

# CHAPTER 29

## FIRE PREVENTION CODE

Adopted 4/24/01

Published by direction of the Town Board of the Town of Blooming Grove.

### 29.01 WHO COMPOSE THE FIRE DEPARTMENT

The Fire Department shall be under the supervision of the Fire Chief who shall be responsible for the protection of life and property against fire, the prevention and extinguishment of fires, the removal of fire hazards, and emergency rescue and lifesaving operations. The Fire Chief shall be responsible for the care and maintenance of all property and equipment of his division.

### 29.02 GENERAL PROVISIONS

#### (1) Purpose of Chapter.

The purpose of this chapter is to protect the health, safety and welfare of the public and employees by establishing minimum standards for the prevention of fire.

#### (2) Intent of Chapter.

It is the intent of this code to prescribe regulations consistent with nationally recognized good practice for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use of occupancy of buildings or premises. Compliance with standards of the American Insurance Association or the National Fire Protection Association, or other approved nationally recognized safety standards, as later referred to and as listed in Section 34.31, shall be deemed to be prima facie evidence of compliance with this intent.

#### (3) Application of Chapter.

- (a) The provisions of this code shall apply equally to new and existing buildings and conditions. Except existing conditions not in strict compliance with the terms of this code shall be permitted to continue where the condition does not constitute a distinct hazard to life or property in the opinion of the Chief.
- (b) Nothing contained in this code shall be construed as applying to the transportation of any article or item shipped under the jurisdiction of and in compliance with the regulations prescribed by the U.S. Department of Transportation (DOT), nor as applying to the military forces of the United States.
- (c) The Chief of the Fire Department May Delegate Authority.

The Chief may delegate any or all his authority under this code to such subordinates in the Fire Department as he may designate and the actions of such authorized subordinates shall be construed as valid actions of the Chief.

**(4) Authority to Enter Premises**

- (a) The Chief may, at reasonable hours, request permission of the owner or occupant to enter any building or premises for the purpose of making any inspection or investigation, which, under the provisions of this code, he may deem necessary to be made.
- (b) The Chief may obtain a search warrant under Wisconsin Statutes, Sections 969.10, 968.11, 66.122 and 66.123 when necessary in his opinion for the purpose of making an inspection or investigation of any building or premises where the owner or occupant has refused admission.
- (c) No person, having been duly informed of the existence of a search warrant to search the premises owned or occupied by him/her, shall refuse to permit such search to be made. Each day or part thereof, during which such refusal continues shall be deemed to be a distinct and separate violation.

**(5) Inspection of Buildings and Premises.**

It shall be the duty of the Chief to inspect all buildings and premises except the interiors of dwelling units, as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, endanger life from fire, or any violations of the provisions or intent of this code and of any other ordinance affecting the fire hazard.

**(6) False alarm and interference with firefighting.**

Whoever intentionally does any of the following shall be subject to a forfeiture of not more than five hundred dollars (\$500):

- (1) Gives false alarm to any public officer or employee, whether by means of a fire alarm system or otherwise; OR
- (2) Interferes with the proper functioning of a fire or police alarm system; OR
- (3) Interferes with the lawful efforts to firemen to extinguish a fire.

**(7) False request to or obstructing emergency medical or rescue personnel.**

- (1) In this section:
  - (a) "Ambulance" has the meaning specified in Sec. 146.50(1)(a), Wis Stats.
  - (b) "Authorized emergency vehicle" has the meaning specified in Sec. 340.01(3).
  - (c) "Emergency medical personnel" means an emergency medical technician licensed under Sec. 146.50, Wis. Stats., peace officer or firefighter, or other person operating or staffing an ambulance or an authorized emergency vehicle.
- (2) It shall be unlawful for any person to knowingly obstruct any emergency medical personnel in the performance of duties relating to an emergency or rescue and upon conviction thereof shall be subject to a forfeiture of not more than \$500.00.

**(8) Fire department and fire regulations.**

It shall be unlawful for any person to give or cause to be given any false request for emergency medical personnel to any public officer or employee and upon conviction thereof shall be subject to a forfeiture of not more than \$500.

**(9) Resistance to firefighter-Injury to apparatus.**

No person shall willfully offer any hindrance or resistance to a firefighter in the discharge of his/her duty, nor shall any person drive any vehicle over or across a fire hose nor in any manner injure or interfere with any hose, fire engine, or other fire apparatus belonging to the Town of Blooming Grove.

**(10) Firefighter to have same authority as police.**

The Chief, the Assistant Chiefs, Captains, Lieutenants and all full paid and volunteer employees of the Fire Department, shall have the same powers and authority as a police officer while going to, attending and returning from a fire.

**(11) Vehicles not to be operated over portion of street occupied by fire apparatus.**

No person shall drive or operate any automobile or other vehicle over any portion of any street or alley occupied by any vehicle or apparatus of the Fire Department when engaged in extinguishing a fire or performing rescue operations unless precaution is taken so as not to do any injury to any property or apparatus of the Fire Department or interfere with the operation of the same.

**(12) Causes of fire investigations**

The Chief of the Fire Department shall investigate or cause to be investigated the cause, origin and circumstances of every fire occurring in the Town of Blooming Grove, by which property has been destroyed or damaged, when the damage exceeds fifty dollars (\$50), except that all fires of unknown origin shall be reported, and shall especially make investigation as to whether such fire was the result of carelessness, accident or design. Such investigation shall be subject to the supervision and direction of the State Fire Marshall as provided by law.

**(13) Issuance of Orders**

(a) Order to Eliminate Dangerous or Hazardous Conditions.

Whenever the Chief shall find in any building or upon any premises dangerous or hazardous conditions or materials, he/she shall order such dangerous conditions or materials to be removed or remedied.

(b) Order Requiring Replacement of Fire Prevention, Detection or Suppression System Due to Recurring Violations:

Whenever the Chief shall find in any building or upon any premises during any three consecutive inspections or reinspections a fire prevention, detection or suppression system which is defective, inoperative, improperly maintained or improperly operated, the Chief may order the following remedies:

- (1) If the system includes one or more exit light(s) which have not been illuminated during inspections the Chief may order that all of

the exit lights in such premises be equipped with self-illuminating lights or lights equipped with light emitting diodes (LED);

- (2) If the system includes one or more self-closing fire door(s) any of which have been found to have been held open with non-approved hold open devices during inspections the Chief may order that all of the fire doors in such premises be equipped with an automatic closing device as that term is defined in Wis. Admin. Code § COMM 51.01(17);
- (3) If the system includes one or more battery operated smoke detector(s) which have been inoperative during inspections the Chief may order that the premises be equipped with smoke detectors hardwired into the premises electrical service;
- (4) If the system includes emergency exit doors which, during hours of occupancy, have been found to be secured or locked with bolts, bars, chains, padlocks or locking devices other than the primary door lock the Chief may order the removal of such bolts, bars, chains, padlocks or additional locking devices and the Chief may further order that all emergency exit doors within the premises be equipped with panic door release hardware.

#### **(14) Service of Orders**

- (a) The service of written orders for the correction of violations of this code or for the replacement of fire prevention, detection or suppression or systems shall be made upon the owner, occupant or other person responsible for the conditions, either by delivering a copy of same to any person in charge of the premises, or by mailing such orders to the owner or other responsible person. This subdivision shall in no way preclude the Chief from issuing oral orders in such other manner, as he deems appropriate under the circumstances.
- (b) If buildings or other premises are owned by one person and occupied by another the orders issued in connection with the enforcing of this code shall apply to the occupant thereof as well as the owner, except where the rules or orders require the making of additions to or changes in the premises themselves, such as would immediately become fixtures upon real estate or real estate and be the property of the owner of the premises, and in such cases the rules or orders shall affect the owner and not the occupant unless it is otherwise agreed between the owner and the occupant.
- (c) Receipt of such orders by the owner or occupant is sufficient notice to effect compliance with the order.

#### **(15) Permit**

- (a) A permit shall constitute permission to maintain, store or handle materials, or to conduct processes, which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such permit does not take the place of any license required by law. It

- shall not be transferable, and any change in equipment, ownership, use of occupancy of premises shall require a new permit.
- (b) Before a permit may be issued, the Chief may inspect and approve the location, vehicles, buildings or storage places to be used. In cases where laws or regulations enforceable by other departments are applicable, joint approval shall be obtained from all departments concerned.
  - (c) All applications for a permit required by this code shall be made to the Fire Department. Any requested plans or information required by the fire department shall accompany the permit application.
  - (d) All applications shall be acted upon promptly, and the Town Clerk shall within fifteen (15) business days from the receipt of the application, either issues the requested license or state to the applicant the reasons for not issuing it.
  - (e) Permits shall at all times be prominently displayed on the premises.
  - (f) There will be a charge and permit required for each hazard listed.
  - (g) Permits shall be valid so long as the original conditions of their issuance are maintained, but in no case shall they exceed one (1) year unless specifically provided otherwise. The term of each annual permit shall be from January 1 to December 31. Permits issued for a period of three (3) months to one (1) year shall be subject to the entire applicable fee.
  - (h) A charge of fifty dollars (\$50) shall be made for each permit under this code, except as otherwise specifically provided payable to the Town of Blooming Grove. Renewal permits shall be obtained on or before January 2 of each year or be subject to a late filing fee of 15 percent of the license fee or a minimum of \$3.00, whichever is greater. Payment of a late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failing to possess or obtain a license.
  - (i) The Chief shall maintain a record of all permits issued, which shall be open to public inspection on request.

#### **(16) Revocation of Permits, Approvals or Certificates**

The Chief may revoke any permit, approval or certificate issued under this code where any condition of issuance has not been maintained, or where there has been any false statement or misrepresentation of any material fact in the application or plans on which the issuance was based. The Chief shall promptly notify the holder of the revocation. The holder may appeal the Chief's decision to the Town. Such revocation shall be in effect pending the decision of the Board, and the holder shall immediately comply with the conditions of revocation. Thereafter, it shall be unlawful for any person to continue or maintain the conditions causing the revocation excepting that the Board finds in favor of the holder or a new permits is issued.

#### **(17) Liability for Damages**

This Code shall not be construed to hold the Town of Blooming Grove responsible for any damage to persons or property by reason of the inspection or re-inspection authorized herein or failure to inspect or re-inspect or the permit issued as herein provided or by reason of the approval or disapproval of any equipment authorized herein.

### **(18) Appeals**

Whenever the Chief shall disapprove an application or refuse to grant a permit, approval or certificate applied for, or revoke a permit, approval or certificate, or when it is claimed that the provisions of the Code have been misconstrued or wrongly interpreted, the person affected may appeal from the decision of the Chief to the Town Board within fifteen (15) days from the date of the decision. The Board may, by majority vote, uphold, overrule or modify the action of the Chief. Thenceforth, further action sought from any decision rendered by the Board must be to a Court of Law and only one appeal from the decision of the Chief is allowed.

### **(19) Modifications**

The Board shall have power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee, of his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code, provided that the spirit of the Code shall be observed, public safety secure, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Board thereon shall be entered upon the records of the Board and a signed copy shall be furnished the applicant.

### **(20) Approvals**

- (a) Devices and materials required by this Code to be subject to the approval of the Chief shall be approved only as they are suitable for their intended use and provide adequately for safeguarding the lives and safety of the public and for reasonable safety to property.
- (b) The Chief may base his approvals for devices and materials not covered in the State of Wisconsin or Town of Blooming Grove codes on any applicable nationally recognized standards or published listings of nationally recognized testing laboratories, and on request shall state the basis for his decision.

### **(21) Adoption by Reference: State and National Codes**

The following are adopted by reference and made a part hereof, as if fully set for the herein:

- (a) Those portions of the National Fire Codes published by the National Fire Protection Association, Batterymarch Park, Quincy, MA, and other Codes and Standards, as listed in Section 29.30.
- (b) Wisconsin Administrative Code Chapter Comm 14 (Fire Prevention).
- (c) Wisconsin Administrative Code Chapters Comm 50 through 64 (Building and Heating and Ventilating and Air Conditioning Code).
- (d) Wisconsin Administrative Code Chapter Comm 16 (State Electrical Code, Volume 2).
- (e) Wisconsin Administrative Code Chapter Comm 66 (Uniform Multifamily Dwelling Code).
- (f) Wisconsin Administrative Code Chapter Comm 10 (Flammable & combustible liquids Code).

In case of a conflict between any provisions of this Code, the Wisconsin Administrative Code or the National Fire Code, the code containing the strictest provisions shall apply.

**(22) Penalties**

- (a) Any person violating any of the provisions of this chapter for which a penalty is not otherwise specified shall upon conviction be subject to a forfeiture of not less than fifty dollars (\$50) nor more than *five* hundred dollars (\$500). Every day or fraction thereof during which any person fails or neglects to observe and comply with any provisions of this chapter shall constitute a separate violation.
- (b) Any person who does not comply with any lawful order of the Chief issued pursuant to the provisions of this chapter shall be in violation of this chapter, and every day or fraction thereof during which such person fails or neglects to comply with such order shall constitute a separate offense.

**(23) Repeal of Conflicting Ordinances**

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the Code hereby adopted are hereby repealed.

**(24) Validity**

The Town Board of Blooming Grove hereby declares that should any section, paragraph, sentence, or word of this ordinance or of the Code hereby adopted be declared for any reason to be invalid, it is the intent of said Town Board that it would have passed all other portions of this ordinance independent of the elimination here from of any such portion as may be declared invalid.

**(25) Date of Effect**

This ordinance shall take effect and be in force from and after its approval as required by law.

**29.11 MAINTENANCE OF EXIT WAYS**

**(1) Statutory Requirements.**

The exit requirements of the Wis. Adm. Code Chapters Comm 50 through 62 and 66 along with the Blooming Grove General Ordinances shall be complied with.

**(2) Automatic and Self-Closing Doors.**

All automatic or self-closing doors in exits shall be maintained in an operative condition.

**(3) Obstructions of Means of Egress.**

- (a) No person shall at any time place or leave an obstruction or encumbrance of any kind so as to constitute an actual or potential obstruction of any fire escape, exit stairway, exit door or door leading to a means of exit or any other exit facility.
- (b) All exit doors leading to the outside of a building, and doors used to reach exits shall be kept unlocked from the side from which exit is made at all

times when the building is occupied, but may be constructed or secured in such a manner as to prevent unauthorized entrance.

## 29.12 FIREWORKS

(1) **Definition.** In this section, "fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:

- (a) Fuel or a lubricant.
- (b) A firearm cartridge or shotgun shell.
- (c) A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.
- (d) A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
- (e) A cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
- (f) A toy snake, which contains no mercury.
- (g) Tobacco and a tobacco product.
- (h) A sparkler on a wire or wood stick not exceeding 36 inches in length or 0.25 inch in outside diameter which does not contain magnesium, chlorate or perchlorate.
- (i) A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive material.
- (j) A device designed to produce an audible sound but not explode, spark, move or emit an external flame after ignition and which does not exceed 3 grams in total weight.

(2) **Fireworks Prohibited.** No person may possess, use, sell, or possess with intent to sell fireworks except as allowed in this section.

(3) **Exclusions.** This section shall not apply to:

- (a) Explosives, ammunition and blasting agents handled and used in accordance a nationally recognized standard;
- (b) The use or sale of blank cartridges for circus or theatrical purposes, or signal purposes in athletic contests or sporting events, or use by militia, police or military organizations.

- (c) Fireworks in the possession of or being used for a permittee in accordance with a permit issued under Subsection (4) below.

#### **(4) Pyrotechnic Display Permits.**

- (a) This section shall not prohibit the use of fireworks for pyrotechnic displays given by public authorities, fair associations, amusement parks, park boards, civic organizations or groups of individuals that have been granted a permit for such display by the Chief. No permits shall be issued to minors.
- (b) Application for permits shall be made in writing at least thirty (30) days in advance of the date of the display, and shall specify: the name and address of the permit holder; the kind and quantity of fireworks which will be displayed; and the date and location of permitted use. In addition, applicants must submit a site plan and pay a fee of fifty dollars (\$50) at the time of application. After such permit has been issued, sale, possession, use and distribution of fireworks for such display shall be lawful for the purpose only. No permit granted hereunder shall be transferable.
- (c) Every such display shall be handled by a competent adult operator and shall be of such composition, character, and so located, discharged or fired as in the opinion of the Fire Chief shall not be hazardous to property or endanger any person or persons.
- (d) Every permittee shall have and maintain adequate liability insurance with minimum limits of \$1,000,000 (one million dollars) bodily injury and property damage, combined single limit, naming the Town, its officers, employees and agents against all claims, liability, loss, damages or expenses, whether caused by or contributed to by the negligence of the Town, its officers, employees or agents. Said insurance shall provide that the Town receives written notice thirty (30) days prior to any cancellation, nonrenewal or material changes in the policy. Proof of said insurance shall be submitted to the Chief.

#### **(5) Retail Permits.**

- (a) All retailers, before selling or offering to sell those devices listed in Paragraphs (1)(e), (f), (h), (i) and (j) above, shall obtain a permit from the Chief. No permits shall be issued to minors.
- (b) Application for such permit shall be made annually in writing at least thirty (30) days in advance of the sale or offer to sell, and shall specify: the name and address of the permit holder; the date on and after which sales or offers to sell shall be made; and the kind, quantity, and location of each device to be offered for sale. In addition, applicants shall pay a fee of fifty dollars (\$50) at the time of application. No permit granted hereunder shall be transferable.

- (c) Every permittee shall have and maintain adequate liability insurance with minimum limits of \$1,000,000 (one million dollars) bodily injury and property damage, combined single limit, naming the Town, its officers, employees and agents as additional insureds. Said insurance shall indemnify and defend the Town, its officers, employees and agents against all claims, liability, loss, damages or expenses, whether caused by or contributed to by the negligence of the Town, its officers, employees or agents. Said insurance shall provide that the Town receives written notice thirty (30) days prior to any cancellation, nonrenewal or material changes in the policy. Proof of said insurance shall be submitted to the Chief.

#### **(6) Out-of-State.**

- (a) This section does not prohibit a resident wholesaler, dealer or jobber from selling fireworks at wholesale, if that wholesaler, dealer or jobber ships or delivers the fireworks outside of this state in sealed opaque containers by, as defined in Sec. 194.01(1), (2) and (11), Wis. Stats., common motor carrier, contract motor carrier or private motor carrier engaged in the business of shipping or delivering property, or to a person or group granted a permit under this section.

#### **(7) Rockets**

- (a) No person shall manufacture, build, sell, possess or fire any model rocket, except in compliance with the provisions of NFPA 1122, which is hereby adopted and incorporated by reference.

#### **(8) Storage and Handling**

- (a) No wholesaler, dealer or jobber may store or handle fireworks in premises unless the premises are equipped with fire extinguishers approved by the Chief.
- (b) No person may smoke where fireworks are stored or handled.
- (c) A person who stores or handles fireworks shall immediately notify the Chief of the location, description and quantity of the fireworks.
- (d) No wholesaler, dealer or jobber may store fireworks within fifty (50) feet of a dwelling.
- (e) No person may store fireworks within fifty (50) feet of a public assemblage or place where gasoline or volatile liquid is sold in quantities exceeding one gallon.

## **(9) Parental Liability**

A parent, foster, or family-operated group home parent or legal guardian of a minor who consents to the use of fireworks by the minor who is under the age of eighteen (18) years of age is liable for damages caused by the minor's use of the fireworks, and in addition shall be subject to the penalty provided in Subsection (12) below.

## **(10) Seizure.**

The Chief shall seize, at the expense of the owner, all fireworks stored, handled, sold, possessed or used by any person who violates this section. Such seized fireworks shall be destroyed after conviction for a violation, and other returned to the owner.

- (11) ***The most current edition of NFPA 1123 and NFPA 1126 are hereby adopted and incorporated by reference.***

## **29.13 APPLICATION OF FLAMMABLE FINISHES**

### **(1) Scope.**

(a) The application of flammable or combustible paint, varnish, lacquer, stain or other flammable or combustible liquid applied as a spray by whatever means, in continuous or intermittent processes; and

### **(2) Permit Required.**

A permit shall be required for spraying or dipping operations described in Section 29.30 utilizing more than a gallon of flammable or combustible liquid during a working day.

### **(2) Adoption by Reference.**

The applicable standard specified for this Sec. 29.05 in Sec. 29.30 of this code are hereby adopted by reference and made a part hereof, as if fully set forth herein.

## **29.14 FLAMMABLE AND COMBUSTIBLE LIQUIDS, GENERAL PROVISIONS**

### **(1) Scope.**

This article shall apply to liquids with a flash point below two hundred (200) degrees Fahrenheit, and to liquids with flash points above two hundred (200) degrees Fahrenheit, which, when heated, assume the characteristics of liquids with flash points below two hundred (200) degrees Fahrenheit.

### **(2) Adoption by Reference.**

The Wisconsin Adm. Code Chapter Comm 10 and the applicable standard specified for this Sec. 29.06 in Sec. 29.30 of this Code are hereby adopted by reference and made a part hereof, as if fully set forth herein.

### **(3) Permit Required.**

A permit shall be required for all storage, handling or use of Class I liquids in excess of six (6) gallons and for storage, handling and use of Class II or III liquids in excess of twenty-five (25) gallons. Permits shall not be required for storage or use of flammable or combustible liquids in the fuel tank of a motor vehicle, aircraft, portable or stationary engine, boat or portable heating unit or for storage or use of, but not limited to, due to enumeration, paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes not exceeding thirty (30) days. A permit shall not be required for the storage of fuel oil in storage tanks in one (1) family and two (2) family residence heating systems.

## **29.15 LIQUEFIED PETROLEUM GAS**

### **(1) Scope.**

This section shall apply to all storage, handling, and use of liquefied petroleum gases and the installation of all equipment pertinent to systems for such use.

### **(2) Adoption by Reference.**

The applicable standard specified for this Sec. 29.07 in Sec. 29.30 of this Code are hereby adopted by reference and made a part hereof, as if fully set forth herein.

### **(3) Installation Standards**

All liquefied petroleum gas installations and storage and handling facilities shall be in accordance with Wis. Adm. Code Chapter Comm 9 and the applicable standard specified for this Sec. 29.07 in Sec. 29.30 of this Code.

## **29.16 GENERAL PRECAUTIONS AGAINST FIRE**

### **(1) Reserved for bonfires or open fires.**

General Ordinances, no person shall burn any rubbish which is any annoyance or discomfort due to smoke or heat created by such combustion, to the neighborhood or traveling public or which may, because of the nature or location thereof, or for any reason, be liable or apt to cause or aid in the spread of fire, and unless a competent person with extinguishing equipment is in constant attendance from the time the fire is ignited until it is totally extinguished.

- (a) No person shall kindle a fire upon the land of another without permission of the owner thereof or his agent.
- (b) The Chief may prohibit any outdoor fires when atmospheric conditions or local circumstance make such fire hazardous, and during such prohibition no person shall start or maintain or permit the starting or maintaining of any such fire.

### **(2) Smoking.**

- (a) In this subsection "smoking" means the carrying of a lighted pipe, cigar, cigarette or tobacco in any form.
- (b) Where conditions are such as to make smoking a hazard due to fire or explosion in any area of a warehouse, store, industrial plant, institution, place of assembly, and in any open spaces where combustible materials are stored or handled, the Chief may order the owner or occupant thereof in writing to post "No Smoking" signs of suitable size in each building, structure, room, or place in which smoking shall be prohibited. The Chief shall designate specific safe locations, if necessary, in any building, structure, room or place in which smoking is permitted.
- (c) No person shall remove any legally required "No Smoking" sign or smoke in any place where such signs are posted.
- (d) No person shall smoke in any theater, auditorium, church, place of assembly, school, gymnasium or dance hall during the progress of any show, concert, service, dance, session, exercise, game or other exhibition except in areas approved for smoking by the Chief. No owner, manager or person in charge of any such occupancy shall permit smoking in violation of this subsection. This subsection shall not apply to smoking on a stage by members of a theatrical cast as part of an act or performance when such precautions are taken to prevent fire as are deemed adequate by the Chief.
- (e) Suitable "No Smoking" signs shall be conspicuously posted as directed by the Chief, including information, where appropriate, as to the locations and conditions under which smoking may be permitted.
- (f) Where smoking is permitted, suitable noncombustible ashtrays or receivers shall be provided at convenient locations. Ashtrays or receivers

shall be emptied as necessary, and at the end of each day's operations, into suitable, safe, noncombustible covered receptacles.

- (g) No person shall smoke in any school except in rooms or other areas approved for such purpose by the Chief.
- (h) No person by smoking or attempting to light or to smoke cigarettes, cigars, pipes, or tobacco in any manner in which lighters or matches are employed shall 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 endanger life or property in any way or to any extent. In each sleeping room of all hotels, rooming houses, lodging houses, and other places of public abode, a plainly printed notice shall be posted in a conspicuous place advising tenants of the regulations of this subdivision.

### **(3) Hot Ashes and Other Dangerous Materials.**

No person shall deposit hot ashes or cinder, smoldering coals, or greasy or oily substances liable to spontaneous ignition, into any combustible receptacle. Metal receptacles for such materials, unless resting on a noncombustible floor or on the ground outside the building, shall be placed on a noncombustible stand, and in every case shall be kept at least five (5) feet away from any combustible wall or partition or exterior window opening.

### **(4) Open Flames.**

- (a) No person shall knowingly take any open flame into any building or place where highly flammable, combustible or explosive material is kept, unless suitable precautions are taken to prevent the danger of fire or explosion.
- (b) No heating or lighting apparatus or equipment capable of igniting flammable stored materials shall be used in the storage area of any warehouse storing rags, excelsior, hair or other highly flammable or combustible material.

### **(5) Maintenance of Chimneys and Heating Appliances**

All chimneys, smokestacks or similar devices for conveying smoke or hot gases to the outer air and the stoves, furnaces, restaurant-type cooking equipment, incinerators, fireboxes or boilers to which they are connected shall be constructed and maintained according to the applicable standard specified for this Sec. 29.08(5) in Sec. 29.30 of this Code as to convey all such smoke and hot gases to the outer air with no leakage to the interior of any building or structure.

### **(6) Gas Valve Identification.**

Where there is an underground valve provided for piping systems for fuel gases such as natural gas, manufactured gas, undiluted liquefied petroleum gases, liquefied gas-air mixtures, or mixtures of any of these gases, installed in the Town of Blooming Grove, the valve location shall be plainly identified by an approved metal

marker provided by the supplier and attached to the exterior of the outside wall of the occupancy by the fuel supplier three (3) feet to four (4) feet above grade directly above where the piping system enters the building where possible, so as to be visible at all times. All new installations shall be marked as required prior to occupancy beginning July 1, 2001.

## **(7) Maintenance of Equipment**

(a) Sprinkler systems, standpipe systems, private water mains and hydrants for fire protection, fire alarm systems or appliances that have been installed in compliance with a permit or order, or because of any law or ordinance, shall be maintained and tested and a record of such maintenance and tests shall be kept on the premises in a convenient location. Unless otherwise specified, all such systems, appliances, devices, alarms, water mains and hydrants shall be tested and maintained annually by qualified persons possessing knowledge and experience to perform required tests and maintenance. It shall be unlawful for any owner or occupant to reduce the effectiveness of the protection so required, except this shall not prohibit the owner or occupant from temporarily reducing or discontinuing the protection where necessary to make tests, repairs, alterations, or additions. The Chief shall be notified before such repairs, alterations or additions are started and shall be notified again when the systems, equipment or devices have been restored to service.

(b) Installation of all automatic fire extinguishing devices using a fire-extinguishing agent other than water, shall be installed, inspected and tested according to the procedures prescribed by the manufacturer thereof and the Wis. Adm. Code for the designed use, which shall include maintenance inspection.

(c) Obstructions to hydrants.

No obstructions, including but not limited to power poles, trees, bushes, fences or posts may be located within five feet of a fire hydrant. Grade changes exceeding 1.5 feet are not permitted within five feet of a fire hydrant or hydrant lead. Owners shall remove snow, vegetation or other material that has covered or obscured the view of the hydrant(s) on their property.

## **(8) Smoke Detectors in Hotels, Motels**

(a) Smoke detectors shall be capable of sensing visible or invisible particles of combustion other than heat and providing a suitable audible alarm when such particles are present.

(1) Smoke detectors shall be provided in all hotels and motels in each room or suite of rooms used for sleeping purposes.

- (2) All smoke detectors shall be located on the ceiling not less than four (4) inches from the wall or, if located on the wall, at a point between four (4) inches and twelve (12) inches from the ceiling.
- (3) In all, hotels and motels installation and location of these smoke detectors shall be in accordance with the applicable section(s) of N.F.P.A. No. 72. Single station smoke detectors must be directly and permanently wired to a proper unswitched circuit or operated in a plug-in outlet which is fitted with a plug restrainer device, provided the outlet is not controlled by any other switch other than the main power supply.

(b) Penalty.

No dwelling unit or premises may be occupied, used or rented which does not comply with this ordinance. Any person who violates any provision of this ordinance shall be subject to a maximum forfeiture of five hundred dollars (\$500) per day for each day of violation and each day or fraction thereof shall be a separate violation.

**(9) Tampering With Fire Protection Equipment.**

- (a) No person shall modify, remove, tamper with or in any manner interfere with or make any connection to any sprinkler system, standpipe system, private water main or hydrant, fire alarm system or appliance, fire extinguisher, or smoke detector including the removal from power sources necessary to make the said devices functional, without the written permission of the Chief of the Fire Department or his or her designee. This section shall not apply to lawful and necessary maintenance work performed by qualified and, when necessary, licensed personnel.
- (b) Any person violating this section shall be subject to a forfeiture of up to \$50 for the first violation, and not less than \$100 nor more than \$500 for the second or subsequent violation within a three (3) year period.

**(10) Recharging of Extinguishers**

- (a) All extinguishers shall be recharged at periodic intervals so as to maintain them in continuous effective operating condition in accordance with the applicable standard specified for this Sec. 29.16(10)(a) in Sec. 29.30 of this Code.
- (b) Portable fire extinguishers shall be installed so as to provide reasonable safety to persons and property. Evidence that portable fire extinguishers have been installed in accordance with the applicable standard specified for the Sec. 29.16(10)(b) in Section 29.30 of the code shall be evidence that such portable extinguishers provide reasonable safety to persons and property.
- (c) Only qualified persons shall do recharging and servicing of the extinguishers.

## **29.30 LIST OF STANDARDS AND PUBLICATIONS**

Compliance with the standards or publications listed under the section numbers of this article shall be evidence of compliance with the section of the code referring to this article.

The abbreviations preceding these standards and publications shall have the following meaning and are the organizations issuing the standards and publications listed.

American Insurance Association  
120 South LaSalle Street  
Chicago IL 60603

American National Standards Institute  
11 W 42<sup>nd</sup> Street  
New York NY 10036

American Society for Testing and Materials  
100 Barr Harbor Drive  
West Conshohoken PA 19428-2959

American Society of Mechanical Engineers  
345 East 47<sup>th</sup> Street, Room 204A  
New York NY 10017-2392

Compressed Gas Association, Inc.  
1235 Jefferson Davis Highway  
Arlington VA 22202-3283

National Fire Protection Association  
1 Batterymarch Park  
Quincy MA 02269-9101

Superintendent of Documents  
US Government Printing Office  
Washington DC 20025

Underwriters Laboratories, Inc.  
333 Pfingsten Road  
Northbrook IL 60062-2096