIREMENTS

- (a) Rough inspections required by this code shall be conducted by the AHJ or a representative of the South Milwaukee Fire Department.
- (b) Rough inspections are required specifically to determine if substantial compliance with this code has been provided for in all structures regulated by this code.
- (c) The following rough inspection requirements are specifically established by this code and shall be enforced by the AHJ.
 - 1. All automatic fire sprinkler, fire control, fire suppression, fire alarm, and fire detection systems shall have a rough inspection done by the AHJ.
 - 2. Complete and accurate as-built drawings and revised hydraulic calculations must be resubmitted for the AHJ's review and approval for all fire sprinkler systems that utilize CPVC piping prior to any piping being concealed and must be inspected by the AHJ.
 - 3. All systems and/or building components the AHJ deems necessary shall have rough inspections done by the AHJ.
 - 4. All rough inspections must be completed by the AHJ prior to any system, equipment and/or component thereof subject to the requirements of this code being concealed in any way and/or means.
 - 5. All systems, equipment and/or components thereof, must be in plain view from the floor or grade level for all rough inspections.
- (d) System and/or component concealment restrictions are hereby established.
- (e) All structures regulated by this code shall comply with the following:
 - 1. The AHJ shall allow the concealment of any system and/or component thereof regulated by the code only after determining substantial compliance with the requirements of this code has been accomplished.
 - 2. If any system and/or component thereof is concealed prior to the AHJ conducting a rough inspection of any system and/or component thereof regulated by this code, the AHJ may order the removal of any material(s) that are preventing a rough inspection from being completed.
 - 3. If the requirements of this code are not complied with the AHJ may issue a stop work order on any project or portion thereof.

(10) OCCUPANCY INSPECTIONS

The Fire Department shall conduct inspections of public buildings and places of employment prior to the issuance of local occupancy permits. Written documentation of the inspections shall be kept by the Fire Department.

(11) BUILDING PLAN REVIEW

The Fire department shall conduct plan review and approvals of fire safety related elements prior to construction of any public buildings and/or places of employment.

(12) STANDPIPES

Fire Department Standpipes shall be provided in all new structures over two stories in height and in accordance with this section. The installation of standpipes shall be in accordance with this Section and NFPA 14.

- (a) The class and location of standpipe and Fire Department connections shall be determined by the AHJ.
- (b) The location of standpipe connections shall be accessible and shall be located so that all portions of the building are within thirty (30) feet of a nozzle attached to one hundred (100) feet of hose.
- (c) When required by the AHJ, an approved standpipe shall be installed as construction progresses to make them available for Fire Department use in the top most floors constructed. Temporary standpipes shall be provided in place of permanent standpipes when required, during the period of construction on buildings over three stories in height.
- (d) The Fire Department Connections for the standpipe shall be approved by the AHJ.
- (e) The Fire Department Connections shall be located at least forty (40) feet from all electrical transformers, gas meters, or propane storage.
- (f) Temporary standpipes are required on buildings over three stories in height.

Sec. 38-35. Miscellaneous use provisions.

(1) CARELESS SMOKING PROHIBITED.

- (a) No person shall smoke or carry a lighted cigar, cigarette, or pipe, or light a match or other flame-producing device in any retail mercantile establishment, except in areas approved for such purposes by the AHJ. It shall be the duty of the person in charge of such an establishment to enforce the regulations of this section.
- (b) Smoking shall be prohibited in all rooms or parts of buildings which contain flammable liquids in open containers or in which flammable liquids are used in any manufacturing process or where vapors from the flammable liquids are present or sold.

- (c) A plainly printed notice of the provisions of this subchapter shall be posted in a conspicuous place in all occupancies. Such printed notice shall also be posted in any place of public assembly where smoking is prohibited.
- (d) No smoking or use of flame-producing devices in schools or public libraries.
 - 1. No person shall light a match or other flame-producing device, smoke, or carry a lighted cigar, cigarette, or pipe in any school building or public library except in areas approved for such purpose by the AHJ. It shall be the duty of the person(s) in charge of such buildings to post and maintain approved signs bearing the words “NO SMOKING” in locations designated by the AHJ.
 - 2. Sections 101.025(1), 101.123, 101.123(8) a, b WI. ss. is hereby adopted by reference as if fully set forth herein.

(2) FIRE DAMAGED BUILDINGS (SECURING).

All dwellings and buildings within the Municipality damaged from fire shall be secured within twenty-four hours of release of the property by the AHJ. The owner of the damaged property shall assume the liability for the protection of the public until the property is secured.

(3) FIREWORKS.

- (a) Definition: The definition of “Fireworks” shall be stated in WI. ss. 167.10, and the items listed in sec. 167.10 (1) (f) and (j) to (n), Stat. “Caps” and “Sparklers” as defined in secs. 167.10 (1) (e) and (i), Stats. are excluded from this definition.
- (b) Sales: Except as provided in WI. ss. 167.10 (2) and (4), no person shall sell or possess with the intent to sell fireworks.
- (c) Use: Except as provided in WI. ss. 167.10 (3), no person shall possess or use fireworks without a user’s permit issued pursuant to section (d) below.
- (d) User permit: As provided in WI. ss 167.10 (3), fireworks user’s permits may be issued for festivals or celebrations after proper application to the Municipality. The AHJ shall require a certificate of liability insurance or similar proof of coverage on an amount deemed appropriate.
- (e) Use of caps and sparklers: No unlicensed person may use fireworks, caps, sparklers in a Municipal Park or at a fireworks display for which a permit has been issued if the display is open to the public.
- (f) Pyrotechnics: Pyrotechnics are prohibited in public buildings and places of employment unless authorized by the AHJ and shall be used in accordance with NFPA 1123.

(4) HIGH-PILED COMBUSTIBLE STORAGE.

- (a) High-piled combustible storage must comply with section 2301 of the *International Fire Code*.
- (b) Definitions as found in section 2302 of the *International Fire Code* will be used for high-piled combustible storage.
- (c) Commodities shall be classified in accordance with section 2303 of the *International Fire Code*.
- (d) High-piled combustible storage areas shall be designated in accordance to section 2304 of the *International Fire Code*.
- (e) Housekeeping and maintenance of high-piled combustible storage areas shall be in accordance with section 2305 of the *International Fire Code*.
- (f) General fire protection and life-safety features shall be in accordance with section 2306 of the *International Fire Code*. **Exception:** Compliance with section 2306.7 is not required by this Code.
Note: this section may be required by the State of Wisconsin.
- (g) Solid piled and shelf storage shall be in accordance with section 2307 of the *International Fire Code*.
- (h) Rack storage shall be in accordance with section 2308 of the *International Fire Code*.
- (i) Automated storage shall be in accordance with section 2309 of the *International Fire Code*.
- (j) Specialty storage shall be in accordance with section 2310 of the *International Fire Code*.

(5) OPEN BURNING.

- (a) LIMITATIONS. Burning of any kind is restricted. Open air burning of yard waste shall be allowed only by permit from the Fire Department. Permits will be available from the Fire Department. A fee may be required, see municipal burning permit for rules and regulations.
- (b) PERMISSIBLE BURNING.
 - 1. Grills: For other than one and two family dwellings, no hibachi, gas-fired grills, charcoal grill or similar devices used for cooking, heating, or any other purpose shall be used or kindled on any balcony or under any overhanging

portion of a building. Grilling on ground level is permissible provided that the grill is at least 10 feet away from any structure. Smoke must not be a nuisance to neighbors, or public roadways. Listed electrical ranges, grills or similar electrical apparatus shall be permitted.

2. Open fires, fire pits, and recreational fires shall comply with the requirements of NFPA 1 and the following requirements:
 - a. Portable fire pits: and Open Fires:
 - 1) Portable fire pits shall not be used or kindled on any balcony or under any overhanging portion or within 10 feet of any structure.
 - 2) Portable fire pits must be placed on a non-combustible surface.
 - 3) Portable fire pits shall be listed by a nationally recognized testing organization or acceptable to the AHJ.
 - 4) Burning of yard waste or other refuse is prohibited; only clean, dry wood can be used.
 - 5) Flammable or combustible liquids shall not be used to ignite the fire.
 - 6) Smoke shall be limited and shall not become a nuisance to neighbors or public roads.
 - b. Recreational fires (lined in-ground pit):
 - 1) Shall not be located within twenty-five (25) feet of a structure or combustible material unless contained in an approved manner.
 - 2) The total fuel area shall not exceed 3 feet in diameter and 2 feet in height.
 - 3) Only clean, dry wood can be burned.
 - 4) Flammable or combustible liquids shall not be used to ignite the fire.
 - 5) Smoke shall be limited and shall not become a nuisance to neighbors or public roads.
 - c. Open Fires
 - 1) Permitted open fires shall be located not less than fifty (50) feet from any structure.
 - 2) Only clean, dry wood can be burned.
 - 3) Flammable or combustible liquids shall not be used to ignite the fire.
 - 4) Smoke shall be limited and shall not become a nuisance to neighbors or public roads.
3. All fires must be supervised at all times by an adult and have the proper means available to extinguish the fire. No fire shall be left unattended.

(6) POSSESSION OF IGNITION DEVICES.

- (a) DEFINED. Ignition device, for the purpose of this section shall be defined as:
 1. Matches.
 2. Lighters.
 3. Any other materials when used for the purpose of ignition.
 4. Minor: any child under 18 years of age. Cr. 06/18/96, 1646

- (b) POSSESSION PROHIBITED. No minor may possess any ignition device, unless under the direct supervision of, or with direct permission of, a parent or legal guardian.
- (c) DELIVERY PROHIBITED. No person may sell, give, deliver or make accessible (as determined by the AHJ), any ignition device to a minor without the permission of the minors parent or legal guardian.
- (d) CONFISCATION. Any ignition device possessed by a minor may be confiscated by any Peace Officer, Fire Chief or authorized designee of the Fire chief. Once confiscated, these ignition devices shall become the property of the confiscating authority and shall be processed accordingly as evidence in the commission of a crime or made inoperable and disposed of properly.
- (e) PENALTY.
 - 1. Any person who shall violate any of the provisions of this section shall for each and every violation, be punishable by forfeiture, plus any costs or surcharges as required by law.
 - 2. In addition to any other penalties provided for in this code, the Judge of any court of any competent jurisdiction may order any person found guilty of violating this ordinance to any educational program as the Court deem appropriate and include as part of the penalty therein that such person pay the costs of such educational program.

(7) CHRISTMAS TREE SALES.

For the purpose of this paragraph, the following minimum standards shall apply to the storage, handling, and display of live Christmas Trees and Foliage.

- (a) Trees and foliage shall be stacked not closer than ten feet from any gasoline pump or other device for the transfer of petroleum products.
- (b) Aisles or clear spaces of not less than three feet shall be maintained at all times.
- (c) A fire extinguisher with a "2A-10BC" rating or greater shall be provided by the merchant for each seventy-five (75) feet of travel display and/or storage area.
- (d) All storage and sales of live Christmas Trees and Foliage shall be held outside of buildings.
- (e) It shall be unlawful to light a match or any flame-producing device, or to smoke or carry a lighted cigar, cigarette, or pipe in areas where live Christmas trees or foliage is displayed, sold, or stored. The person in charge of the Christmas tree sales shall post a "*NO SMOKING*" sign in locations designed to give persons entering the area a notice of this regulation.

Sec. 38-36. Flammable, combustible, and hazardous materials.

- (1) The following items shall not be stored in any multi-family dwelling in the community except in locations approved by the AHJ.
 - (a) Charcoal, except in a metal container equipped with a metal cover.
 - (b) Oily rags or oily dust mops.
 - (c) Flammable liquids.
 - (d) Bottle gases. Propane, acetylene, oxygen or other substances of a similar nature.
 - (e) Gasoline motors and gasoline power equipment.
 - (f) Dangerous or hazardous amounts of flammable, combustible or explosive material as determined by the AHJ.
 - (g) Hazardous conditions arising from defective or improperly installed equipment for handling or using flammable, combustible or explosive material.
 - (h) Dangerous accumulations of rubbish, waste paper, boxes, shavings, or other highly flammable materials as determined by the AHJ
 - (i) Dangerous accumulations of dust or waste materials in air conditioning systems.
- (2) Flammable, Combustible and Hazardous material shall be identified in accordance with NFPA 704.

Sec. 38-37. Special inspections required.

At the adoption of this Code all CBRF's, Adult Family Homes, Adult Day Care Centers and Child Day Care Centers (Group) will be inspected not less than once a year by the Fire Department. A courtesy fire inspection is recommended for all Family Child Day Cares.

Sec. 38-38. Fire inspection fees.

- (1) An annual fire inspection fee shall be charged to the property owner for required inspections of each building, structure, and premises.
- (2) The annual fee shall constitute a special charge against the property inspected and shall be entered upon the tax roll as a charge against the property and all proceedings

in relation to the collection, return, and sale of the property for delinquent real estate taxes shall apply to the inspection fee.

- (3) Payment for the annual fee shall commence with the 2008 Village property tax levy and shall be payable thereafter with each subsequent levy. The fee for the required fire inspections shall be as follows:
- (4) All businesses, motels, churches, private schools and other nonprofit organizations will be charged for fire inspections. Property owned by the Village of Mukwonago, severally or jointly, shall be exempt from these fees. Charges will be determined by the square footage of the building and are as follows: (Am. #475)
 - (a) Square footage refers to the floor area of any building or structure. (Rep. & recr. #453)

TABLE INSET:

Square Feet	Charges
Under 2,500	\$ 30.00
2,501 to 5,000	60.00
5,001 to 25,000	120.00
25,001 to 50,000	180.00
50,001 to 75,000	240.00
75,001 to 100,000	300.00
100,001 to 125,000	360.00
125,001 to 150,000	420.00
More than 150,000	420.00 plus \$60.00 each additional 25,000 sq. ft. over 150,000

- (b) Residential Multi-family: \$2.00/unit.
- (c) Motel/hotel: \$3.00/room.
- (5) Fire prevention inspection fees shall constitute a special charge against the property under § 66.60(16), Wis. Stats., and shall be invoiced to property owners in July of each year. Any fees remaining unpaid as of November 1st of each year shall be placed on the annual tax roll for collection as a special charge together with an administrative charge of \$15 per parcel. All proceedings related to the collection of real estate taxes shall apply.

- (6) The following penalties shall be assessed for fire inspection violations not corrected within the time ordered by the Fire Inspection Department:
- (a) The fees assessed in sub. (1) fire inspection includes the primary inspection and one re-inspection to follow up on any corrections which needed to be done in a reasonable time. After the re-inspection and reasonable time have passed, any business in violation shall be assessed for additional re-inspection needed to be done until the correction have been made as follows:
 - 1. Second re-inspection for violations not corrected in time given . . . \$150.00
 - 2. Third re-inspection for violations not corrected in time given . . . 200.00
 - 3. Fourth re-inspection for violations not corrected in time given . . . 325.00
 - 4. If violations are not corrected by the fourth inspection, additional action may be taken which may include a possible loss of occupancy.
 - (b) A municipal citation will be issued by the Village of Mukwonago Police Department after a formal complaint is filed with the Fire Chief. This municipal citation may be appealed through the Municipal Court.
- (7) Penalty. (Rn. MCC '95). Any person who shall violate any provision of this chapter, any provision of the Articles of Association or the district bylaws adopted herein, or any provision of the State Fire Prevention Manual herein adopted by reference, shall be subject to a penalty as provided in § 25.04 of this Municipal Code.

Sec. 38-39. Fees relating to fire protection systems.

Fees shall be established for certificates, approvals, and other functions performed under this code and shall be payable to the Municipality. Such fees shall accompany each application for such approval, certificate, or other fee related code provision. FEES ARE SUBJECT TO CHANGE. All fees pertain to new construction and the remodeling of existing building or occupancies.

ARTICLE III. PENALTIES, APPEALS, AND FEES.

Sec. 38-98. Penalties.

Any person who violates any of the provisions of this Code, or who fails to comply with any order made hereunder, or who builds in violation of any detailed statement of specifications or plans submitted and conditionally approved hereunder, or any certificate or permit herein from which no such appeal has been taken, or who fails to comply with such an order as affirmed or modified by a court of competent jurisdiction within the time fixed herein, shall for each and every violation and noncompliance be subject to the following:

- (8) Imposition by forfeiture of no more than \$200.00 per day by the Municipal Court.

- (9) Imposition of a penalty for each such violation shall not excuse the violation or permit it to continue and such violations or defects shall be corrected or remedied within the time stated in the order. Each and every day that a violation of this Code occurs constitutes a separate offense.
- (10) False Alarms. In one calendar year, if the fire department responds to three or more false alarms as described in 27-02(29)(a)(b)(c), the fire department may:
 - (a) Introduce a fine to the building owner or occupant to reimburse the fire department for the cost of equipment and personnel that was used to respond to the alarm.
 - (b) Require that the fire alarm be serviced, upgraded, or replaced to bring the alarm system into compliance with current code in order to prevent future false alarms.

Sec. 38-99. Appeals

- (1) Whenever the AHJ shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provision of this Code do not apply or that the true intent and meaning of this Code has been misconstrued or wrongly interpreted, the applicant may appeal the decision of the AHJ.
- (2) Appeals shall be submitted in writing, to the Chief of the Fire Department for a review of the initial determination within 30 days from the date of the decision of the AHJ.
- (3) All appeals shall follow Wisconsin Statute Chapter 68, Municipal Administrative Procedure.

Sec. 38-100. Fees.

All fees for permits, inspections, and all other applicable charges throughout this section shall be specified in the most current Village Board Resolution.