

ORDINANCE 2023-09

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AN ORDINANCE REPEALING AND RECREATING CHAPTER 5 (FIRE DEPARTMENT) OF THE MUNICIPAL CODE OF THE CITY OF PRAIRIE DU CHIEN, CRAWFORD COUNTY, WISCONSIN

The Common Council of the City of Prairie du Chien, Crawford County, Wisconsin, does hereby ordain as follows:

Section 1: That Chapter 5 of the Municipal Code of the City of Prairie du Chien, Wisconsin be repealed and re-created to read as follows:

Section

- 5.00 – Definitions
- 5.01 – Composition of Department
- 5.02 – Appointments
- 5.03 – Department Training
- 5.04 – Fire Chief, Powers and Duties
- 5.05 – Deputy Fire Chief, Powers and Duties
- 5.06 – Control and Use of Apparatus
- 5.07 – Police Power of Fire Chief
- 5.08 – Fire Inspectors
- 5.09 – Right of Way, Fire Apparatus
- 5.10 – Traffic Laws Apply to Volunteers
- 5.11 – Combustible Materials Prohibited
- 5.12 – Administrative Codes Adopted
- 5.13 – Gunpowder
- 5.14 – Burning Refuse
- 5.15 – Open Burning
- 5.16 – Fire Suppression
- 5.17 – Key Lock Boxes Required on the Exterior of Certain Structures
- 5.18 – False Fire Alarms Prohibited
- 5.19 – Burning Ban
- 5.20 -- Standards and Codes
- 5.21 -- Variances
- 5.22 -- Closing and Vacating Buildings
- 5.23 -- Address and Door Labeling
- 5.24 – Occupancy Signs
- 5.25 – Carbon Monoxide (CO) Detectors
- 5.26 – Smoke Alarms
- 5.27 -- Possession of Ignition Devices
- 5.28 – Penalties
- 5.29 – Appeals

5.00 (DEFINITIONS)

(1) “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.

(2) "Approved". Acceptable to the AHJ.

(3) "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.

(4) "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 SPS 314.02 (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.

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

(6) "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.

(7) "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.

(8) "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.

(9) "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.

(10) "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.

(11) "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.

(12) "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.

(13) "NFPA". The National Fire Protection Association.

(14) "Shall". Indicates a mandatory requirement.

(15) "Should". Indicates a recommendation or that which is advised but not required.

(16) "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.

5.01 (COMPOSITION OF DEPARTMENT)

The Fire Department shall consist of one fire company which shall be volunteer and regular and shall consist of not more than 35 nor less than 15 persons. Said Fire Company shall include a Fire Chief, Deputy Fire Chief, Assistant Fire Chief, a Captain, four Lieutenants, and a Safety Officer. All members of the fire company, volunteer and regular, must reside within 15 miles of the fire station, in Prairie du Chien, Wisconsin 53821.

5.02 (APPOINTMENTS)

(1) FIRE CHIEF. The Fire Chief shall be appointed by the Police and Fire Commission and shall hold office during good behavior, subject to suspension or removal for cause by the Commission.

(2) SUBORDINATES. The members of the Fire Department shall be appointed by the Fire Chief, subject to approval by the Police and Fire Commissioner, from an eligible list provided by and approved by the Commission and kept on file by the Secretary of the Commission. All members appointed to the Fire Department shall be at least 18 years of age.

(3) SENIOR OFFICERS. The Fire Chief will appoint his/hers Deputy Chief, Assistant Chief and Safety Officer, subject to the approval of the Police and Fire Commission.

5.03 (DEPARTMENT TRAINING)

All members of the Department shall participate in the Department training program in accordance with the Department's bylaws. Department training sessions shall be held at least twice every month and all members shall be required to attend at least one session per month unless excused by the Fire Chief or the said member had already taken an approved vacation.

5.04 (FIRE CHIEF, POWERS AND DUTIES)

(1) GENERAL SUPERVISION. The Chief shall have the general supervision of the Department, which supervision shall be subject to and not in conflict with this chapter and the rules and regulations of the Department. The office of Fire Chief is a full time position.

(2) DISCIPLINARY ACTION. The Fire Chief shall have the power to suspend, demote, expel or otherwise discipline members of the Department, subject to appeal to the Police and Fire Commission.

(3) COMMAND OF FIRE FIGHTING OPERATIONS. The Chief shall be present at all fires, if possible, and have complete command and entire responsibility of all firefighting operations, plan the control of the same, direct the action of the Department when it arrives at a fire, observe that the Department does its duty, grant leaves of absence at a fire when he/she may deem it proper, and see that the fire apparatus is kept in proper condition at all times.

(4) REPORTS TO THE COUNCIL. Upon request of the Common Council of the City of Prairie du Chien, the Fire Chief shall submit a report to the Council relating to the conditions of all fire apparatus and the drill and training program of the Department, together with other pertinent information, including recommendations for such improvements as he/she deems proper and necessary for the operation of the Department.

(5) ENFORCEMENT OF FIRE PREVENTION LAWS AND ORDINANCES. The Fire Chief shall enforce all fire prevention ordinances of the City and the State laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and on the activities of the Department.

(6) RESPONSE RECORDS. The Fire Chief shall keep a record of all emergency responses to which the Department was called and shall enter in such record the location of incident, the time the request for emergency assistance was received, the nature of the emergency and the cause of the emergency responded to, the amount of insurance carried on buildings and contents, and estimated loss, if the emergency responded to was a fire, the time the emergency situation was nullified, and the names of the fire company personnel responding to the emergency and any general remarks the Fire Chief feels will better explain or amplify on his/her report relative to the incident. The fire department shall also thoroughly investigate all fires for cause and origin in the City.

(7) APPARATUS INVENTORY. The Fire Chief shall keep an inventory of all apparatus and equipment and an inventory of all hose showing dates and results of tests on each length, which shall be individually numbered.

(8) DUTIES AS COMMANDING OFFICER. The Fire Chief shall perform such other

duties as are usually incumbent on the commanding officer of the Fire Department.

5.05 (DEPUTY FIRE CHIEF, POWERS AND DUTIES)

In the absence of the Chief, the Deputy Fire Chief shall take command and perform the duties of the Chief.

5.06 (CONTROL AND USE OF APPARATUS)

(1) The Fire Chief shall have control of all apparatus used by the Department and shall be responsible for its proper maintenance. Emergency repairs may be authorized by the Chief.

(2) Unless approved by the Fire Chief and the Mayor, no apparatus shall be used for any purpose except for firefighting within the City limits, or in training therefore, except in towns and villages which have contracted with the City for fire protection or when requested through our MABAS agreements.

5.07 (POLICE POWERS OF FIRE CHIEF)

(1) **POLICE AUTHORITY.** The provisions of §213.095, Wis. Stats., now in effect or hereafter amended, are hereby adopted.

(2) **CONTROL OF FIRES.** The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons except firefighters and police officers and those admitted by order of any officer of the Department shall be permitted to enter. The Fire Chief may cause the removal of any property whenever it shall become necessary for the preservation of such property from fire or to prevent the spreading of fire or to protect the adjoining property, and during the progress of any fire he/she may order the removal or destruction of any property necessary to prevent the further spread of the fire. He/she may also cause the removal of all wires or other facilities and the turning off of all electricity, gas or other services where the same impedes the work of the Department during the progress of a fire.

(3) **ENTERING PREMISES.** Any firefighter while acting under the direction of the Fire Chief or other officer in command may enter upon the premises adjacent to or in the vicinity of any building or other property then on fire for the purpose of extinguishing such fire and if any person shall hinder, resist nor obstruct any firefighter in the discharge of his/her duty as is herein before provided, the person so offending shall be deemed guilty of resisting a firefighter in the discharge of his/her duties.

(4) **DUTIES OF BYSTANDERS.** Every person who shall be present at a fire shall be subject to the orders of the Fire Chief or officer in command and may be required to render assistance in fighting the fire or removing or guarding property. Such officer may cause the arrest of any person refusing to obey said orders.

(5) **INJURY TO EQUIPMENT PROHIBITED.** No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the City and no vehicle or railroad equipment shall be driven over any unprotected hose of a Fire Department

when laid down on any street, private driveway, track or other place to be used at any street, private driveway, track or other place to be used at any fire or alarm of fire without the consent of the Fire Department official in command.

5.08 (FIRE INSPECTORS)

FIRE CHIEF TO BE FIRE INSPECTOR. The Fire Chief shall hold the office of Fire Inspector with power to appoint one or more Deputy Fire Inspectors, who shall perform the same duties and have the same powers as the Fire Inspector.

INSPECTION DUTIES. The Fire Inspectors shall inspect per DSPS314, all public buildings and places of employment, as defined in § 101.01, Wis. Stats., within the City limits of the City of Prairie du Chien for the purpose of noting and causing to be corrected any conditions liable to cause a fire or other hazardous condition(s). Repairs or alterations necessary to remove the hazardous condition shall be made within a reasonable time at the expense of the owner. The Inspector shall also investigate the storage and handling of explosives and flammable liquids within the City.

PROCEDURE. Fire Inspection procedures and forms shall be developed in accordance with § 101.14, Wis. Stats., and any amendments thereto, and applicable codes of the National Fire Prevention Association.

WRITTEN RECORD OF INSPECTIONS. The Fire Inspector shall keep a written record of each property inspected, which shall conform to the requirements of all local and state laws or regulations relative to same, and further, the Fire Inspector shall make an annual report of inspections to the Common Council for the City of Prairie du Chien.

CORRECTION OF FIRE HAZARDS. When any inspection by the Fire Inspector or appointed deputies reveals a fire hazard, the Fire Inspector or appointed deputies may serve a notice in writing upon the owner of the property giving said owner a reasonable time within which to remove the hazard. If the fire hazard is not removed within the time allowed it shall be deemed a nuisance and the Fire Inspector or the appointed deputies may have the same removed by the City and the cost of such removal shall be recovered in an action by the City against the owner of the property and may also be entered on the tax roll as a special charge against the property. The Fire Chief and any appointed deputies shall have the power to write citations for any violations of this chapter.

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 interior of dwelling units will not be inspected unless specifically requested by the owner/occupant or allowed by State Statutes.

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.

5.09 (RIGHT OF WAY OF FIRE APPARATUS)

The Officers and members of the Fire Department, with their fire equipment of every kind, when going to or are on duty at a fire or any other emergency incident shall have the right of way over all other vehicles upon City streets, and the operator of any other vehicle, whether motor or otherwise, upon the approach of such fire apparatus, shall immediately drive such other vehicle as far as possible to the right of the thoroughfare and shall keep such vehicle stationary until such fire apparatus shall have passed. Except when actually responding to a fire alarm or other emergency incident, the apparatus and vehicles of the Fire Department shall, however, have no special right of way or other privileges of any kind, but shall be subject to all traffic regulations applied to other vehicles. Further, the provisions of §346.455, Wis. Stats., now in effect or hereafter amended from time to time, are by reference adopted herein.

5.10 (TRAFFIC LAWS APPLY TO VOLUNTEERS)

All volunteer firefighters, when responding to a fire call with a private vehicle, shall comply with all traffic regulations, except nonmoving traffic regulations.

5.11 (COMBUSTIBLE MATERIALS PROHIBITED)

No person shall permit on premises he/she controls any empty boxes, waste paper, excelsior, rags or other combustible materials in such quantities or manner as to create a fire hazard.

5.12 (ADMINISTRATIVE CODES ADOPTED)

(1) The provisions of the following codes, now in existence and any amendments, additions, or deletions thereto, except penalty provisions, are hereby adopted by reference:

(a) Wisconsin Administrative Code, Department of Safety and Professional Services,

Chapter 307, Explosive Materials

(b) Wisconsin Administrative Code, Department of Safety and Professional Services, Chapter 310, Flammable and Combustible Liquids

(c) Wisconsin Administrative Code, Department of Safety and Professional Services, Chapter 314, Fire Prevention

(d) Wisconsin Administrative Code, Department of Safety and Professional Services, Chapter 340, Gas Systems, Sub-chapter V, Liquefied Petroleum Gas Facilities, and Sub-chapter VI, Liquefied Natural Gas Facilities

5.13 (GUNPOWDER)

No person shall keep or store more than 10 pounds of gunpowder at any place within the City without the written permission of the Fire Chief. Any dealer permitted to keep at his place of business in excess of 10 pounds of gunpowder shall not keep more than 50 pounds at any one time, and such gunpowder shall be kept in a safely constructed box painted yellow with the word "powder" printed or painted thereon in black letters not less than 5 inches in height and equipped with handles so that same may be readily moved in case of fire, and such box shall be kept in such part of the dealer's place of business as may be directed by the Fire Chief.

5.14 (BURNING REFUSE)

No person shall burn garbage, leaves, rubbish, refuse, trash, or construction debris of any kind within the City of Prairie du Chien without prior written approval from the fire chief.

5.15 (OPEN BURNING)

(1) Except as provided in subparagraph (2) below, all persons shall obtain a permit from the Fire Chief before kindling or maintaining any open burning or authorizing the kindling maintaining of any open burning, not otherwise prohibited, within the City limits of the City of Prairie du Chien.

(2) No permit is required for recreational fires. Recreational fires shall be defined as a fire in an enclosure specifically designed for ember and flame containment, such as rocked-in pits, fireplaces, and barbecue grills, which allow a fire area of no more than 36 inches in diameter. In addition, such fires shall:

(a) Use only wood or charcoal as the material to be burned.

(b) Fires must be maintained so that flames do not exceed 4 feet in height, produce excessive smoke, be under the supervision of an adult at all times and be no closer than 15 feet to any building or structure.

(c) Have near-by an adequate and readily available means to extinguish the fire.

Fires that do not comply with these requirements shall be extinguished at the discretion of the Fire Chief or the Fire Chief's designee.

5.16 (FIRE SUPPRESSION)

(1) DEFINITIONS:

(a) "Working Fire" means any fire requiring the use of an extinguishing agent or the removal of a burning object from a structure.

- (b) "Vehicle" means automobiles, trucks, trucks and trailers, trains, boats, barges, and all other water crafts, snowmobiles, airplanes, motorcycles, UTVs and ATVs.
- (c) "Hazardous materials" means those materials set forth in Sections 166.20(1) (e) and 299.80(1) (c), Wis. Stats., or any amendments to same.

(2) The owner of property shall be liable to the City of Prairie du Chien for the actual expense, however, not to exceed \$1000.00, incurred by the Prairie du Chien Fire Department under the following circumstances:

- (a) Suppression of any working fire.
- (b) Any vehicle accident that requires fire suppression or extrication of vehicle occupants.
- (c) Any incident involving hazardous materials.

5.17 (KEY LOCK BOXES REQUIRED ON THE EXTERIOR OF CERTAIN STRUCTURES)

(1) The following structures constructed after June 6th, 2007, shall be equipped with a lock box at or near the main entrance or such location as required by the Fire Chief for the City of Prairie du Chien.

(a) Commercial or industrial structures protected by an automatic alarm system, automatic suppression system, or secured in a manner that restricts access during an emergency.

(b) All multi-family residential structures that have restricted access through lock doors and have a common corridor for access to the living units.

(c) Governmental structures and nursing care facilities.

(2) All newly constructed structures subject to this section shall have the key lock box installed and operational prior to the issuance of an occupancy permit, unless the Fire Chief for the City of Prairie du Chien grants a variance and determines that a lock box is not necessary.

(3) The Fire Chief for the City of Prairie du Chien shall designate a lock box system to be implemented within the City and shall have the authority to require all structures as above set forth to use the designated system.

(4) The owner or operator of a structure required to have a lock box shall, at all times, keep a key(s) in the locked box that will allow for access to the structure.

(a) The City of Prairie du Chien Fire Department will be the only holder of the lock box key.

(b) The entry keys shall be updated as necessary at the owner's expense and will be checked as part of the fire inspection visits.

(c) The owner or operator of a structure required to have a key system shall provide to the City of Prairie du Chien Fire Department a list on an annual basis of the emergency contacts in case of an emergency.

(5) Any person who will violate a provision of this section shall be subject to a forfeiture of \$200.00.

5.18 (FALSE FIRE ALARMS PROHIBITED)

(1) **DEFINITIONS.** For the purposes of this ordinance, the following definitions apply:

- (a) **Fire alarm system:** Any assembly of equipment, mechanical or electrical, installed by a fire alarm business, arranged to signal the occurrence of a fire, smoke, water flow or other condition to which the Fire Department may be expected to respond.
- (b) **Fire alarm user:** A person, firm, partnership, association, corporation, company, or organization of any kind that is in control of any building, structure, or facility where a fire alarm system is installed.
- (c) **False alarm:** The activation of a fire alarm system through mechanical failure, malfunction, improper installation, improper maintenance, or the negligence of the owner or lessee of the fire alarm system or of his or her employees or agents.
- (d) **Year:** A twelve (12) month period.

(2) FALSE ALARMS PROHIBITED. No fire alarm user shall cause a false alarm within the corporate boundaries of the City of Prairie du Chien.

(3) FALSE ALARM PENALTIES.

- (a) Whenever Fire Department personnel respond to an activated fire alarm system, the fire official in charge of the incident shall determine if the response was caused by a false alarm and shall indicate that fact in the incident report.
- (b) The Fire Department shall regularly review incident reports to monitor the accumulation of false alarms at any one (1) location. When two (2) false alarms have occurred at the same location within one (1) calendar year, the Fire Department shall notify the fire alarm user by letter, citing the location and date of each false alarm. The letter shall recommend that appropriate action be taken on the part of the fire alarm user to alleviate the causes of false alarms and shall include a statement that an accumulation of three (3) or more false alarms within one (1) calendar year shall result in a citation.
- (c) When three (3) false alarms have occurred at the same location within one (1) calendar year, a minimum penalty of \$100.00 plus costs shall be imposed by the court. The penalty for additional infractions shall increase in \$100.00 increments (4th false alarm - \$200.00 plus costs; 5th false alarm - \$300.00 plus costs, etc.). However, no party shall be issued more than one (1) citation in any twenty-four (24) hour period.

(4) EVIDENCE OF REPAIR ACCEPTED IN LIEU OF PENALTY. An alarm user may submit evidence to the City Administrator that a malfunctioning system has been repaired in lieu of paying a penalty within ten (10) days of the date of issuance of a citation. Evidence such as a receipt from a licensed alarm business with a statement of repairs made to the system is acceptable. If there are repeated problems with a system after a repair or repairs have alleged been made, the City Administrator or his/her designee may refuse to set aside the citation by the Fire Department, at his/her discretion.

(5) FALSE ALARMS THAT QUALIFY FOR PENALTIES.

Alarms that qualify for the imposition of a penalty under this section include, but are not limited to:

- (a) An alarm caused by improper installation or maintenance of the fire alarm system.

This includes, but is not limited to, missing backup batteries, loose connections, and smoke detectors mounted near air vents or otherwise overly sensitive detectors.

(b) An alarm caused by a power outage or storm, as long as there is no evidence that lightning hit the structure or traveled in on power lines or telephone lines.

(c) An alarm caused by the alarm user or alarm company working on the system or testing the system without notifying the alarm company or the Joint Dispatch Center of the issue.

(d) A false alarm set off by the alarm user or an employee.

(e) An occupant conducting a fire drill without notifying the alarm company, the Prairie du Chien Fire Department, or the Joint Dispatch Center.

(f) An alarm caused by an employee of a business or family member of a residence smoking near a detector and setting it off.

(g) An alarm caused by normal cooking where the alarm user could relocate a smoke detector or provide better ventilation.

(h) An alarm caused by dust from construction.

(i) A burglar alarm reported by an alarm company.

(j) An alarm for which there is no explanation. If a cause for the alarm cannot be identified (no pull station was activated, smoke was not present, etc.), there shall be a rebuttable presumption that the system malfunctioned and that the false alarm user is liable.

(6) FALSE ALARMS THAT DO NOT QUALIFY FOR PENALTIES.

A penalty shall not be imposed under this section in the following circumstances:

(a) Activation of an alarm caused by a fire, potential fire, or hazardous situation, such as smoke from an overheated stove in a potential fire situation.

(b) A test by the Fire Department or other regulatory agency.

(c) An alarm caused by someone who is not an employee of the alarm user smoking near a detector, unless the alarm user has not attempted to control smoking.

(d) A malicious activation of a pull station by someone who is not an employee of the alarm user, unless management could relocate the pull station or provide protective covers to prevent easy activation.

(e) An alarm caused by unauthorized tampering with an alarm system by someone other than an employee of a business or member of the family occupying a residence where the alarm activates.

(f) A burglar alarm or elevator alarm that is reported as a fire alarm by an occupant. However, if an alarm company reports a burglar alarm as a fire alarm, it qualifies as a false alarm subject to penalty.

(g) A beeping smoke detector in a residence that the occupant has requested the Fire Department to check.

5.19 (BURNING BAN)

(1) When weather conditions make any burning hazardous in the professional opinion of the Fire Chief, then the Fire Chief may declare a burning ban.

(2) No burn permits shall be issued and any outstanding burning permits is void. Further, open burning as permitted under Section 5.15 of this chapter shall be

prohibited.

(3) The public shall be notified of any such burning ban by radio or other electronic media and posted at City Hall.

5.20 (STANDARDS AND CODES)

The City of Prairie du Chien hereby adopts the following codes and standards:

(1) The most current legislatively enacted versions by the State, on the effective date of this Code shall apply

SPS 33	Petition of Variance Procedure
SPS 35	Licenses, Certification and Registration
SPS 37	Explosive Materials
SPS 39	Manufacture of Fireworks
SPS 310	Flammable and Combustible Liquids
SPS 314	Fire Prevention
SPS 316	Electrical
SPS 318	Elevator Code
SPS 328	Smoke Detectors
SPS 334	Amusement Rides and Attractions
SPS 335	Infectious Agents
SPS 340	Gas Systems
SPS 341	Boilers and Pressure Vessels
SPS 343	Anhydrous Ammonia
SPS 345	Mechanical, Refrigeration
SPS 348	Petroleum Products
SPS 361-365	Enrolled Commercial Building Code
SPS 370	Historic Buildings
SPS 371	Solar Energy Systems
SPS 375-379	Existing Buildings
SPS 395-398	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.

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)

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 Uniform fire Code (applies only to the use, maintenance, operation and

testing)

NFPA 10	Standard for Portable Fire Extinguishers
NFPA 11	Standard for Low-, Medium- and, High-Expansion Foam
NFPA 12	Standard on Carbon Dioxide Extinguishing Systems
NFPA 13	Standard for the Installation of Sprinkler Systems
NFPA 13D	Sprinkler Systems in One and Two-Family Dwellings and Manufactured Homes
NFPA 13R	Sprinkler Systems in Residential Occupancies up to and Including four Stories in Height
NFPA 14	Standard for the Installation of Standpipes, Private Hydrant, and Hose Systems
NFPA 15	Standard for Water Spray Fixed Systems for Fire Protection
NFPA 16	Standard for the Installation of Foam-Water sprinkler and Foam-Water Spray Systems
NFPA 17	Standard for Dry Chemical Extinguishing Systems
NFPA 17A	Standard for Wet Chemical Extinguishing Systems
NFPA 20	Standard for the Installation of Stationary Pumps for Fire Protection
NFPA 22	Standard for Water Tanks for Private Fire Protection
NFPA 24	Standard for the Installation of Private Fire Service Mains and their Appurtenances
NFPA 25	Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems
NFPA 30	Flammable and Combustible Liquids Code
NFPA 30A	Code for Motor Fuel Dispensing Facilities and Repair Garage's
NFPA 30B	Code for the Manufacture and Storage of Aerosol Products
NFPA 33	Standard for Spray Application Using Flammable or Combustible Materials
NFPA 34	Standard for Standard Dipping and Coating Processes Using Flammable or Combustible Liquids
NFPA 37	Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines
NFPA 45	Standard on Fire Protection for Laboratories Using Chemicals
NFPA 51	Standard for the Design and Installation of Oxygen-Fuel Gas Systems for Welding, Cutting, and Allied Processes
NFPA 51A	Standard for Acetylene Cylinder Charging Plants
NFPA 54	National Fuel Gas Code
NFPA 55	Standard for the Storage, Use, and Handling of Compressed Gases and Cryogenic Fluids in Portable and Stationary Containers, Cylinders, and Tanks
NFPA 58	Liquefied Petroleum Gas Code
NFPA 59A	Standard for the Production, Storage, and Handling of Liquefied Natural Gas (LNG)
NFPA 69	Standard on Explosion Prevention Systems
NFPA 70	National Electrical Code®
NFPA 72	National Fire Alarm Code
NFPA 75	Standard for the Protection of Information Technology Equipment
NFPA 76	Standard for the Fire Protection of Telecommunications Facilities
NFPA 80	Standard for Fire Doors and Fire Windows

NFPA 82 Standard on Incinerators and Waste and Linen Handling Systems and Equipment

NFPA 85 Boiler and Combustion Systems Hazards Code

NFPA 86 Standard for Ovens and Furnaces

NFPA 88A Standard for Parking Structures

NFPA 91 Standard for Exhaust Systems for Air Conveying of Vapors, Gases, Mists, and Noncombustible Particulate Solids

NFPA 96 Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations

NFPA 99B Standard for Hypobaric Facilities

NFPA 99C Standard on Gas and Vacuum Systems

NFPA 101 Life Safety Code®

NFPA 101B Code for Means of Egress for Buildings and Structures

NFPA 102 Standard for Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures

NFPA 105 Standard for the Installation of Smoke Door Assemblies

NFPA 110 Standard for Emergency and Standby Power Systems

NFPA 111 Standard on Stored Electrical Energy Emergency and Standby Power Systems

NFPA 115 Standard on Laser Fire Protection

NFPA 160 Standard for the Use of Flame Effects before an Audience

NFPA 170 Standard for Fire Safety and Emergency Symbols

NFPA 204 Standard for Smoke and Heat Venting

NFPA 221 Standard for High Challenge Fire Walls, Fire Walls, and Fire Barrier Walls

NFPA 230 Standard for Fire Protection of Storage

NFPA 232 Standard for the Protection of Records

NFPA 241 Standard for Safeguarding Construction, Alteration, and Demolition Operations

NFPA 291 Practice for Fire Flow Testing and Marking of Hydrants

NFPA 303 Fire Protection Standards for Marine and Boatyards

NFPA 307 Standards for the Construction and Fire Protection for Marine Terminals, Piers, and Wharves

NFPA 418 Standard for Heliports

NFPA 430 Code for the Storage of Liquid and Solid Oxidizers

NFPA 432 Code for the Storage of Organic Peroxide Formulations

NFPA 434 Code for the Storage of Pesticides

NFPA 484 Standard for Combustible Metals

NFPA 490 Code for the Storage of Ammonium Nitrate

NFPA 495 Explosive Materials Code

NFPA 499 Recommended Practice for the Classification of Combustible Dusts and of Hazardous (Classified) Locations for Electrical Installations in Chemical Process Areas

NFPA 560 Standard for the Storage, Handling, and Use of Ethylene Oxide for Sterilization and Fumigation,

NFPA 654 Standard for the Prevention of Fire and Dust Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids

NFPA 664 Standard for the Prevention of Fires and Explosions in Wood Processing

and Woodworking Facilities

NFPA 704 Standard System for the Identification of the Hazards of Materials for Emergency Response

NFPA 720 Standard for the Installation of Carbon Monoxide (CO) Warning Equipment in Dwelling Units

NFPA 750 Standard on Water Mist Fire Protection Systems

NFPA 780 Standard for the Installation of Lightning Protection Systems

NFPA 853 Standard for the Installation of Stationary Fuel Cell Power Systems

NFPA 1123 Code for Fireworks Display

NFPA 1124 Code for the Manufacture, Transportation, Storage and Retail Sales of Fireworks and Pyrotechnic Articles

NFPA 1125 Code for the Manufacture of Model Rocket and High-Power Rocket Motors

NFPA 1126 Standard for the Use of Pyrotechnics before a Proximate Audience

NFPA 2001 Standard on Clean Agent Fire Extinguishing Systems

NFPA 2010 Standard for Fixed Aerosol Fire Extinguishing Systems

5.21 (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.

5.22 (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.

5.23 (ADDRESS 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 the 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.

5.24 (OCCUPANCY CAPACITY SIGNS)

(a) WHERE REQUIRED. In all rooms having an occupancy load of fifty (50) persons or greater where fixed seating is not installed and which are used as classrooms, assemblies or similar purpose.

(b) SUB-DIVISIBLE ROOMS. Rooms that are sub-dividable or are used for the purpose that allow for an increased occupancy load by the removal of tables, chairs etc. shall have each occupancy load posted as shown in section (c)

(c) SIGN CONSTRUCTION. All signs shall be constructed of durable materials with a minimum 1" block letters on a contrasting background so as to be readily visible. The number of occupants permitted for each room use and room identification for each separate room area (where provided) shall be included on the sign.

(d) SIGN LOCATION. The Sign(s) shall be located in a conspicuous location in the room, adjacent to the main exit, so as to not be obstructed by doors, curtains, furniture etc. or in a location acceptable to the AHJ.

5.25 (CARBON MONOXIDE DETECTORS)

INTENT: The intent of this section is to decrease the leading cause of poisoning deaths in the United States by requiring the installation and maintenance of Carbon Monoxide (CO) detectors.

INSTALLATION REQUIRED: Prior to occupancy, a CO detector meeting the standards of UL 2034 must be installed in all commercial and multi-family occupancies built after October 1st, 2008 and installed in all existing commercial or multi-family occupancies by April 1st, 2010.

EXEMPTIONS: Those occupancies that have no fossil fuel-burning appliances or fossil-fuel burning appliances with sealed combustion units that are covered under manufacturer's warranty against defect and/or those occupancies without an attached garage.

SPECIAL REQUIREMENTS:

(a) All CO detectors installed in new construction must be continuously powered by the building's electrical service with a battery back-up. All existing commercial and multi-family occupancies shall install CO detectors that are powered by battery, hard-wired or plugged into an electrical outlet.

(b) In all multi-family occupancies CO detectors must be installed per Wisconsin Statute 101.149(2)(a) 1,2,3,4,5 and 101.149(2)(e).

(c) Once notified of a missing or defective CO detector, the owner of a multi-family occupancy must repair or replace the CO detector(s) within 5 days. Smoke alarm with a sealed battery or smoke alarms

TESTING AND MAINTENANCE: All testing and maintenance of CO detectors must follow the manufacturer's recommendations.

5.26 (INSTALLATION AND TESTING OF SMOKE ALARMS)

INSTALLATION REQUIRED: A "ten-year" smoke alarm with a sealed battery or smoke alarms hardwired together and on their own circuit must be installed in all multi-family and mixed-use occupancies by January 1st, 2010. Smoke alarms must be installed in all bedrooms, in the common hallway outside of bedrooms, and at the head of all stairways and/or locations required by the AHJ.

SPECIAL REQUIREMENTS: Once notified of a missing or defective smoke alarm, the owner of a multi-family occupancy must repair or replace the smoke alarm(s) within 5 days.

TESTING AND MAINTENANCE:

(a) The owner(s) of multi-family occupancies are responsible for the monthly testing and documentation of the monthly testing of all smoke alarms not in tenant spaces.

(b) The owner and/or occupant of mixed-use occupancies are responsible for the monthly testing and documentation of the monthly testing of all smoke alarms in all areas they occupy.

5.27 (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) **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.

(d) 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.

5.28 (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:

- (1) Imposition by forfeiture of \$200.00 per day by the Municipal Court
- (2) 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.

False Alarms. In one calendar year, if the fire department responds to three or more false alarms as described in 27-02(30)(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.

5.29 (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 does 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.

Section 2: Any Ordinance or parts thereof inconsistent herewith are hereby repealed.

Section 3: This Ordinance shall be effective from and after its passage and publication as required by law.

Passed and approved this ____ of July, 2023.

David Hemmer, Mayor

ATTEST:

Chad Abram, City Administrator

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Certification

I, Tina Fuller, am the duly qualified and acting City Clerk of the City of Prairie du Chien, Crawford County, Wisconsin. I hereby certify that the aforementioned is a true and exact reproduction of the original ordinance or resolution adopted by the Common Council.

IN WITNESS WHEREOF, I have executed this Certificate in my official capacity on
___ July, 2023.

(SEAL)

Tina Fuller
City Clerk