

CHAPTER 455

ESTABLISHING A FIRE PREVENTION CODE

[History: Ord 455, 1992-1, 2012-15]

455.01 PURPOSE. The purpose of this Chapter is to promote the health, safety and welfare of persons and property in the City of Richland Center by preventing and abating conditions which constitute fire hazards and fire-related hazards . To this end, certain Wisconsin Administrative Codes and National Fire Protection Association (NFPA) Codes and Standards are adopted to incorporate rules, regulations and standards in such adopted codes for the purpose of enhancement of public safety by regulating the installation, use and maintenance of equipment, structures, premises and open areas with regard to the prevention and abatement of fire hazards and setting forth standards for compliance to achieve these objectives.

455.02 APPLICATION. This Chapter shall apply to all buildings and structures located within the city limits of the City of Richland Center, Richland County, Wisconsin.

455.03 DEFINITIONS. In this Chapter, the following words shall have the meanings set forth herein:

- (1) Fire Department shall mean the Richland Fire Department.
- (2) Fire Chief shall mean the chief of the Richland Fire Department.
- (3) Fire Inspector shall mean the fire inspector(s) appointed by the Chief of the Richland Fire Department.

455.04 ADOPTION OF STATE CODES.

(1) Codes Described. The following chapters of the Wisconsin Administrative Code, are hereby adopted by reference in their entirety and made a part of this Chapter and all standards and requirements of said orders and codes which relate to the prevention, abatement or control of fire hazards shall be considered as being the requirements of this Chapter, whether or not specifically enumerated herein:

- (a) Chapter SPS 307 - Explosive Materials.
- (b) Chapter SPS 310 - Flammable, Combustible and Hazardous Liquids.
- (c) Chapter SPS 314 - Fire Prevention.
- (d) Chapter SPS 316 - Electrical.
- (e) Chapter SPS 320 - [Uniform Dwelling Code] Administration and Enforcement.
- (f) Chapter SPS 321 - [Uniform Dwelling Code] Construction Standards
- (g) Chapter SPS 332 - Public Employee Health and Safety .
- (h) Chapter SPS 340 - Gas Systems.
- (i) Chapter SPS 361 - Administration and Enforcement.
- (j) Chapter SPS 362 - Buildings and Structures.
- (k) Chapter SPS 363 - Energy Conservation.
- (l) Chapter SPS 364 - Heating, Ventilating and Air Conditioning.
- (m) Chapter SPS 365 - Fuel Gas Appliances.
- (n) Chapter SPS 366 - Existing Buildings.

(o) Chapter SPS 366 - Appendix A.

(p) Chapter SPS 366 - Appendix B.

(2) Limitation. The adoption by reference of the codes herein is intended to be limited in scope to the adoption of the standards set forth in such codes as they pertain to the prevention, abatement and control of fire hazards. The City of Richland Center does not hereby undertake any other responsibilities in regard to inspection or enforcement as to such adopted codes for purposes other than fire prevention, abatement and control.

(3) Edition Adopted. The edition of said codes hereby adopted is that latest edition most currently in effect, along with all future revisions and amendments thereto.

(4) Copies Available. A copy of the codes referred to above shall be maintained on file in the office of the fire chief.

455.05 USE AND MAINTENANCE OF SPACE UNDER MANUFACTURED HOMES,

ACCESSORY BUILDINGS, AND STRUCTURES. The space under manufactured homes, mobile homes and accessory buildings and structures shall not be used for the storage of combustible materials or for the storage or placement therein of flammable liquids or gases or gasoline powered equipment.

455.06 LIQUEFIED PETROLEUM (LP) GAS CONTAINERS.

(1) Number of Containers. In addition to mounted liquefied petroleum gas containers, a home may have two additional liquefied petroleum (LP) gas containers installed on a residential lot. The home may be served by either the mounted containers or the containers on the lot, but not by both at the same time. Such containers shall be installed in accordance with the applicable provisions of NFPA 58, Liquefied Petroleum Gas Code.

(2) Charging Containers. Liquefied petroleum gas containers shall be charged in accordance with the applicable provisions of NFPA 58, Liquefied Petroleum Gas Code.

(3) Storage of Containers. No liquefied petroleum gas container shall be stored inside of or beneath any home, garage, storage cabinet, awning, carport other structure except that one 20 pound container used for and connected to a gas grill may be stored with the grill inside a garage or carport.

(4) Empty Containers. No empty liquefied petroleum gas container shall be stored under a manufactured home or mobile home. If there is a provision for more than one liquefied petroleum gas container to be connected to the system or line serving any appliance in any structure, empty containers shall be left in place attached to the system until replaced. If there is only one liquefied petroleum gas container supplying a structure and a replacement container has been secured, not more than one empty container may be stored in the area designated for such storage.

455.07 NEGLIGENT HANDLING OF SMOKING MATERIALS. No person shall, by smoking or attempting to light cigars, cigarettes, pipes, tobacco or controlled substances in a careless, reckless, or negligent manner, whether willfully or wantonly or not, set fire to any bedding, furniture, curtains, drapes, house, or any household fittings, or any part of any building whatsoever, so as to

damage or endanger life or property in any way or to any extent.

455.08 FALSE FIRE ALARMS AND FIRE ALARM SYSTEMS.

(1) No person shall give or make, or cause to be given or made a false fire alarm, to any public official or employee.

(2) No person shall tamper, meddle or interfere in any way with any fire alarm system or device, or any part or component thereof so as to interfere with the proper working condition of any such system.

(3) No person shall make any connection with any fire alarm system or device, or any part or component thereof so as to interfere with the proper working condition of any such system, or with intent to injure, break disable or destroy any machinery or fixtures connected to such system.

455.09 FIRE EXTINGUISHING EQUIPMENT.

(1) Number, Type, and Location. The fire chief and fire inspectors are hereby empowered to designate the number, type, and location of fire extinguishers and other fire protection equipment required in any building or structure.

(2) Sprinklers and Standpipes. Any sprinkler system, firefighting water supply standpipe, hydrant, or similar system in existence on or after the effective date of this Chapter shall not be removed or permanently taken out of service. Such fire protection systems may be taken out of service temporarily for maintenance for up to five (5) calendar days, but only after at least five (5) days advance notification thereof in writing to the fire chief.

(3) Removal of Systems. No owner or occupant shall remove or permanently take out of service any sprinkler system, firefighting water supply standpipe, hydrant, or similar system without substituting other fire protection provisions suitable to and approved by the fire chief.

455.10 OPEN FLAME FIXTURES, CANDLES AND OPEN BURNING.

(1) Open Flames, Candles, and Open Flame Fixtures. No open flames shall be used in any public building or structure, except within a duly constituted church or lodge building or structure. Unattended open flame candles or open flame fixtures shall not be used in seating areas of any public room or buildings, except those used for dining, which shall be of the protected flame type only.

(2) Lighting and Decorative Purposes. No open flame candles or open flame fixtures shall be used for lighting or decorative purposes in any building or structure used for public amusement or recreation.

(3) Open Burning and Outdoor Cooking. [As Amended by Ord 2011-3] Open or outdoor burning is prohibited, with the following exceptions and subject to the following limitations:

(a) **COOKING FIRES.** Outdoor fires for cooking food which are fueled by charcoal, liquified petroleum (LP) or liquified natural gas and which cooking fires shall be contained in an outdoor cooking appliance manufactured and intended for cooking food and operated according to the manufacturer's recommendations. No outdoor fire for cooking shall be allowed above the first story of any building on a balcony, raised porch or platform, except a gas-fueled fire in a properly maintained outdoor cooking

appliance fueled by liquified petroleum (LP) or liquified natural gas.

(b) OTHER OUTDOOR FIRES. Subject to the limitations set forth below, other outdoor fires shall be permitted in the City except in locations prohibited by any other City ordinance or rule.

1. Such fires shall be permitted only within a fire pit or fire circle which is completely surrounded by concrete, rock or steel. Such fire pit or fire circle shall be not more than thirty-six (36) inches in diameter.

2. Such fires shall be attended by the person igniting the fire or by another adult at all times until the fire is completely extinguished, and shall be located not less than fifteen (15) feet from any structure, wood or lumber pile, and provisions shall be made to prevent the fire from spreading to within fifteen (15) feet of such items.

3. It shall be the responsibility of the person igniting the fire to assure that an adult is present at all times that the fire is burning. Another adult may be substituted for the person igniting the fire. However, the duty to maintain an adult in attendance is at all times on the person igniting the fire, and that person may be prosecuted if the fire is left unattended.

4. No person shall burn in any outdoor fire anything other than dry unpainted wood or charcoal. Under no circumstances shall any person burn any of the following:

- a. Any item of furniture.
- b. Any mattress or bed spring assembly.
- c. Any food waste, food wraps or food packaging or other household garbage.
- d. Any animal carcasses or parts thereof.
- e. Composite shingles, asphalt or any material containing asphalt.
- f. Anything made of, coated with or impregnated with leather, or cloth.
- g. Rubber including tires and synthetic rubber-like materials.
- h. Any treated or painted wood, including but not limited to pressure treated wood, plywood, particle board or other wood that is painted, varnished or treated with preservatives.
- I. Any plastic material including but not limited to PVC, ABS, polystyrene or urethane foam, or any other synthetic fabrics, plastic films or plastic containers.
- j. Any type of building insulation.
- k Any waste oil, other oily waste or any other flammable or combustible liquids.
- l. Any aerosol cans or containers.
- m. Any food cans or containers.
- n Any corrugated cardboard, newspaper, glossy paper, container board, office paper and other recyclable materials. Small quantities of paper or cardboard may be used only as a starter fuel for a fire that is otherwise allowed under this ordinance.

5. No fire shall be maintained which has flames which rise more than four (4) feet above ground level or which produces excessive smoke.

6. No leaves, weeds, brush, stumps or other vegetative debris or similar matter may be burned within the City, except that dry tree wood not over 24 inches in length may be burned

7. Any person igniting or maintaining an outdoor fire under this paragraph shall have present at

all times that the fire is burning a garden-type hose with an attached nozzle which is connected to a working hose bib or faucet. Such hose shall be of sufficient length to reach from the water faucet to the location of the outdoor fire.

(c) **FIRES IN STREET AND GUTTERS PROHIBITED.** No fire shall be ignited or maintained within the right-of-way of any City street, including the gutter area of any City street.

(d) **EXCEPTIONS.**

1. Nothing in this section shall be deemed to prohibit the fire department of the Richland Fire District or the Wisconsin Dept. of Natural Resources or other governmental body in cooperation with said fire department from conducting a controlled burn within the City.

2. Nothing in this paragraph shall be deemed to prohibit the City of Richland Center Public Works Department from burning trees or brush at the former City landfill site when City equipment is on site to enable control of the fire. The requirement of subparagraph (b) 7. shall not apply to such burning by the Public Works Department.

455.11 EMERGENCY BURNING RESTRICTIONS

Notwithstanding any other provision of the Code of Ordinances which permit burning, whenever the Wisconsin Department of Natural Resources (DNR) has imposed emergency burning restrictions applicable to Richland County, such restrictions, as modified below, shall be deemed to be incorporated by reference herein and shall, with the modifications set forth herein, be applicable within the City of Richland Center for so long as the DNR restrictions remain in force for Richland County and such restrictions shall supersede any other provision permitting burning. The DNR emergency burning restriction relating to smoking is modified to provide: Smoking a pipe, cigar or cigarette in the outdoors is prohibited except on a non-combustible concrete or gravel surface. All burning materials shall be disposed of in a non-combustible receptacle or ashtray. Throwing cigarettes, matches, ashes or any burning material from a vehicle is prohibited.

455.12 SMOKE DETECTORS AND CARBON MONOXIDE DETECTORS.

The requirements for smoke detectors and carbon monoxide detectors set forth in the Wisconsin Statutes and in the Wisconsin Administrative Code are hereby incorporated by reference. Any violation of such requirements shall constitute a violation of this Chapter.

455.13 VALIDITY. Should any section, clause, or provision of this Chapter be declared by the courts to be invalid, the same shall not affect the validity of the Chapter as a whole or any part thereof, other than the part so declared to be invalid.

455.14 ENFORCEMENT. This Chapter may be enforced by citations for violations thereof issued by either the fire chief or a fire inspector, by a City police officer or by a complaint filed by the City Attorney, and the provisions of secs. 66.0013 and 66.0114 Wis. Stats. shall apply to actions for violations. The provisions of sec. 66.0119 Wis. Stats. dealing with special inspection warrants shall also apply to enforcement of this Chapter. The fire chief and fire inspectors shall have all other powers granted by statute in regard to violations of this Chapter or the codes incorporated herein.

455.15 VIOLATIONS AND PENALTIES.

(1) Forfeiture Any person who shall violate any of the provisions of this Chapter shall, upon conviction thereof, forfeit to the City of Richland Center not less than \$50.00 nor more than \$400.00 as adjudged by the Court, plus all applicable costs, fees, assessments and surcharges as taxed and assessed by the Court, and in default of payment of said forfeiture and costs, fees, assessments and surcharges may, upon order of the Circuit Court, be imprisoned in the Richland County jail until such forfeiture, costs and assessment are paid, but not to exceed 90 days, and/or may be subject to any other sanctions imposed by the Court for such failure to pay. Every day that violation exists shall constitute a separate offense. This paragraph shall supersede all penalty provisions set out in any Wisconsin Administrative Code adopted by reference in this Chapter.

(2) Other Remedies. In addition to the imposition of a forfeiture, the City may in appropriate circumstances proceed against any violation of this ordinance by means of injunction or other remedy available to it. Such proceeding shall not be deemed waived by the imposition of a forfeiture for the same violation, nor shall the pursuit of injunctive or other relief be deemed a waiver of imposition of a forfeiture for the same violation.

(3) Conditions in Violation of Prior Ordinances Not Validated by Change in Ordinance. Any condition, use or other act or omission which constituted a violation of any prior ordinance of the City of Richland Center, and which condition, use, act or omission was never validated or made permissible by any intervening ordinance and which also constitutes a violation of this Chapter or any amendment hereto, shall be deemed a violation of this Chapter, and may be prosecuted as such. It is the intention of the Common Council that the enactment of this ordinance shall not be deemed to grandfather a violation unless some intervening ordinance has specifically permitted the activity.

455.16 SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid, illegal, unconstitutional or otherwise not legally enforceable, whether as to any specific property or as to all properties in a class or as to all properties within the City of Richland Center, such holding or decision shall not affect the validity of the remaining portions of this Chapter, or the applicability of this Chapter to any property outside of the class to which it has so been held invalid, it being specifically intended that the various provisions of this Chapter be deemed severable.

455.17 CONFLICTING PROVISIONS REPEALED. All ordinances or parts of ordinances in conflict with any of the provisions of this Chapter are hereby repealed. In the event of a conflict amongst any of the provisions of this Chapter, the more specific provision shall control.

455.18 EFFECTIVE DATE. This Chapter shall be in full force and effect from and after its passage and publication, except that prosecutions already commenced for violations of the Chapter hereby repealed shall continue in full force and effect under that Chapter.

Enacted the 21st day of August , 2012