

**STATE OF WISCONSIN
MILWAUKEE AND OZAUKEE COUNTIES
VILLAGE OF BAYSIDE**

ORDINANCE NO: 15- 655

An Ordinance to Amend Chapter 42 of the Municipal Code

The Village Board of the Village of Bayside, Milwaukee and Ozaukee Counties, Wisconsin does ordain as follows:

Section One: Chapter 42 of the Municipal Code is hereby repealed in its entirety and recreated to read as follows:

ARTICLE II. - FIRE PREVENTION CODE

Sec. 42-31. - Adopted.

- (a) State codes. The following codes of the state are hereby adopted by reference and made a part of the village fire prevention code for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion. For the purposes of this section, these provisions are adopted to enable the police or fire departments to note any violations of those codes and to report those violations to the appropriate building inspector.
- (b) New commercial structures shall have a plan review by the fire department to insure compliance with the village's fire prevention code. Construction on any items requiring fire department approval shall not commence until written approval is received.
 - 1) Fire Prevention Code **(SPS 314)**.
 - 2) Existing Buildings **(SPS 375-379 Buildings Constructed Prior to 1914)**.
 - 3) Wisconsin State Electrical Code **(SPS 316)**.
 - 4) Building, Heating, Ventilation, and Air Conditioning, **Multi-family Code (SPS 360-366 Wisconsin Commercial Building Code)**.
 - 5) Elevator Code **(SPS 318)**.
- (c) NFPA Standards. The most current edition of the National Fire Protection Association **Codes** and standards are hereby adopted by reference and made part of the Village Fire Prevention Code with the same force and effect as though set forth herein in full.
- (d) Enforcement. The codes adopted by this section shall be enforced by the North Shore Fire Department or subordinates.
- (e) Definitions.
 - (1)

Wherever the words "municipality" or "village" is used in the Code adopted by this section, it shall be held to mean the Village of **Bayside**.

(2)

Whenever the words "police department" are used in the code adopted by this section, those words shall mean the Village of **Bayside** police department.

(3)

Wherever the words "fire department" are used in the code adopted by this section, those words shall be held to mean the **North Shore** Fire Department.

(4)

Bonfire means a small outdoor fire that may or may not be associated with cooking that is deliberately set and maintained.

(5)

Clean Wood means natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products

(6)

Outdoor Burning means open burning or burning in an outdoor wood-fired furnace

(7)

Open Burning means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney.

(8)

Refuse means any waste material except clean wood.

Sec. 42-32. - Removal of dangerous conditions.

Upon the complaint of any person or whenever fire department shall find in any building or upon any premises combustible or explosive matter or dangerous accumulations of wastepaper, boxes, shavings or any highly flammable materials that are so situated as to endanger life or property, or shall find obstructions to or on any fire escapes, stairs, passageways, corridors, halls, loading platforms, doors or windows, liable to interfere with the operations of the police or fire department or emergency equipment or egress of occupants in case of fire or emergency, the fire chief shall order the same removed immediately. If either chief shall find entrance or exit sidewalks or vehicular driveways or interior driveways or sidewalks obstructed by snow, debris, construction material, vehicles, or other **material** liable to interfere with the ingress or operation of fire apparatus or other emergency vehicles, the chief shall order the obstruction removed.

Sec. 42-33. – Fire drills

Public, private and parochial schools and other educational institutions shall conduct fire drills in accordance with National Fire Prevention Association NFPA1.

Sec. 42-34. - Fire lane designations.

To ensure adequate ingress and egress for responding emergency vehicles and equipment, the chief of police may order "No Parking, Fire Lane" signs to be erected and may designate the placement thereof, and may order that curbs be painted in a distinctive color. The parking of any vehicle, on private property or otherwise, in violation of the foregoing, shall constitute a violation of this article. In addition, the vehicle parked in violation may be impounded by the police department and held until the towing and storage charges are paid. The property owner will be responsible for the purchase and placement of appropriate markings at the direction of the chief of police.

Sec. 42-35. Hydrant and cistern parking prohibition.

It shall be a violation of this section to park any vehicle on private property or otherwise within 15 feet of any fire hydrant or cistern. The vehicle parked in violation of this section may be impounded by the police department and held until towing and storage charges are paid.

Sec. 42-36. Defective buildings.

(a) When the fire department finds any building or other structure that, for want of repairs, lack of sufficient fire escapes, automatic or other fire alarm apparatus, or fire extinguishing equipment, or by reason of age or dilapidated conditions, or from any other cause, is especially liable to fire and which is so situated as to endanger other property or the occupants thereof; and whenever the fire department shall find in any building combustible waste material, explosive matter or flammable conditions dangerous to the safety of such building or the occupants thereof, the fire chief shall order such dangerous conditions or materials to be removed or remedied.

(b) If in any existing building exits are necessary or where repairs to any structural part of such building or structure are required, the fire department shall notify the building inspector, who shall re-inspect such building or structure, instituting the proper remedies as may be required.

Sec. 42-37. Inspection of buildings and premises.

(a) It shall be the duty of the fire chief to inspect, or cause to be inspected by the fire department officers or members, all public buildings and places of employment, annually or more often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or any violation of the provisions or intent of this code and of any other ordinance dealing with overcrowding, use of decorative materials, maintenance of fire alarm and fire detecting systems, and fire extinguishing systems and appliances.

(b) No person shall refuse the fire or fire chief or subordinates the right to make fire inspections at any reasonable time, nor shall any person hinder or obstruct such

fire inspectors or police in the discharge of their duties or refuse any lawful direction given.

(c)

The fire chief, or a member of the fire department, upon the complaint of any person or whenever they shall deem it necessary, shall inspect any building or premises within their jurisdiction.

Sec. 42-38. Corrections orders.

(a)

Any orders under this section shall be served in writing upon the occupant or person in charge of the premises. If such person cannot be found, the written order shall be affixed in a conspicuous place on the entrance door to such building or structure or on the premises. Thereafter a copy of such order shall be mailed to the owner and occupant addressed to their last known post office address. No person shall remove such affixed notice without the written consent of the police or fire chief.

(b)

Any such order shall forthwith be complied with by the owner and occupant of such building, structure or premises. The owner or occupant may within 48 hours appeal to the fire chief for a review of such order, who shall thereafter as soon as possible file a decision. Unless such order is revoked or modified by the ~~police~~ or fire chief, it shall remain in full force and be complied with within the time fixed in the order.

Sec. 42-39. Special hazards.

If any building or structure is especially liable to fire and is so situated as to endanger other buildings or property, or contains any combustible or explosive material dangerous to the safety of any building or premises or the occupants thereof, or endangering or hindering firefighters in case of fire, such building or structure shall be subject to orders of the fire chief or police chief so far as may be necessary to protect adjoining or other buildings and their occupants and firefighters.

Sec. 42-40. Open Burning

(a)

Open burning, outdoor burning and refuse burning are prohibited without the specific approval of the village board or unless the burning is specifically permitted elsewhere in this Code. This section of the Code does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances located in approved locations permitted by this Code. Fires for the destruction of undesirable brush or plant materials in the "G" nature center district shall be exempt from this section provided they are authorized via annual permit from the village board setting forth the requirements for such fires, including the requirement that the person or entity responsible for the fire reimburse the village for all of its expenses.

(b)

Small bonfires for cooking, or recreation are allowed provided that the fire is confined by a control device, structure or other device specifically designed for that use such as a fire pit, masonry barbeque pit, chimenea, outdoor fireplace or similar device or as approved by the village and the fire department. The maximum open burn area is 33 inches in diameter or 6 square feet. All of the above must be configured to prevent sparks from becoming readily airborne and to ensure all hot embers are confined to prevent the spread of fire. Only clean wood shall be burned.

(c)

Small bonfires for cooking, or recreation under this section shall only be conducted at a location not closer than 25 feet from the nearest building, accessory structure, fence, deck or any other combustible surface. Any open burning of this type shall be constantly attended and supervised by competent persons of at least eighteen (18) years of age; this includes the time from ignition until the fire is extinguished. These persons shall have readily available for use such fire extinguishing equipment as may be necessary for the total control and extinguishment of the fire (i.e. a garden hose(s) that are connected and charged, 5 gallon buckets of water or other suitable extinguishing method).

(d)

Outdoor gas fire features may be utilized for open burning upon compliance with all applicable codes and standards, including securing all permits and permissions from the village and fire department. Fuel for this type of fire shall only be those designated for the appliance. The appliance shall have an enclosure that is permanently anchored to the exterior of the fire feature. Fire features shall not be located closer than 25 feet from the nearest building, accessory structure, fence, deck or any other combustible surface and shall be used on a non-combustible, safe and level surface. No combustible materials shall be allowed within 5 feet of the appliance. Features must be located a minimum of 10 feet from building air intakes or other openings. Any open burning of this type shall be constantly attended and supervised by competent persons of at least eighteen (18) years of age; this includes the time from ignition until the fire is extinguished. These persons shall have readily available for use such fire extinguishing equipment as may be necessary for the total control and extinguishment of the fire (i.e. a garden hose(s) that are connected and charged, 5 gallon buckets of water or other suitable extinguishing method). A timer shall be installed allowing a maximum of 60 minutes burn time, and control systems shall have safeguards to automatically shut off gas once the set time expires. The igniter shall be secured to prevent unauthorized persons from igniting the burner. A visible emergency shut-off shall be provided within reach.

(e)

No hibachi, gas fired grill, charcoal grill, electric grill or other similar device used for cooking shall be used or kindled above grade level, on any balcony or under any overhanging portion or **within 10 feet** of any structure, from any combustible material, combustible wall or partition, exterior window opening, exit access or exit. All other types of open burning at 1 & 2 family dwellings shall comply with the provisions of this ordinance. Although exempt from this section, one and two family dwellings are

discouraged from deviating from this section for reasons of life safety and property protection.

Sec. 42-41. - Investigation of fires.

The fire department shall investigate the origin, cause and circumstances of fires occurring in the village as prescribed in state law. If it appears to a fire department member at the fire scene that the fire is of suspicious origin, the police chief shall as soon as possible be notified of the facts. The police chief or a representative of the chief shall thereupon take charge immediately of the physical evidence, shall notify the proper authorities designed by law to assist with the investigation, and shall assist with the collection of evidence and in the prosecution of the case.

Sec. 42-42. Address clearly posted.

All dwellings and commercial establishments shall have the numbers of their address clearly visible on both sides of their mailbox or post. In addition, the numbers shall be affixed to the front of the building in a location clearly visible from the street. The numbers shall be in a contrasting color and a minimum of three inches high.

Sec. 42-43. Security key box system.

(a)

Commercial buildings and multi-family dwellings with monitored alarms. A key box system, as specified by the North Shore Fire Department, shall be installed in all commercial buildings and multiple-family dwellings having actively monitored fire or smoke alarm systems, except in any building which has personnel on duty 24 hours a day, seven days a week, to allow immediate entry of police department, North Shore Fire Department, and emergency personnel. The security box shall be installed and building keys provided, at the owner's or occupant's expense, at such locations as designated by the North Shore Fire Department.

(b)

Other properties with restricted ingress and egress. The owner of any property in the village at which regular vehicular access, including access by police, fire, and emergency vehicles, is physically prohibited or restricted, whether on a permanent or intermittent basis, shall install a key box system in accordance with subparagraph (a) above, to allow for the ingress and egress of police, fire, and emergency vehicles at the owner's property. This security key box system shall be required regardless whether or not the property is attended on a 24-hour, seven days a week basis.

Sec. 42-44. Elevators.

In any building with elevators, at least one elevator shall be able to accommodate an ambulance stretcher in a fully reclined position.

Sec. 42-45. Commercial fire alarm connections.

(a)

All commercial structures required to install and maintain automatic fire alarm systems shall cause such systems to be monitored remotely by connection to an approved monitoring service or by connection to the police department's receiving panel as specified in article II of chapter 34. Alarm systems serving the individual living units of multi-family residential structures shall not be required to be monitored remotely by connection to an approved monitoring service or to the department's receiving panel under this section unless required by agreement with the village or by other law.

(b)

The village board, after fire department approval, may allow a commercial business, during normal business hours, to be notified of an alarm prior to notification of the fire department for the purpose of reducing false/nuisance alarms. The fire department shall be responsible for outlining an acceptable procedure prior to implementation. The village board or fire department may withdraw their approval at any time with 30 days notice to the business owner or building occupant.

Sec. 42-46. - Automatic sprinkler systems.

(a)

Intent. It is the intent of this section to provide for the installation of automatic sprinkler systems in buildings for the protection of life and property in the village.

(b)

Definitions. For the purpose of this section, the following definitions shall be applicable:

(1)

Approved means the material, workmanship and installation of the sprinkler system complies with the regulations as set down in standard 13, National Fire Protection Association in effect at the date of installation, and approved by the fire department.

(2)

Automatic sprinkler equipment means a system of water supply pipes and orifice to apply water to a fire when activated by an automatic, manual or remote device.

Other terms used in this section shall be as defined in section 51 of the Wisconsin Administrative Code.

(c)

Where installed. Every building shall have an approved automatic sprinkler system installed and maintained when occupied in whole or in part for the following purpose:

(1)

Throughout all buildings used for the manufacture, storage or sale of combustible goods or merchandise.

(2)

Throughout all garages used for commercial purposes or garages serving multifamily buildings.

(3)

substantially meet or exceed NFPA standards as approved by the fire chief or his/her designee.

(h)

Standpipes. Standard standpipes shall be provided in all buildings three stories or more in height and/or in any building as determined by the fire chief.

(i)

Maintenance of equipment.

(1)

All sprinkler systems, standpipe systems, fire alarm systems, and other fire protective or extinguishing systems or appliances that have been installed in compliance with any permit or order or because of any law or ordinance shall be maintained in an operative condition at all times, except for tests, repairs or alterations per requirements of NFPA 25 "testing and maintenance."

(2)

The fire department shall be notified before any repairs, alterations or additions are started and plans shall be submitted to the fire department for review. The fire department shall be notified again when the system has been restored to service.

(j)

Type of system and approval of plans.

(1)

Approved automatic sprinkler equipment shall be installed and connected to an adequate water supply with sprinkler heads, valves and auxiliary equipment of standard types suitable for the individual building to be protected as determined by standard 13, 13R and 13D of the National Fire Protection Association in effect at date of installation. No automatic sprinkler equipment shall be installed or altered in a building until plans have been submitted and approved by the fire department. Two copies of the plans and specifications shall be submitted for review; approved plans shall be stamped: "Conditionally Approved by the fire department," dating such approval; and one copy returned to the owner, the other kept on file by the fire department.

(2)

Automatic sprinkler systems when required in buildings and structures shall be designed and constructed in conformity with standard practice. Only materials and devices approved by the fire department shall be used. "Standard practice" shall mean equipment conforming to standards of the National Fire Protection Association for sprinkler equipment or conforming to other recognized standards. "Standard practice" refers to approved material and devices currently listed by the Underwriters' Laboratories.

(3)

Water supplied for an automatic sprinkler system shall be from a pressurized water main or from a pressure tank. Where the fire department determines the water supply is inadequate, in either pressure or volume,

water supplied from a tank of not less than 5,000 gallons' capacity shall be provided.

(4) Every basement sprinkler system shall also include sprinkler protection in all shafts and stairwells (except elevator shaft) leading to the story above.

(5) Every sprinkler system shall have an alarm to monitor the flow switch in the system, an audible alarm, and a Siamese connection marked "To Automatic Sprinklers," approved by the fire department.

(k) Exemption and substitution of other fire protection equipment. Nothing contained in this section shall be construed as to require the installation of sprinklers in safe deposit, ~~or~~ other vaults~~or~~ ,in rooms or buildings devoted to the manufacture or storage of aluminum powder, calcium carbide phosphide, metallic and potassium, quicklime, magnesium powder, sodium peroxide or like materials where the application of water may cause or increase combustion nor in any other location where installation of sprinklers may increase the hazard; nor shall it be construed in any way to prohibit the substitution of other automatic protective equipment when approved by the fire department.

(l) Inspection.

(1) Every automatic sprinkler system required under this section shall be inspected upon installation and at least once a year by an approved agent.

(2) Upon completion of the installation of the automatic sprinkler system, the installer shall arrange for a test of such system, which shall be made in the presence of a representative of the fire department to witness such test.

(m) Application to existing buildings. The provisions of this section will apply whenever the fire department finds that by reason of its construction, use or occupancy an existing building constitutes a severe fire hazard to its occupants or to adjoining property. The owner of the building shall have six months or such lesser or greater time as the fire chief deems reasonable under all circumstances and conditions in order to fully comply with the provisions of this section. The owner of such building may appeal any decision of the fire chief to the village manager by written notice to the village manager within 15 days of receipt by such owner of the written determination of the fire chief. The village manager shall then have ten days within which to affirm, deny or modify the decision of the fire chief. The owner may appeal a decision of the village manager by written notice to the village board within ten days of receipt of the written decision of the village manager. Within 30 days thereafter, the village board shall either schedule a hearing on such appeal or appoint an independent examiner to hear such appeal. In all other regards the provisions of this section shall apply to all new buildings upon construction, and all existing buildings upon conversion of use to any of the uses specified in this section as requiring the installation of automatic sprinklers.

The provisions of this section shall be subject to section 106-161 regarding special exceptions.

Sec. 42-47. - Access for firefighting.

During construction or remodeling, access for firefighting apparatus and equipment shall be provided to the immediate jobsite at the start of construction and maintained until all construction is completed.

Sec. 42-48. - Penalty.

Any person who violates any of the provisions of this article shall, upon conviction thereof, be punished as provided in section 1-13.

Sec. 42-49. - Fire department fees.

(a)

Definitions.

North Shore Fire Department. That fire department created by an intergovernmental cooperation agreement for fire and emergency services, which department is jointly owned and operated by the Villages of Bayside, Brown Deer, Fox Point, River Hills, Shorewood, Whitefish Bay, and the City of Glendale, pursuant to the amended and restated North Shore Fire Department Agreement dated December 30, 1994, and under authority of the provisions of Wis. Stats. § 66.0301.

Place of employment. Defined in Wis. Stats. § 101.01(11), as hereafter amended, as set forth here to mean 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, trade, or business, is carried on, and where any person is, directly or indirectly, 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.

Public building. Defined in Wis. Stats. § 101.01(12), as hereafter amended, as set forth here to mean any structure, including exterior parts of such building, such as a porch, exterior platform, or steps providing means of ingress or egress, used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public or by a multiple family dwelling occupied by three or more tenants. For the purposes of this section, public buildings only include those residential buildings that are designed for occupancy or are occupied as three or more separate dwelling units.

(b)

Permit required. Permits are required and shall be issued by the North Shore Fire Department for all of the plan reviews and inspections, subject to the payment of fees all as listed in the North Shore Fire Department's schedule of fees.

(c)

Permit fees. The fees to be charged by the North Shore Fire Department for permits relating to occupancy inspections, work without permit, re-inspection

fees, special plan reviews, processing variance requests, acceptance tests, code or evacuation plan consulting and other permit fees for plan reviews and inspections of all residential buildings containing three or more housing units, public buildings, places of employment and special events are set forth in the schedule of permit fees established and maintained by the North Shore Fire Department. Fire inspection permit fees shall be charged, collected and retained by the North Shore Fire Department. Approval of fees by the North Shore Fire Department shall be an approval of fees by the Village of Bayside. Municipal buildings, municipal sponsored events and municipal construction projects shall be exempt from fire department permits and fees.

Sec. 42-81. - General regulations.

It shall be unlawful for any person to sell, expose or offer for sale, use, keep, discharge or explode any fireworks, as defined in Wis. Stats. § 167.10(1), within the limits of the village except as provided in this article.

Sec. 42-82. - Exceptions.

This section does not apply to toy pistols, paper caps, sparklers or toy snakes.

Sec. 42-83. - Acceptable uses.

Fireworks, other than those prohibited by the laws of the state, may be used and displayed in open fields, parks, rivers, lakes and ponds by public authorities, fair associations and other groups of individuals when a permit for such display has been granted by the village board. All applications shall be referred to the chief of police for investigation; and a permit shall not be granted unless the village board, after the report of the chief, determines that the applicant will use the fireworks in a public exhibition, that all reasonable precautions will be exercised to protect the lives and property of all persons, and that the display will be handled by a competent operator and conducted in a suitable, safe place and manner. Before granting any fireworks permit, the village board shall require the applicant to post with the village clerk an approved insurance policy in such amounts as established from time to time by the manager for the payment of all claims that may arise by reason of injuries to persons or property from the handling, use or discharge of fireworks.

Sec. 42-116. - Required generally.

Each one-family dwelling and each dwelling unit in a two-family dwelling shall be provided with approved, listed and labeled smoke detectors sensing visible or invisible particles of combustion, each installed in a manner consistent with its listing. A smoke detector is required on every floor, including the basement and any finished attic. The basement detector should be near the bottom of the stairwell. A detector is also required in the hallway outside of each sleeping area. Accordingly, a two-story dwelling with bedrooms on each end of the second floor would require four detectors: one in the basement, one on the first floor, and two on the second floor (one outside each bedroom area).

Sec. 42-117. - Prerequisite to change of title or ownership of certain residential property.

Operational smoke detection devices shall be installed in any single-family or two-family residence or condominium prior to a change of title or ownership. A smoke detection device certificate of compliance shall be required as provided in section 42-118.

Sec. 42-118. - Procedural provisions.

The procedures and provisions of former Code section 26.13 of the 1967 Municipal Code designated "Sanitary Sewer Compliance Ordinance - Certificate of Compliance," including subsection 26.13(c) designated "No Warranty" shall be incorporated herein by reference with respect to a smoke detection device certificate of compliance required by this section. The certificate shall specify compliance with the requirements of section 42-116. The inspection fee required by former section 26.13 shall also cover the smoke detection device inspection and the forms specified at former subsection 26.13(e) shall be modified to include the forms required for compliance with this section. The inspection fee shall be in such amount as established by the village board from time to time by ordinance or resolution.

Sec. 42-119. - Provisions of article supplemental to emergency alarm system requirements.

The requirement for installation of smoke detection devices shall be in addition to and not in lieu of any regulations of article II of chapter 34 for the installation of emergency alarm systems.

Section Two. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby and to such extent repealed.

Section Three. This Ordinance shall take effect upon its passage and posting.

PASSED AND ADOPTED by the Village Board of Trustees of the Village of Bayside this nineteenth day of March, 2015.

VILLAGE OF BAYSIDE

Samuel D. Dickman, Village President

Lynn A. Galyardt, Director of Finance and Administration/Village Clerk