

Chapter 2

Fire Prevention and Safety Codes

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Sec. 3-2-1 Intent of Code.

It is the intent of this Chapter to prescribe regulations consistent with recognized standard practice for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling, and use of hazardous substances, materials, and devices, and from conditions hazardous to life and property in the use or occupancy of buildings or premises.

Sec. 3-2-2 Adoption of State and Other Codes.

(a) **Wisconsin Administrative Code.** The following orders, rules, and regulations of the Department of Commerce, all of which are set forth in the Wisconsin Administrative Code as from time to time amended, are incorporated herein by reference and adopted as part of this Fire Prevention Chapter.

- (1) Wis. Adm. Code Ch. COMM 4; No Smoking Signage
- (2) Wis. Adm. Code Ch. COMM 5; Credentials
- (3) Wis. Adm. Code Ch. COMM 7; Explosive Materials
- (4) Wis. Adm. Code Ch. COMM 9; Manufacture of Fireworks
- (5) Wis. Adm. Code Ch. COMM 10; Flammable & Combustible Liquids
- (6) Wis. Adm. Code Ch. COMM 14; Fire Prevention
- (7) Wis. Adm. Code Ch. COMM 15; Cleaning & Dyeing
- (8) Wis. Adm. Code Ch. COMM 16; Electrical
- (9) Wis. Adm. Code Ch. COMM 18; Elevator

- (10) Wis. Adm. Code Ch. COMM 20-25; Uniform Dwelling
- (11) Wis. Adm. Code Ch. COMM 28; Smoke Detectors
- (12) Wis. Adm. Code Ch. COMM 30; Fire Department Health & Safety
- (13) Wis. Adm. Code Ch. COMM 40; Gas Systems
- (14) Wis. Adm. Code Ch. COMM 50-64; Commercial Buildings For Buildings Constructed Prior To 7-1-02
- (15) Wis. Adm. Code Ch. COMM 61-65; Wisconsin Enrolled Building Code
- (16) Wis. Adm. Code Ch. COMM 66; Multifamily Dwelling
- (17) Wis. Adm. Code Ch. COMM 69; Barrier Free Design
- (18) Wis. Adm. Code Ch. COMM 70; Historic Buildings
- (19) Wis. Adm. Code Ch. COMM 75-79; Existing Buildings

(b) **NFPA Codes:** The following standards of The National Fire Protection Association (NFPA) Codes and or their successors as amended from time to time, are incorporated herein by reference and adopted as part of this Fire Prevention Chapter.

- (1) 1: Fire Prevention Code, Sections 1-4.14, 1-5.2 and 13.3; other requirements of NFPA 1: Chapter 1 are not included here.
- (2) 13: Installation of Sprinkler Systems
- (3) 13R: Installation of Sprinklers in Residential Dwellings (Multi-Family)
- (4) 33: Spray Application using Flammable or Combustible Liquids
- (5) 58: Liquefied Petroleum Gases
- (6) 70: National Electrical Code
- (7) 72: National Fire Alarm Code
- (8) 101: Life Safety Code

(c) **ICC Codes.** The following standards of the International Code Conference (ICC) Codes and or their successors as amended from time to time, are incorporated herein by reference and adopted as part of this Fire Protection Chapter.

(IFC) International Fire Code, including Appendix D.

(d) **Exceptions.**

- (1) The design and construction requirements of NFPA 1:, 101: and the IFC sections that apply to public buildings or places of employment are not included in this Chapter unless specifically referenced herein.
- (2) Any Permits required under NFPA 1:, and the IFC are not required by this Chapter.
- (3) Any Certificates of Fitness required in NFPA 1:, 101: and the IFC are not required by this Chapter.
- (4) NFPA 101: Chapters 4 and 5 shall be used for explanatory materials only.
- (5) IFC Chapter 4 shall be used for explanatory materials only.

Sec. 3-2-3 Application to New and Existing Conditions.

The provisions of this Chapter shall apply equally to new and existing conditions except that existing conditions not in strict compliance with the terms of this Chapter shall be permitted to continue where the exceptions do not constitute a distinct hazard to life or adjoining property.

Sec. 3-2-4 Orders to Eliminate Fire Hazards.

Whenever any of the officers, members, or inspectors of the Fire Department shall find any building or upon any premises dangerous or hazardous conditions as follows, he/she or they shall order such dangerous conditions or materials to be removed or remedied in such a manner as may be specified in said order:

- (a) Dangerous or unlawful amounts of combustible or explosive matter.
- (b) Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive matter.
- (c) Dangerous accumulations of rubbish, wastepaper, boxes, shavings, or other highly flammable materials.
- (d) Accumulations of dust or waste material in air conditioning systems or of grease in kitchen exhaust ducts.
- (e) Obstructions to or on fire escapes, stairs, passageways, doors, or windows liable to interfere with the operation of the Fire Department or egress of occupants in case of fire.
- (f) Any building or other structure which, for want of repairs, lack of sufficient fire escapes or other exit facilities, automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause, creates a fire hazard or a threat to life and safety.

Sec. 3-2-5 Service of Orders.

- (a) The service of such orders as mentioned in Section 3-2-4 may be made upon the owner, occupant, or other person responsible for the conditions, either by delivering a copy of the same personally or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the said premises. Whenever it may be necessary to serve such an order upon the owner of premises, such order may be served either by delivering to and leaving with the said person a copy of the said order or, if the owner is absent from the jurisdiction of the officer making the order, by mailing such copy to the owner's last-known post office address.
- (b) If buildings or other premises are owned by one (1) person and occupied by another under lease or otherwise, the orders issued in connection with the enforcing of the Chapter shall apply to the occupant thereof, except where the rules or orders require the making of such additions to or changes in the premises themselves, such as would immediately become real

estate and be the property of the owner of the premises; in such cases the rules or orders shall affect the owner and not the occupant unless it is otherwise agreed between the owner and the occupant.

Sec. 3-2-6 Investigation of Fires.

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

Sec. 3-2-7 Open Burning.

- (a) **Open Burning Prohibited.** No person, firm or corporation shall build any outdoor fire within the limits of the Town of Westport except as set forth in Subsection (b) of this Section. In order to protect the public health and safety, existing burning barrels and incinerators shall comply with the provisions of this Section within thirty (30) days of its effective date.
- (b) **Exceptions.**
 - (1) Outdoor cooking over a fire contained in a device or structure designed for such use is permissible.
 - (2) Controlled burning of grass or similar vegetation for environmental management purposes, with the prior notification of the appropriate Fire Chief, is permitted.
 - (3) Ceremonial campfires or bonfires, with prior notification of the appropriate Fire Chief, are permitted.
 - (4) Controlled burning of dry leaves and other non-offensive dry yard debris, with prior notification of the appropriate Fire Chief, provided, however, that such burning is:
 - a. Monitored by a responsible person until the fire has extinguished itself completely.
 - b. Conducted on days when excessive wind or atmospheric conditions will not result in danger to public health or safety.
 - c. Located outside of any street, road or highway right-of-way, easements or areas dedicated for such purposes.
 - d. Located at least thirty (30) feet from any neighboring residence.

- e. Not used for covert incineration of offensive substances or materials.
- (5) Incinerators or refuse burning barrels with a wire mesh cover and air openings no larger than one-half (1/2) inch. Only clean, untreated and unpainted wood, paper and cardboard generated by the property owner may be burned in an incinerator or burning barrel; the burning of wet rubbish, oily substances, asphalt, plastic and rubber products or household garbage is prohibited. Burning barrels and incinerators shall be located a minimum of five (5) feet from property lines and at least thirty (30) feet from any neighboring residence, and be placed in rear or side yard areas only.
- (6) Other occasions of desirable outdoor burning not specified by this subsection, but not as an alternative to refuse removal or disposal of which other methods are available, may be granted single occasion approval by the appropriate Fire Chief.
- (7) Whenever approval and special permit are granted by the appropriate Fire Chief under Subsection (b)(6) of this Section. The permit may specify and be conditioned on observance of safety restrictions and insurance requirements set forth therein.
- (c) **Chief May Prohibit.** The appropriate Fire Chief is permitted to prohibit any or all bonfires and outdoor rubbish fires only when atmospheric conditions or local circumstances make such fires hazardous.
- (d) **Burning in Right-of-Way.** No materials may be burned within any street, road or highway right-of-way, easements or areas dedicated for such purposes.
- (e) **Liability.** Persons utilizing and maintaining outdoor fires shall be responsible for any liability resulting from damage caused by the fire and/or the violation of this Section, including, but not limited to, all costs associated with the fire department or departments responding to the fire call.
- (f) **Loss of Privileges.** Any person, firm or corporation that violates any provision of Sections 3-2-7(a) - (e) shall forfeit their burning privileges under this Section until they appear before the Town Board to explain the circumstances of their violation. At that time, the Town Board may restore such privileges, or continue the suspension with or without conditions. Such matters shall be placed on the Board agenda at least five (5) working days prior to the regularly scheduled meeting date.

Sec. 3-2-8 Banning and/or Regulating the Use of Fire, Burning Materials, and Fireworks During Existence of Extreme Fire Danger.

- (a) **Declarations of Emergency.** When there occurs a lack of precipitation, there may exist an extreme danger of fire within the Town of Westport. This extreme danger of fire affects the health, safety, and general welfare of the residents of the Town of Westport and constitutes a state of emergency. It is hereby found that the regulation of fires, burning materials, and fireworks is necessary and expedient for the health, safety, welfare and good order of the Town during said emergency.

- (b) **Regulation of Fires, Burning Materials, and Fireworks.** Pursuant to Sec. 66.325, Wis. Stats., and when a burning state of emergency is declared, it may be ordered that a person may not:
- (1) Set, build, or maintain any open fire, except:
 - a. Charcoal grills using charcoal briquets, gas grills, or camp stoves on private property; or
 - b. Charcoal grills using charcoal briquets, gas grills, or camp stoves in Town parks placed at least twenty (20) feet away from any combustible vegetation.
 - (2) Throw, discard, or drop matches, cigarettes, cigars, ashes, charcoal briquets or other burning materials while outdoors except into a noncombustible container that does not contain combustible materials.
 - (3) Light or ignite a flare, except upon a roadway in an emergency.
 - (4) Light, ignite, or use anything manufactured, processed, or packaged solely for the purpose of exploding, emitting sparks or combustion for amusement purposes, including fireworks, firecrackers, bottle rockets, caps, toy snakes, sparklers, smoke bombs, or cylindrical or cone fountains that emit sparks and smoke, except in displays authorized by the Town where adequate fire prevention measures have been taken.
- (c) **Period of Emergency.** Pursuant to Sec. 66.325, Wis. Stats., burning emergencies shall become effective upon the time and date of the Town Chairperson or Dane County Executive declaring a state of emergency and shall remain in effect until the period of emergency ceases to exist or until the ratification, alteration, modification, or repeal of the burning state of emergency by the Town Board, or when applicable, the Dane County Executive.

Sec. 3-2-9 False Alarm and Interference with Fire Fighting.

- (a) It shall be unlawful to do any of the following in the Town of Westport:
- (1) Give a false alarm to any public officer or employee, whether by means of a fire alarm system or otherwise. This section is not limited to intentional acts. It covers all occurrences where an alarm is signaled and there is no present fire or emergency.
 - (2) Interfere with the proper functioning of a fire or police alarm system.
 - (3) Interfere with the lawful efforts of a fire department, its officers, members or employees, to extinguish a fire.
- (b) In addition to any other lawful penalty, any person who violates this section shall be responsible for, and reimburse the Town or any other paying parties, for any cost associated with any response by a fire or police department or agency caused by actions in violation of this section. Should the Town pay such costs and not receive reimbursement from the violating party within thirty days of invoice or other type of reasonable written notice, these costs shall be collected as a special charge against any offending property owner in accordance with Sec. 66.60(16), Wis. Stats.

Sec. 3-2-10 Key Boxes.

- (a) **Key Box Required.**
- (1) The Town Building Inspector shall require the installation of a key box in an accessible location approved by the applicable fire department, police services agency, and emergency medical services agency on all construction of new structures that are places of employment or public buildings as defined in Sec. 101.01, Wis. Stats., for which a building permit is issued on or after the effective date of this Section, as well as any alternations or other remodeling of existing places of employment or public buildings in which a building permit is issued on or after the effective date of this Section.
 - (2) When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for lifesaving or firefighting purposes, the Building Inspector or appropriate Fire Chief shall require that a key box be installed in an accessible location approved by the applicable fire department.
 - (3) The key box shall be a type approved by the Fire Department for the fire district where the property is located, and shall contain those keys found to be necessary to provide emergency access.
- (b) **Property Owner Responsibility.** The property owner is responsible to assure that keys maintained within a key box are those of the current type. When the property owner directs changes of locks within the building, the property owner shall notify the appropriate Fire and EMS Departments prior to changing the locks so that new keys may be placed in the key box.
- (c) **Removal of Key Prohibited.** Removal of any key by other than the Fire Department, a law enforcement officer, or Emergency Medical Service personnel, shall subject the violator to the Town's general penalties.

Sec. 3-2-11 Standard Exit Doors

- (a) Every door which serves as a required exit door and/or access door serving any area, room, public passageway, stairway or building that can accommodate 100 persons, shall have such fastenings or hardware that can be opened from the inside by pushing against a single bar or plate. The utilization of thumb turn lock hardware shall not be permitted. The latch or other approved fastening device on the door shall be of obvious method of release.
- (b) Doors that are in existence, prior to the adoption of this section (August 7, 2000) shall be permitted to remain for a period not to exceed five (5) years, unless one of the following conditions occurs:
- (1) The doorway is replaced
 - (2) Internal changes are made to the area, room, public passageway, stairway or building that would change the capacity to accommodate 100 persons.

- (3) Failure to comply with provisions of State and Local Codes which require thumb turn type hardware to be in the “open position” during periods that have a greater capacity than 100 persons.
- (c) The use of preexisting hardware contrary to this section may be revoked upon one violation of any of the conditions in section 3-2-11(b). Upon such violation, all doorways mentioned in section 3-2-11(a) shall be upgraded to meet the panic hardware of that section.

Sec. 3-2-12 False Appearance

The location of any device that has a physical appearance of a Life Safety device or Fire Protection Equipment, which does not perform that Life Safety or Fire Protection function, shall be disclosed by the owner of such equipment to the appropriate Fire Department.