

CITY OF ELKHORN
ORDINANCE NO. 10-09

AN ORDINANCE TO AMEND THE ELKHORN MUNICIPAL CODE
AT CHAPTER 5 TITLED "FIRE PROTECTION"

WHEREAS, the City of Elkhorn has previously adopted a code of ordinances and

WHEREAS, the operations and organizational structure of the City have changed since the adoption of said Code; and

WHEREAS, it is necessary and appropriate that the code be revised in a manner that more accurately reflects the operational and organizational changes, which have occurred.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Elkhorn that the Elkhorn Municipal Code be amended as follows:

Chapter 5 Fire Protection has been deleted in entirety and recreated as attached.

THIS ORDINANCE shall be in force from and after its introduction and publication as provided by statutes.

APPROVED AND ADOPTED this ____ day of _____, 2010.

Howie Reynolds, Mayor

ATTEST:

Darlene Igl, City Clerk

1st Reading:
2nd Reading:
Adopted:
Published:

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5.01 FIRE DEPARTMENT RECOGNIZED.

(1) RECOGNITION. The Elkhorn Area Fire Department is recognized as the City of Elkhorn Fire Department, which shall be a department of the government of the City of Elkhorn. The duties of firefighting, fire prevention and emergency medical service in the City are delegated to the Fire Department. The department also provides fire and emergency medical services to the Towns of Geneva, Lafayette and Sugar Creek

5.02 ORGANIZATION. The Elkhorn Area Fire Department shall be a combination fire department and all members, except for the Fire Chief, shall be paid-on-call employees of the City of Elkhorn.

(1) The internal organization of the Fire Department shall be in accordance with the current Standard Operating Guidelines of the Department

5.03 MEMBERSHIP. The maximum number of part time, paid on call employees of the Fire Department shall be determined by the Mayor and City Council, upon recommendation of the Fire Chief and concurrence of the Police and Fire Commission. Said recommendation shall take into account the number of fire fighters, EMT's, and officers needed to maintain efficiency, properly protect life and property from fire and provide emergency medical services. All active members of the Fire Department and other department supportive staff shall abide by the terms and provisions of this chapter, the City of Elkhorn Policies and Procedure Handbook and the Department's Standard Operating Guidelines.

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5.04 FIRE CHIEF. (1) EMPLOYMENT STATUS. The Fire Chief shall be a full time, salaried employee of the City.

(2) APPOINTMENT. Pursuant to §62.13 (3) (3) of the Wisconsin State Statutes, the Police and Fire Commission shall appoint the Chief of the Fire Department. Following the appointment by the Commission, and successful probationary period, he/she shall hold his/her office during good behavior, subject to suspension or removal by the Commission for cause. The Chief shall be sworn in pursuant to §60.31 Wisconsin State Statutes.

(3) PERFORMANCE EVALUATION. The Mayor, City Administrator or City Council may, for the purposes of determining salary, benefits, and other performance-related issues, evaluate the Chief's performance.

(4) QUALIFICATIONS. Applicants shall supply a resume as to background and proven job experience, including formal fire training (a minimum of a bachelors degree in fire science or related field is preferred), a minimum of 5 years on a fire department in a ranking officer position, business management experience including but not limited to budgeting, accounting, letter writing, marketing, good management and people skills. The selection of a Fire Chief will be at the discretion of the Commission. The Commission may elect to take applications from within the Department or go outside to find a suitable candidate for the position.

(5) DUTIES, RESPONSIBILITIES, POWER AND AUTHORITY. The Fire Chief shall have the following authority and responsibilities:

(a) CODE ENFORCEMENT. The chief shall enforce the Wisconsin Statutes, the Wisconsin Administrative Code, Department Operating Guidelines and the City Code in matters relating to fire prevention, code enforcement, public education and fire suppression within the City and Towns served. It shall be the duty of the Fire Chief to direct the operation of the fire department. The Fire Chief shall report to the Mayor, City Administrator, City Council and Fire Advisory Board.

(b) DEPARTMENT OPERATIONS. The chief shall provide for the general condition and efficient operation of the Fire Department, the training of members and the performance of other assigned duties.

(c) ATTENDANCE AT MEETINGS. The Chief shall attend all official meetings of the Department whenever possible.

(d) RULES, REGULATIONS, AND STANDARD OPERATING GUIDELINES. The Chief shall prepare rules, regulations, and standard operating guidelines for the proper operation of the Fire Department. Such rules, regulations, and standard operating guidelines shall be in addition to the provisions of this chapter. Rules, regulations, and standard operating guidelines promulgated by the Fire Chief shall be approved by the Commission before becoming effective. This shall include operational procedures, policies, and job descriptions for all personnel. The City Administrator, before submission to the City Council, shall review all such documents. All members of the Department shall be provided with access to all such rules, regulations and Standard Operating Guidelines once they become effective.

(e) REPORTS. The Chief shall submit such written reports to the Mayor City Administrator, City Council, and Fire Advisory Board on a monthly and quarterly basis. An annual report for the calendar year ending on December 31st shall be submitted no later than the 1st of April each year. This report shall detail the condition of all apparatus and equipment, number of fires, EMS calls and total number of members in the Department. This report shall also contain an overview of the total Department operations of the past year in regard to training programs, needs of the Department now and in the coming year.

(f) RECORD MAINTENANCE. Except where properly delegated to a subordinate, the Fire Chief shall be the custodian of all official records of the Fire Department. Such records shall include, at a minimum, those required by the Mayor, City Administrator, City Council, City ordinances, and the statutes of the State of Wisconsin.

(g) EQUIPMENT. The Chief shall determine the needs of the Fire Department in evaluating the use of current equipment, assessing and researching the need of additional equipment that would be necessary to protect residences and businesses of area served.

(h) ATTENDANCE AT FIRE CALLS. In accordance with the standard operating guidelines of the Department, the Fire Chief or the Chief's designee shall attend all fires in the City, Towns served and elsewhere when the Department has responded to render mutual aid to another department. If the Fire Chief or the Chief's designee is unavailable, the highest-ranking officer of the Department in attendance shall have the same powers and duties as the Chief.

(i) ATTENDANCE AT RESCUE CALLS. In accordance with the standard operating guidelines of the Department, the Fire Chief or the Chief's designee shall attend rescue calls to which the Fire Department is called. In the absence of the Fire Chief or the Chief's designee, the highest-ranking officer in attendance shall have the same powers and duties as the Chief.

(j) POWER TO SUSPEND, DEMOTE OR TERMINATE DEPARTMENT EMPLOYEES. The Chief shall have the power to suspend, demote or terminate any officer or member of the Department for just cause.

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(k) FISCAL RESPONSIBILITY. At the direction of the City Administrator, the Fire Chief shall file with the Administrator and the Fire Advisory Board a detailed estimate of the appropriations needed for the conduct of the Department during then suing fiscal year.

(l) OTHER DUTIES. Perform such other duties as are incumbent upon him as the commanding officer of the Fire Department and as may be directed from time to time by the Mayor, City Administrator, and City Council.

(m) ARSON REPORTS. Report all fires in which arson is suspected to the City Police, Sheriff's Department, and State Fire Marshall.

(n) FIRE INSPECTIONS AND INSPECTION RECORDS MAINTENANCE. In accordance with Chapter COMM 14 of the Wisconsin Administrative Code, the Chief shall be responsible for the conduct and documentation of fire safety inspections within the City and Towns served.

(o) REMOVAL. No recommendation for removal for cause shall be made without first affording a due process hearing before the Police and Fire Commission. If the Chief fails to perform his/her duties as described by this chapter or to comply with the rules and regulations of appropriate governmental authorities or agencies in connection with his/her duties as Fire Chief, he/she may be removed from office by a 4/5-majority vote of the Commission. Application of the City's most current Personnel Policies and Procedures shall apply.

(p) DISCIPLINARY ACTION, GRIEVANCES AND APPEALS. Any member of the Fire Department who is suspended, demoted, or terminated, or is subject to any other disciplinary action, shall have the right to grieve or appeal the suspension, demotion, termination, or other disciplinary action, as provided in any labor contract governing the employment relationship between the City and the member, or, in the absence of any such labor contract, in accordance with the provisions of § 62.13 (5) of the Wisconsin State Statutes. In the absence of any appropriate policy or procedure in § 62.13 (5) of the Wisconsin State Statutes, the City Personnel Policies and Procedures shall prevail.

5.05 CHIEF FIRE INSPECTOR. Unless otherwise determined by the Mayor, City Administrator, or City Council the Fire Chief shall serve as Chief Fire Inspector. If, in the event, the Mayor, City Administrator, or City Council wishes to separate the positions of Chief Fire Inspector and Fire Chief, the Fire Chief shall recommend an appointment to the City Administrator, subject to approval of the Mayor and City Council.

(1) DUTIES AND RESPONSIBILITIES. The Chief Fire Inspector shall be the administrator of the Bureau of Fire Prevention. The Chief Fire Inspector shall be responsible for the direct administration and enforcement of the City of Elkhorn Fire Prevention Code. The Chief Fire Inspector shall supervise and manage public education programs, code enforcement and all fire investigations.

5.06 ASSISTANT FIRE CHIEF, FIRE INSPECTOR, CAPTAIN, LIEUTENANT, FIREFIGHTERS, EMS PERSONNEL AND SUPPORTIVE STAFF.

(1) APPOINTMENT. The Fire Chief shall make recommendation to the Police and Fire Commission for the appointment of those qualified individuals to the positions of:

(a) Assistant Fire Chief

(b) Captain

(c) Lieutenant

(d) Firefighter

(e) Emergency Medical Technician

(2) APPROPRIATE EXAMINATION AND INTERVIEW PROCEDURES USED. The Fire Chief shall utilize appropriate employment assessment procedures based on nationally recognized guidelines related, but not limited to, ability to pass physical job related functions, a written and medical examination, and oral interviews. Where relevant, Current Department Standard Operating Guidelines, City Personnel Policies, Procedures, and labor contract provisions shall apply.

(3) DUTIES AND RESPONSIBILITIES. Job descriptions, authority, and responsibilities of the aforementioned positions shall be as presented in the Department Standard Operating Guidelines.

(4) PROBATIONARY PERIOD. All fire department personnel shall serve a two year probationary period. The Fire Chief shall have the authority to dismiss all fire department personnel, within the two year probationary period, with Police and Fire Commission approval.

(5) DISCIPLINARY ACTION, SUSPENSION, DISMISSAL, GRIEVANCES AND APPEALS. (See §5.04(4) (p) of this chapter.

5.07 LEGISLATIVE INTENT. The provisions of this ordinance, so far as practicable, shall be construed in conjunction with and in furtherance of the provisions of Section 62.13 and Chapter 589 of the laws of 1921 and Chapter 423, laws of 1923, and Chapter 586 of the laws of 1911, and shall be construed as an

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enactment for the purpose of providing a uniform regulation of the Fire Department in the City of Elkhorn, consistent with the statewide enactment regulating cities and villages.

5.08 AUTHORITY AT EMERGENCY INCIDENTS. (1) INCIDENT COMMAND SYSTEM. Operations of the Fire Department shall be organized and managed using an incident command system. The incident command system is described in the Department's standard operating guidelines.

(2) LIMITED ACCESS AND REMOVAL OF PROPERTY.

The Fire Chief and the incident commander may prescribe certain limits near any emergency incident within which no persons, excepting fire fighters and police officers and those admitted by order of the incident commander, shall be permitted to be present. The Fire Chief and the incident commander shall have the power to 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 shall have the power to order the removal or destruction of any property necessary to prevent the further spread of fire and the authority to preserve evidence of suspected arson. The Fire Chief and the incident commander shall also have the power to cause the removal of all wires or other facilities and the turning off all electricity or other services where the same impedes the work of the department during the progress of a fire or other hazardous situation.

(3) RESISTANCE TO OPERATIONS. It shall be lawful for any fire fighter while acting under the direction of the Fire Chief or the incident commander to enter upon the premises adjacent to or near any building or other property then on fire or in a hazardous environment for the purpose of extinguishing such fire or mitigating such hazards. In case any person shall hinder, resist or obstruct any fire fighter in the discharge of his duty as is herein before provided, the person so offending shall be deemed guilty of resisting firefighters in the discharge of their duty.

(4) DAMAGE TO FIRE DEPARTMENT PROPERTY. No person shall willfully injure in any manner any hose, hydrant, fire apparatus, or equipment belonging to the City of Elkhorn, and no vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway or any other place, to be used at any fire or alarm of fire, without the consent of the incident commander in command of the emergency.

5.09 POLICE POWERS OF THE FIRE DEPARTMENT. The Fire Chief and any assistants or officers in command at any fire or rescue scene are hereby vested with full and complete police authority of that scene.

5.10 FAILURE TO YIELD TO EMERGENCY VEHICLES. The Fire Chief, any assistant or officer of the Department may cause the arrest of any person failing to give the right-of-way to fire or ambulance equipment responding to an alarm.

5.11 FIRE LINES. The Fire Chief, any assistant or officer of the Department may erect fire line barriers in the vicinity of any fire or rescue scene beyond which no persons, excepting fire fighters, rescue personnel, policemen and those admitted by order of any officer of the Fire Department shall be permitted.

5.12 FIRE BARRIERS. The Fire Chief, any assistant or officer of the Department may cause the removal of any property whenever it shall become necessary to prevent the spreading of fire or to protect adjoining property, and during the progress of any fire he may order the removal or destruction of any property necessary to prevent the further spread of the fire. He may cause the removal of all wires or other facilities and the turning off all electricity or other services where the same impedes the work and safety of the Fire Department during the progress of the fire.

5.13 CITATION AUTHORITY. The Fire Chief and any other officer or member of the Fire Department as the Fire Chief may dictate shall have the authority to issue municipal citations to any person or entity deemed to be in violation of any portion of this ordinance including any adopted code or standard. Upon conviction, the person or entity issued the citation shall pay a forfeiture in addition to which any court costs and associated fees shall be also be assessed.

5.14 RECOVERY COSTS. Any person or organization that violates the terms of this ordinance and, as a result causes the dispatch and/or deployment of firefighting equipment or personnel to control or extinguish the fire or to protect life or property, in addition to other fines and forfeitures, may be required to pay all costs and expenses incurred by the City as a result of the dispatch or deployment of firefighting equipment or personnel. Such costs and expenses shall be calculated by the Fire Chief and submitted to the City Council for its review, consideration, and approval. Such costs shall be assessed against the property in accordance with the provisions of § 66.0627, Wis. Stats. (Cr. 07/02/1996)

5.15 AMBULANCE EMERGENCY MEDICAL SERVICES. (1) SERVICES AND RECORDS PROVIDED. The Fire Department shall provide ambulance and emergency medical service. All necessary records

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required by the Wisconsin Department of Health and Family Services will be kept on file in the Department's offices and overseen by the Fire Chief or the Chief's designee.

(2) OPERATING GUIDELINES. The Fire Chief or the Chief's designee shall be the head of the ambulance and emergency medical services and shall be subject to the laws and statutes of Wisconsin, City ordinances and the rules, regulations, policies and standard operating guidelines of the Fire Department.

(3) PERSON IN CHARGE. The Fire Chief may elect to place a person in charge of the EMS. Such person shall be known as the Assistant Chief, Division of Emergency Medical Services who shall be subject to the job description for that position, and under the direction of the Fire Chief and the Fire Department medical director, and subject to all the, rules, regulations, policies, and standard operating procedures of the Department and this ordinance.

(4) AMBULANCE CALL CHARGES. (a) FEES. Fees for ambulance service in the City and Towns served for conveyance of both City and Towns served residents and nonresidents shall be as determined from time to time by the Fire Chief or the Chief's designee and approved by resolution of the City Council in accordance with Wisconsin State Statutes 62.133.

(b) PAYMENTS. All payments received from ambulance calls shall be placed in the Ambulance Proprietary Fund.

5.16 FIRE PREVENTION. Wherever this chapter and any of the codes and standards referenced by this chapter are silent on an issue, the relevant sections of Wisconsin Administrative Code, Department of Commerce Chapter 14 and NFPA 1 Unified Fire Code most current edition shall be employed.

(1) Fire Chief to be Fire Inspector. The Fire Chief shall hold the office of Fire Inspector and may appoint one or more Deputy Fire Inspectors, who shall perform the same duties and have the same powers as the Fire Inspector.

(2) Duty of Inspection.

(a) Inspections Required. The Fire Inspector shall inspect at least once annually all buildings, premises and public thoroughfares within the City to note and cause to be corrected any conditions liable to cause fires. Repairs or alterations necessary to remove a hazardous condition shall be made within a reasonable time at the owner's expense. The Inspector shall also investigate the storage and handling of explosives and flammable liquids within the City.

(b) Special Inspection Warrant. If consent to entry to personal or real properties which are not public buildings, or to portions of public buildings which are not open to the public, has been denied, the Fire Inspector shall obtain a special inspection warrant under Section 66.122 and 66.123, Wis. Stats.

(3) Records and Reports of Inspections. The Fire Inspector shall keep a written record card of each property inspected which shall conform to the requirements of the State Department of Commerce, and shall make the report of inspections required by such Department.

(4) Correction of Fire Hazards. When an inspection by the Fire Inspector or his deputy reveals a fire hazard, the Inspector or his deputy may serve a notice in writing upon the owner of the property, giving such owner a reasonable time in 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 his deputy 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 in the tax roll as special charge against the property.

(5) Compliance with Fire Inspector. No person shall deny the Fire Inspector or his deputy free access to any property within the City at any reasonable time to make fire inspections. No person shall hinder or obstruct the Fire Inspector in the performance of his duty or refuse to observe any lawful direction given by him.

(6) The provisions of Section 101.14(2), Wis. Stats., and of Section Comm. 14 of the Wisconsin Administrative Code relating to fire inspections are adopted by reference and made a part hereof.

(7) Any person violating any provision of this section or resisting or obstructing an inspector in the performance of his or her duties shall be subject to forfeiture under Section 25.04 of the Municipal Code.

(8) Fire Inspection Fee. An annual inspection fee shall be imposed upon the record property owner of buildings, structures and premises that are required to be inspected under Section 101.14, Wis. Stats.

(a) Inspection Fee Schedule. All property subject to the fire inspection fee shall be charged according to the following schedule:

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Fire Prevention Inspection Fees

TABLE INSET:

Building Type	Fee
Residential:	
4--36 units	\$ 5.00 per unit per year
37--60 units	200.00 per year
61--99 units	225.00 per year
100 units and above	250.00 per year
Commercial:	
Under 1,000 square feet	25.00 per year
1,000 to 4,999 square feet	50.00 per year
5,000 to 24,999 square feet	75.00 per year
25,000 to 99,999 square feet	100.00 per year
100,000 to 174,999 square feet	200.00 per year
175,000 to 249,999 square feet	350.00 per year
Industrial:	
Under 4,999 square feet	50.00 per year
5,000 to 24,999 square feet	100.00 per year
25,000 to 99,999 square feet	150.00 per year
100,000 to 174,999 square feet	250.00 per year
175,000 to 349,999 square feet	400.00 per year
Churches:	50.00 per year
Church Schools:	50.00 per year

Additional Conditions:

1. The fee for hotels and motels shall be the same as residential property, except that the fee shall be calculated on a per room basis.

2. Square footage refers to the total floor area of any building or structure.

(b) Exemptions. All buildings, structures, and premises owned by units of government shall be exempt from the inspection fee set forth herein.

(c) Special Charge. The annual fire inspection fee shall constitute a special charge against the property under Section 66.0627, Wis. Stats., and shall be invoiced on or before July 31st each year. Any fees remaining unpaid as of November 1st of each year shall be placed on the annual tax roll for collection as a special charge together with an administrative charge of \$20.00 per parcel. All proceedings related to the collection of real estate taxes shall apply.

(d) Penalties. The fees assessed in subsection (8)(a) includes primary inspection and one reinspection to follow up on any corrections which needed to be completed within the time ordered by the City of Elkhorn Area Fire Department Inspection Services. After the reinspection and the time for corrective action has passed, any property in violation shall be assessed for all additional re-inspections needed until the corrections have been made as follows:

1. Second reinspection for violations not corrected in time given, \$150.00;

2. Third reinspection for violations not corrected in time given, \$200.00;

3. Fourth reinspection for violations not corrected in time given, \$325.00;

4. If violations are not corrected by the fourth inspection, additional action may be taken which may include a possible loss of occupancy. (Ord. No. 04-10 § 1, 2004; Ord. No. 04-04 § 2, 2004; Ord. No. 1044 § 1, 1998.)

5.17 OUTDOOR FIRES REGULATED (1) Open Burning. Except as otherwise provided in this section no person shall kindle or maintain any open burning within the corporate limits of the City without having first secured a permit from the Fire Chief.

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(a) Exceptions. The following open burning shall be allowed without prior authorization of the Fire Chief:

1. Fire Department Training exercises.
2. Noncommercial outdoor cooking.
3. Seasonal leaf burning.
4. Commercial-manufactured steel or clay burners.

(b) Permit Standards. All open burning permitted by the Fire Chief shall comply with the following standards:

1. **Size of Pile.** The pile of material to be burned shall not exceed 4' x 4' in area and be no higher than 3'.
2. **Location.** The pile of material to be burned shall be at a distance specified by the Fire Chief from any wood structure, wood or lumber pile, wooden fences, trees or bushes, and any occupied dwellings. Every attempt will be made to maintain a minimum distance of 50' from any such items.
3. **Material for Burning.** Materials for open burning shall not include rubbish, garbage, any material made of or coated with rubber, plastic, leather or petroleum based materials and may not contain any flammable or combustible liquids.
4. **Fuel for Open Burning.** Fuel for open burning shall consist of dry material only and shall not be ignited with flammable or combustible liquids.
5. **Supervision.** Open burning shall be constantly attended and supervised by an adult until the fire is extinguished.
6. **Time of Burn.** Open burning shall be permitted only between the hours of 7:00 a.m. and 8:00 p.m.

(2) Campfires and Commercial Cooking Fires.

(a) Permit Required. Campfires and commercial cooking fires are allowed only upon a permit having been issued by the Fire Chief or designee. Such permitted fires shall be subject to the following requirements:

1. Campfires shall use non-treated wood as a combustible source.
2. Campfires shall be located a minimum of 15' from any occupied dwelling, wood structure, street, alley, property line, or any building.
3. Campfires shall have a pit no larger than 48" in diameter with non-combustible ring of at least 12" high.
4. The fire level shall not be stacked higher than 2'.
5. Campfires shall be allowed to burn from 6:00 p.m. to midnight.
6. **Permit Application.** Applicants for a permit under this section shall file an application with the City Clerk a minimum of 2 workdays in advance of the date for the permit is being requested.
7. **Permit Fee.** A permit application fee of \$10.00 shall be paid at the time an application is filed with the City Clerk.
8. **Permit Revocation.** The Fire Chief has the express right to revoke any permit issued under this section.

(3) Incinerators Prohibited. The use of outdoor incinerators, drums, barrels, or other containers for the burning of leaves, trash, garbage, wood, or other materials is prohibited.

(4) Bonfires.

(a) Definition. A "bonfire" is defined as a large open area fire kindled to mark a public event, victory celebration or similar occurrence where dry, combustible materials, such as wood, paper and similar items, are burned.

(b) Prior Approval. All persons shall obtain authorization from the Fire Chief before kindling or maintaining any bonfire or authorizing the kindling or maintaining of any bonfire on any premises in the City.

(c) Quality of Material to be Burned. The allowable quantity of material to be burned shall be determined by the Fire Chief and shall be based upon the fire safety considerations of the situation and the desired duration of burn.

(d) Material for Burning.

1. Fuel for bonfires shall consist of dry material only and shall not be ignited with flammable or combustible liquids.
2. Material for bonfires may not include rubbish, garbage, trash, any material made of or coated with rubber, plastic, leather or petroleum based materials and may not contain any flammable or combustible liquids.

(e) Other Regulations. Persons kindling or maintaining bonfires or authorizing the kindling or maintenance of bonfires shall be subject to the ordinances and regulations of the City Fire Department.

(5) Seasonal Leaf Burning.

(a) Permitted. The seasonal burning of leaves shall be allowed between April 1st and May 31st and October 1st and November 30th each year.

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(b) Standards. The seasonal burning of leaves shall be subject to the following requirements:

1. Burning shall occur on the resident's property at a minimum distance of 15' from any occupied dwelling.
2. Burning shall not occur on streets, sidewalks, terraces, or any other location within the public right-of-way.
3. Burning shall not occur whenever the wind is in excess of 18 miles per hour.
4. Burning shall occur only after the hour of 8:00 a.m. and before the hour of 8:00 p.m. on any day.

(6) Enforcement. The Fire Chief, Police Chief or their designated representative may issue citations for violations of this section. (Ord. No. 04-04 § 1, 2004; Ord. No. 03-31 (part), 2003.)

5.18 LIFE SAFETY AND FIRE PROTECTION SYSTEMS.

(1) INTENT. The intent of this section is to provide for the installation of automatic sprinkler systems, other fire suppression devices, fire alarm systems, fire hydrants, and other life safety systems required for the protection of life and property within the City or Towns served.

(2) DESIGN. The design and installation of life safety and fire suppression and alarm systems shall comply with the National Fire Protection Code (NFPA), Wisconsin statutes and Administrative Code), and City Fire Protection and Life Safety Code.

(3) WHERE REQUIRED. Installation of an automatic sprinkler system shall be required for new construction as follows:

1. All references to type of occupancy are taken from Chapters COMM 50 to 64 "Wisconsin Building and Heating, Ventilating and Air Conditioning Code" and COMM 66 "Multifamily Dwelling Code", Wisconsin Administrative Code.

2. For buildings used as COMM 54 occupancies:

a. Fire resistive construction where the area exceeds 10,000 square feet per floor or 20,000 square feet total area of all floors, or the height exceeds two (2) stories.

b. Non-fire resistive construction where the area exceeds 6,000 square feet total area of all floors, or the height exceeds two (2) stories.

3. Buildings used as COMM 55 occupancies:

a. Fire resistive construction where the area exceeds 8,000 square feet total area of all floors, or the height exceeds two (2) stories.

b. Non-fire resistive construction where the area exceeds 4,000 square feet or the height exceeds one story.

4. Buildings used as COMM 56 occupancies:

a. Fire resistive construction where the area exceeds 10,000 square feet total area of all floors; or the height exceeds three (3) stories.

b. Non-fire resistive construction where the area exceeds 6,000 square feet total area of all floors or the height exceeds two (2) stories.

5. Buildings used as COMM 57 occupancies, CH. COMM 60 occupancies, and two family dwellings:

a. Fire resistive construction where the area exceeds 3,000 square feet per floor or 6,000 square feet total area of all floors; or the height exceeds three (3) stories.

b. Non-fire resistive construction where the area exceeds 3,000 square feet total area of all floors or the height exceeds two (2) stories.

6. Buildings used as COMM 59 occupancies:

a. Multifamily dwelling buildings designed and constructed according to COMM 66 "Multifamily Dwelling Code" shall have sprinkler systems installed according to the requirements of that chapter.

b. Fire resistive construction where the area exceeds 10,000 square feet total area of all floors, or the height exceeds two (2) stories.

c. Non-fire resistive construction where the area exceeds 6,000 square feet total area of all floors, or the height exceeds two (2) stories.

d. Storage or repair garages containing spaces more than three (3) passenger vehicles above or below other occupancies.

e. All garages attached to or part of a passenger terminal.

f. Every building which because of its construction or highly combustible occupancy involves a severe life hazard to its occupants, adjoining property, or constitutes a fire menace in the judgment of the Fire Chief.

g. All buildings where the height exceeds one story require standpipes.

h. Basement occupancies exceeding 2,500 square feet in area when used for the manufacture, sale, repair, or storage of goods and materials. (This section does not include garage area.)

(3) INSTALLATION REQUIREMENTS. (a) FIRE DEPARTMENT CONNECTION REQUIRED. Except for one and two family dwellings, any sprinkler system installed in the City or Towns served shall be provided with at

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least a single inlet, 5-inch stoz ,30 degree angle fire department connection (FDC). Any FDC shall be designed, installed, and located in compliance with COMM 51.24 and NFPA 13, or 13R as appropriate.

(b) MONITORING REQUIRED. Any sprinkler system installed in the City or Towns shall be monitored by an approved central station facility for the flow of water within the system. Any dry sprinkler system installed in the City shall be further monitored for low air pressure within the system.

(c) RETROACTIVITY. Any sprinkler system installed before the enactment of this ordinance and which is not monitored by an approved central station facility shall have one year to have such service installed and operational.

(2) EXISTING BUILDINGS. (a) GENERAL EXCEPTION. Except as hereinafter provided, automatic fire sprinklers, smoke detectors, and standpipes need not be installed in buildings which existed or were under construction before 1 May 2001 unless such installation was required by previous ordinance, administration regulation or state statute.

(b) EXPANSION OR REMODELING. When a building is expanded or remodeled so that more than 25% of the gross interior area of the original building is remodeled or added to and the created building is of a size, type, or use, which if the building were to be constructed new, the entire building shall be subject to the requirements of this code.

(c) In determining the forgoing percentage, successive additions, expansions, or remodeling if made within a period of 20 years shall be aggregated and treated as a single expansion or addition. The 20-year aggregating period of this section shall not be limited by the date of adoption of this section.

(d) Regardless of the percentage of a building remodeling or expansion, if the addition, expansion or remodeled area is of a size or type or for a use which is subject to the provisions of this chapter, the addition, expansion or remodeled area must conform to the requirements of this chapter.

5.19 SALE OR TRANSFER OF PROPERTY. At the time any building subject to the provisions of this chapter is sold, transferred, or conveyed, the building shall be made to conform to the requirements of this chapter.

5.20 CHANGE OF USE OF PROPERTY. (a) Where, at the time of its construction, a building or any part thereof is exempt from the requirements of this chapter by reason of its proposed intended use and subsequent to construction the use of such building or part thereof is changed in such a way that the reason for the exemption no longer exists, the building shall be made to conform with the requirements of this chapter.

(b) If the use of an existing building or structure is changed, and the requirements for the new use are more stringent than those for the previous use, the building or structure shall be made to comply with the requirements for the new use.

(c) Substitute fire suppression systems may be used in lieu of a sprinkler system when the Fire Chief determines the use of water could damage equipment or materials or such system is impossible or impracticable to install. Such equivalent substitute fire suppression system(s) shall be dependent upon the occupancy type and building construction. Smoke detectors and other fire detection devices may also be required.

5.21 TYPE OF SYSTEM AND APPROVAL OF PLANS. No automatic fire sprinkler system, fire detection and alarm system or other fire protection devices and equipment shall be installed or altered in any building until:

(1) FIRE DEPARTMENT REVIEW. Plans have been submitted to and approved by the Fire Department. Two copies of the plans, calculations and specifications shall be submitted for review and approval.

(a) Approval will not be granted until a Fire Protection Application and Permit from the Fire Department and paid for in full by the contractor.

(b) Approved plans must be stamped approved by the Fire Department along with the date of approval. One copy shall be kept on file with the Fire Department.

(c) PENALTY. A double permit fee will be charged for any construction performed before a Fire Protection permit being obtained from the Fire Department.

5.22 FIRE DEPARTMENT STANDPIPES/RISERS.

(1) The installation of a sprinkler system shall not supersede the requirements for the installation of Fire Department standpipes.

(a) Standpipes will be installed in all buildings with three (3) or more levels.

(b) Standpipe systems shall be designed and installed in accordance with NFPA 14 "Standard for the Installation of Standpipe and Hose Systems", the most current Edition.

(c) Standpipe hose connections shall have a 2 ½ "with a 1 ½ reducer cap and shall be installed at a 30 degree angle.

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5.23 FIRE EXTINGUISHERS. All Buildings within the scope of COMM 50 to 54, Wisconsin Administrative Code, shall be provided with a compliment of approved Fire Extinguishers Complying with COMM 51.22 and NFA 10.

(1) LOCATION. Notwithstanding the provisions of COMM 51.22 and NFPA 10 fire extinguishers shall be located in the path of egress as close to an exit door as possible.

5.24 EXIT SIGNS. (1) BATTERY BACKUP REQUIRED. All illuminated exit signs required by Chapters COMM 50 through 64 "Wisconsin Building and Heating, Ventilating and Air Conditioning Code", Wisconsin Administrative Code and this ordinance shall be equipped with emergency power to maintain illumination during failure of commercial electric power.

(2) REQUIRED LOCATIONS. In addition to all other required locations for exit signs in transient living facilities, exit signs shall also be required to be located within six inches of the floor on the door handle side of all doors where exit signs are otherwise required.

(3) SPECIFICATIONS. Exit signs provided in accordance with this section shall meet all the requirements for exit signs as set forth in COMM 51.15(5) (a) or NFPA 1.

5.25 EMERGENCY LIGHTING SYSTEMS. (1) Light FIXTURES. Light Fixtures for providing illumination in all stairways, hallways, other paths of egress, and basements during any failure or outage of commercial electric power shall be provided in accordance with this section.

(a) WHERE REQUIRED. In any factory, office, manufacturing, or warehouse occupancy over two (2) interior stories or 10,000 square feet in gross interior area.

1. In any mercantile building over two (2) interior stories or 4,000 square feet in gross interior area.

2. In any place of public assembly, except for restaurants and drinking establishments, with an occupant load of 100 persons or more regardless of size.

3. In all multifamily residential occupancies which contain common use areas and contain 10 or more bedrooms. An efficiency unit shall be considered as a bedroom.

4. In any restaurant or drinking establishment regardless of size.

5. In any school or place of instruction housing more than 20 students.

6. In any health care facility regardless of size.

7. In any place of detention regardless of size.

(b) TESTING REQUIRED. All light fixtures provided for providing illumination of stairways, hallways, other paths of egress, and basements during outage or failure of commercial electric power shall be tested at least quarterly. Records of such tests shall be kept and made available to the Fire Department on inspection or request.

5.26 FIRE HYDRANT REQUIREMENTS FOR PRIVATE PROPERTY AND EXISTING BUILDINGS.

(1) Any building hereafter erected or structurally altered to increase the floor area by 25% or more shall provide, at the owner's expense, an approved fire hydrant or hydrants when such a building is set back more than 250' from City fire hydrants.

(2) Fire hydrants shall be free standing and located not more than 50' or less than 25' from the main entrance. Additional hydrants shall be provided around the perimeter of the building so that no fire hydrant is more than 250' from another approved hydrant measured by normal access routes.

(3) Fire Department connection shall be within 75' of an approved hydrant. Fire Department connection shall also be unobstructed and visible from adjacent roadways. The connection shall be a 5" Storz .

(4) FIRE HYDRANTS TO BE KEPT CLEAR. The owner of any property upon which any fire hydrant is located shall keep such hydrant clear and unobstructed at all times. Fire hydrants shall be kept clear of snow and ice. There shall be 4' clearance around the fire hydrant.

5.27 SECURITY KEY AND VAULT SYSTEM. (1) The Knox Box vault system is adopted as the standard key vault system in the City. A Knox Box shall be installed in all existing new buildings that have a monitored automatic alarm or sprinkler systems.

(2) The Knox Box shall be installed at such location(s) as designated by the Fire Chief or Division of Fire Prevention.

5.28 ELEVATORS. (1) MEANS OF EMERGENCY COMMUNICATION. Notwithstanding the requirements of COMM 18 "Elevators" and American National Standard Safety Code for Elevators and Escalators, ASME A17.1, any voice communication device installed in an elevator car shall be directly connected upon activation with an approved central station facility.

(2) In any building with elevators, all elevators shall be a minimum size as to accommodate a 76" x 24 " ambulance stretcher in a full reclining position.

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5.29 WRITTEN APPROVAL REQUIRED FOR OCCUPANCY. No occupancy or temporary occupancy permit shall be issued for buildings covered by this section until written approval of the Division of Fire Prevention is given and fire protection permit fees are paid in full.

(1) A fee for annual inspections shall be established from time to time by the City Council.

5.30 FIRE LANES. (1) PURPOSE. The purpose of this section is to authorize the Fire Chief to require the construction and maintenance of fire lanes as a means of providing access for Fire Department apparatus in both emergency and non-emergency situations. As used herein, the term "means of access for Fire Department apparatus" shall be construed as requiring construction of a hard, all-weather surface, adequately designed to support the heaviest piece of fire apparatus likely to be operated on the fire lane.

(a) **SPECIFICATIONS FOR FIRE LANES.** All fire lanes, whether required by this ordinance or not, shall meet COMM 62 and NFPA 1, be at least 20 feet wide. Fire lanes shall be located so that the closest edge of the fire lane is at least ten feet from a building but not more than 30 feet from the building(s) with which it is associated. All curves and turn-arounds shall be designed for a minimum 48-foot turning radius.

(b) **MARKING OF FIRE LANES.** Any fire lane, whether required by this ordinance or not, shall be marked with approved signs within five feet of the beginning and within five feet of the end of the fire lane. Spacing between such signs shall not exceed 100 feet. Fire lane signs shall be affixed to a stationary pole or object and shall face in the direction of oncoming traffic. In addition to signage, the curb along each fire lane shall be painted yellow. Where there is no curb, a four-inch wide stripe shall be painted the full length of the fire lane. In addition to signage and marking described above, any roadway for the exclusive use as a fire lane shall be striped with four inch wide yellow stripes.

(c) **MAINTENANCE OF FIRE LANES.** The property owner on which any fire lane is situated shall keep the fire lane clear of all obstructions including ice and snow at all times.

(d) **DAMAGING OR DEFACING FIRE LANE SIGNS.** Any person, firm, or corporation, who damages, defaces, or removes a fire lane sign without the approval of the Fire Department shall be subject to citation and forfeiture as provided for in this ordinance.

1. Construction of Fire Lanes on Private Lands. Fire Chief is authorized to require the owner of any private lands to construct fire lanes for affecting the purpose of this section. The Fire Chief shall notify the property owner of the necessity to establish a fire lane. Such notice shall advise the property owner as to the nature and location of the fire lane and shall further specify the time period within which the fire lane shall be constructed which in no event shall exceed 60 days from the date of the notice.

2. Obstructing a Fire Lane. Except as provided in this section, any person who parks any motor vehicle in or in any other way obstructs any area designated and posted as being a fire lane shall be subject to citation and forfeiture as provided in this ordinance.

3. Exception. Should it become necessary to obstruct any part of a fire lane for construction, remodeling or building repair, the property shall obtain permission from the Fire Chief or the Division of Fire Prevention before construction.

4. Temporary Loading or Unloading Permitted.

Vehicles will be permitted to stop in a fire lane while actively loading or unloading provided the driver of the stopped vehicle is within sight of the vehicle at all times.

5.31 ACCESS TO CONSTRUCTION AREAS. Every building construction site shall be made accessible to Fire Department apparatus by way of an access roadway. Such access roadway shall be in place and accessible to fire equipment before the delivery of any combustible construction materials.

(1) **ACCESS SPECIFICATIONS.** Access roadways on construction sites shall be extended to within 30 feet of the closest part of the building being constructed. Such roadways shall have not less than 20 feet of unobstructed width and a minimum of 13 feet, six inches of vertical clearance. Such roadways over 300 feet in length shall be provided with approved provisions for a turn-around adequate for Fire Department apparatus. A driving surface of at least road base quality gravel shall be maintained at all times in order that all weather integrity is assured. The road base shall be capable of supporting the imposed loads of fire apparatus.

5.32 HAZARDOUS MATERIALS REPORTING REQUIREMENTS. (1) DEFINITION. As used herein the following words, terms, and phrases shall have the meaning as herein assigned.

(a) **HAZARDOUS SUBSTANCE, HAZARDOUS MATERIAL, HAZARDOUS CHEMICAL, HAZARDOUS WASTE, AND DANGEROUS GOODS:** shall mean any substance that, by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritating or otherwise harmful, is or may become a health hazard.

(b) **HEALTH HAZARD:** shall have the meaning as defined in OSHA Hazard Communication Standard 29 CFR 1910.1200, Appendix A.

(c) **DISPOSAL:** means the discharge, deposit, injection, jumping, spilling, leaking, or placing of any

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hazardous material or waste into or onto any land or into any water so that the hazardous material or waste or any constituent thereof may enter the environment, be emitted into the air, or discharge into any waters, including ground waters.

(d) TRANSPORTATION: The movement from the point of production, generation or use to any intermediate site, and finally to the point of ultimate storage or disposal.

(e) TREATMENT: Any method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of any hazardous material to neutralize or render it non-hazardous, safer for transport, amenable for recovery or storage, or reduced in volume.

(f) TREATMENT FACILITY: A location for treatment, including an incinerator or a facility where generation has occurred.

(2) REPORTING REQUIREMENT. All businesses shall file with the Fire Department a material safety data sheet (MSDS), which shall identify all hazardous substances located on the business premises. The MSDS report shall be updated, from time to time, to appraise the Fire Department of any additions to or deletions from the hazardous substance inventory previously reported to the Department. If a business does not store hazardous substances on the business premises, an authorized representative of the business shall file a statement to that effect with the Fire Department.

5.33 STATUTES INCORPORATED. Incorporation of Ch. 166, §166.20(5), §166.20(5a) 1 through 6., (5m), (6), (7m) and (8), Wis. Stats., as the same presently exists or as may be modified from time to time are incorporated herein by reference. Inspection and enforcement of the statutory provisions, to the extent in § 166.20(7m) 8., Wis. Stats., shall be performed by personnel of the Fire Department.

(1) PENALTIES. The penalty provisions in §166.20(11)(a) through (e), Wis. Stats., are incorporated herein by reference.

5.34 PENALTY. Except as otherwise provided, any person found to be in violation of any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in this ordinance.