

## Chapter 26 FIRE AND RESCUE PROTECTION\*

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**\*Editor's note:** Ord. No. 2009-01, adopted Jan. 26, 2009, amended Ch. 26 in its entirety to read as herein set out Former Ch. 26, pertained to fire prevention and protection, consisted of §§ 26-1, 26-31, 26-61—26-66, 26-91—26-95, 26-111—26-115, 26-131—26-136, 26-191—26-195, 26-211—26-218, 26-251—26-253, and derived from the 1982 Code; an ordinance adopted Feb. 11, 2000; and Ord. No. 2003-01, adopted June 9, 2003.

**Cross references:** Buildings and building regulations, ch. 10; fireworks, § 14-431 et seq.; civil emergencies, ch. 18.

## **Sec. 26-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

*Access box* means a steel key vault, mounted on the exterior of a building that contains keys, floor plans, maps or other items as required by the AHJ, for access to all portions of the building.

*Adult day care* means any place, that receives at any time for compensation four or more adults, for care and supervision, for less than 24 hours a day.

*Adult family home* has the meaning as set forth in Wis. Stats. § 50.01(1), and any amendments thereto.

*Advanced life support (ALS)* means emergency medical care provided by emergency medical technicians - intermediate that requires the use of life-sustaining equipment, utilizing an ambulance equipped with radio or constant telephone contact with a physician/hospital.

*Advanced life support intercepts--Paramedic* means when it is necessary for a patient that is being transported by a non-paramedic ambulance service to require the services of a paramedic - advanced life support ambulance service. This includes when it is necessary for two ambulance services to be involved in the transport of a patient, when either the patient is transferred from the non-paramedic ambulance to the paramedic ambulance or where the paramedic staff and/or equipment boards the non-paramedic ambulance.

*Advanced life support (ALS)--Without transport* means emergency medical care provided by emergency medical technicians - intermediate that requires the use of life-sustaining equipment, with radio or constant telephone contact with a physician/hospital, without transport.

*Approved* means acceptable to the fire department.

*Approved agency* means an agency accepted or acceptable to the bureau of fire prevention, such as Underwriters Laboratories, Inc., the National Institute of Standards and Technology, the American Gas Association laboratories or other nationally recognized testing authorities.

*Area* means the maximum horizontal projected area on one floor of building or structure using the exterior walls or between approved fire walls, including fire walls.

*Assembly group A.* Group A occupancies include, among others, the use of a building or structure, or a portion thereof, for the gathering together of persons for purposes such as civic, social or religious functions, recreation, food or drink consumption or awaiting transportation. A room or space used for assembly purposes by less than 50 persons and accessory to another occupant shall be included as a part of that occupancy. Assembly occupancies shall include the following:

- (a) A-1 Assembly uses, usually with fixed seating, intended for the production and viewing of performing arts or motion pictures.
- (b) A-2 Assembly uses intended for food and/or drink consumption.
- (c) A-3 Assembly uses intended for worship, recreation or amusement and other assembly uses not classified elsewhere in group A.
- (d) A-5 Assembly uses intended for participation in or viewing outdoor activities.

*Attic* means the space not used for human occupancy located between the ceiling of the uppermost story and the roof.

*Automatic fire detector* means a device designed to detect specific products of fire-- Smoke, heat or both.

*Authority having jurisdiction (AHJ)* shall be the fire chief, or designee of the fire chief, to enforce this Code, the laws of the state, as designated in Wis. Admin. SPS 314, pertaining to the prevention of fires and public safety, and approving equipment installation, or procedures as outlined NFPA Standards, Codes and/or Recommended Practices.

*Automatic closing device* means a device that functions without human intervention and is actuated as a result of the predetermined temperature rise, rate of rise of temperature, combustion products or smoke density.

*Automatic fire alarm system* means a system which automatically detects fire condition and actuates notification appliances throughout the protected premises.

*Automatic fire extinguishing system* means an approved system of devices and equipment which automatically detects a fire and discharges an approved fire-extinguishing agent onto or in the area of fire.

*Automatic fire sprinkler system* means an integrated system of underground and overhead piping designed in accordance with fire protection and engineering standards. The system includes a suitable water supply, such as a gravity tank, fire pump, reservoir or pressure tank or connection beginning at the supply side of an approved gate valve located at or near the property line where the pipe or piping system provides water used exclusively for fire protection and related appurtenances and to standpipes connected to automatic sprinkler systems. The portion of the sprinkler system above ground is a network of specially sized or hydraulically designed piping installed in a building, structure or area, generally overhead, and to which sprinklers are connected in a systematic pattern. The system includes a controlling valve and a device for actuating an alarm when the system is in operation. The system is usually activated by heat from a fire and discharges water over the fire area.

*Automatic fire suppression system* means a mechanical system designed and equipped to detect a fire, actuate an alarm and suppress or control a fire using water, water spray, foam, carbon dioxide, or other approved suppression agent.

*Basement* means any story where less than half the height between floor and ceiling is above the average level of a street, sidewalk or finished grade.

*Basic life support (BLS)* means emergency first aid services that do not meet the ALS criteria.

*Bonfire* means a recreational fire larger than three feet in diameter or three feet tall.

*Boarding house* means a building arranged or used as lodging for compensation, with or without meals, not occupied as a single-family unit.

*Business group B.* Group B occupancy includes, among others, the use of a building or structure, or a portion thereof, for office, professional or service-type transactions, including storage of records and accounts.

*Central station* means:

- (a) An off-site facility equipped to receive and process fire alarms and that may act as the automatic fire alarm receiving center retained by the village/town.
- (b) The use of a system, or group of systems, in which the operations of circuits and devices are signaled automatically to, recorded in, maintained by, and supervised from a listed or approved central station having competent and experienced servers and operators who, upon receipt of a signal, take such action as required by this chapter. Such service is to be controlled and operated by a person, firm, or corporation whose business is the furnishing and maintaining of supervised signaling systems or whose properties are the protected premises.

*Change of use (not reported)* means a change in the use of property that was not made known by the owner to the fire department through procedures established by the village or town.

*Change of use (reported)* means a change in the use of property which has been made known by the owner to the fire department through procedures established by the village or town.

*Chief* means the chief of the fire department.

*Closing device (fire door)* means a closing device that will close the door and be adequate to latch or hold, or both, a hinged or sliding door in closed position. An automatic closing device is one that functions without human intervention and is actuated by a fire detection or suppression device.

*Commercial waste* means any material, including yard waste, that is transferred, delivered or received for the purpose of disposal by open burning.

*Common area* refers to any area in a building that can be accessed by more than one person from different families at one time.

*Community based residential facility (CBRF)* means generally, a community facility where five or more adults who are not related to the operator or administrator and who do not require care above intermediate level nursing care reside and receive care, treatment or services that are above the level of room and board, but that include no more than three hours of nursing care per week per resident. For specific definition, see Wis. Stats. § 50.01(1g), and any amendments thereto.

*Conditional approval* means an approval of plans and/or specifications by the AHJ based upon information provided to the AHJ, including but not limited to, any changes required by the AHJ to the above mentioned plans and/or specifications.

*Consultant(s)* means a company, individual or agency hired by the bureau of fire prevention to provide advice to the bureau of fire prevention on fire related issues. Consultants may provide services, which could include plan reviews of fire suppression systems, fire alarm systems, witness tests and/or conduct inspections.

*Construction materials* means lumber; piping used in plumbing, including but not limited to plastics, polyvinyl chloride, copper, lead, galvanized steel and cast iron; plaster; drywall; insulation, including but not limited to Styrofoam, cellulose fiber, fiberglass, rock wool vermiculite, various extruded foams, and asbestos; shingles, including but not limited to wiring, electrical boxes, transformers and outlets; paints, including but not limited to varnishes, stains, paint thinners and removers; and painting supplies.

*Construction types* mean:

- (a) *Construction Type I: Fire resistive* refers to a building in which the structural components are so designed and protected to resist the maximum severity of fire expected within the structure without any significant collapse.
- (b) *Construction Type II: Non-combustible* refers to a building in which the structural components are built of non-combustible or limited combustible materials. The materials used within the building are unprotected from the severity of fire.
- (c) *Construction Type III: Ordinary construction* refers to a structure in which the exterior walls are made of non-combustible materials with interior components designed and built of wood.
- (d) *Construction Type IV: Heavy timber* refers to a structure in which the exterior bearing and non-bearing walls are composed of non-combustible (masonry) components, and the interior members are made of wood with columns no less than 8" × 8" and girders no less than 6" × 10".
- (e) *Construction Type V: Wood frame* refers to a structure in which the bearing and non-bearing members are made of all wood.

*Day care center* means any place which receives at any one time for compensation four or more children under the age of seven years, for care and supervision, for less than 24 hours a day or more than ten days a month, without the attendance of a parent, relative or legal guardian.

*Deputy of the department of commerce* means the chief is the deputy of the department of commerce and is responsible for the enforcement of the state codes identified within this chapter.

*DILHR* means the division of state government formerly known as the department of industry, labor and human relations, now the department of commerce.

*Disposable medical supplies* mean that equipment designed to have a one-time use and then be properly disposed of, to aid in the prevention and spread of infectious disease.

*Dwelling or dwelling unit* means a single unit providing living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. For the purpose of this Code, dwelling unit includes apartments and condominiums but does not include hotel and motel rooms, guest suites, dormitories, boarding rooms, or sleeping rooms in nursing homes.

- (a) *Single family dwelling.* A detached building containing only one dwelling unit and designed for one family.
- (b) *Two family dwelling.* A detached building containing not more than two individual dwelling units which are entirely separated by vertical walls or horizontal floors, unpierced except for access to the outside or common basement.

*Educational group E.* Group E occupancy includes, among others, the use of a building or structure, or a portion thereof, by six or more persons at any one time for educational purposes through the 12th grade.

*Elevator* shall be as defined within Wis. Admin. Code SPS 318, Elevators, Escalators and Lift Devices.

*Factory group F.* Group F occupancy includes, among others, the use of a building or structure, or a portion thereof, for assembly, disassembly, fabricating, finishing, manufacturing, packaging, repair or processing operations that are not classified as group H occupancy.

- (a) F-1 Moderate-hazard occupancy.
- (b) F-2 Low-hazard occupancy.

*False alarm* means the willful and knowing initiation or transmission of a signal, message or other notification of an event of fire when no such danger exists.

- (a) *Malicious alarm.* A false alarm of fire deliberately sounded by someone in order to inconvenience the fire department.
- (b) *Accidental alarm.* An alarm set off and transmitted through accidental operation of an automatic or manual fire alarm device.
- (c) *Good intent false alarm.* An alarm that turns out to be false, but was reported in good faith.

*Family unit* means two or more individuals who are related to each other by blood, marriage, adoption or legal guardianship. For purposes of this abode a group of not more than four persons not necessarily related by blood or marriage, living together in a single living unit will be considered equivalent to a single family.

*Fire alarm annunciation device* means a device connected to a fire alarm to signal either a fire or trouble condition. Fire alarm annunciation devices could include visual devices, horn/strobes, horns, bells, and/or annunciator panels.

*Fire alarm initiating device* means a device connected to a fire alarm system that causes a trouble, supervisory and/or alarm signal to be initiated. Fire alarm initiating devices could include smoke, heat, flame, ionization, or photoelectric detectors, water flow, low air, low temperature, low water, or supervisory switches.

*Fire alarm system* means a system or portion of a combination system that consists of components and circuits arranged to monitor and annunciate the status of the fire alarm or supervisory signal-initiating devices to activate notification appliances throughout the protected premises and to initiate the appropriate response to those signals.

*Fire control system* means a system designed and constructed with the intent of controlling or limiting a fire. Fire control systems may be automatic or non-automatic. Fire control systems could include automatic fire sprinkler systems, standpipe systems, chemical agent systems, fire hydrants and/or any other system acceptable to the AHJ.

*Fire chief* means the chief of the fire department or, in the absence of the chief, the designee in charge of the department.

*Fire department* means the Union Grove-Yorkville fire department. The provider of essential fire protection and emergency medical care to the people that live, work or travel through the Village of Union Grove and the Town of Yorkville.

*Fire department connection (FDC)* means a part of a sprinkler, standpipe, deluge and/or combination system to be used by the fire department to pump additional water into the system(s) it is connected to.

*Fire door assembly* means any combination of a fire door, frame, hardware, and other accessories that together provide a certain degree of fire protection to the opening.

*Fire inspection* means an examination of a public building or place of employment to determine and cause to be eliminated any fire hazard or any violation of law relating to fire hazards or to the prevention of fires.

*Fire inspector.* The chief shall hold the office of fire inspector and shall appoint one or more inspectors from within the department who shall perform the same duties and have the same powers as the fire inspector. The fire inspector(s) is responsible for the enforcement of the state codes adopted within this chapter, as well as the enforcement of this chapter.

*Fire-resistive* means the type of construction in which the structural members, including walls, partitions, columns, floor and roof construction, are of noncombustible materials with fire-resistive rating of at least four hours.

*Fire wall* means a wall which has a fire-resistance rating of not less than four hours and which subdivides a building or separates a building to restrict the spread of fire, including a three-foot parapet wall beyond the furthest point of the sides and roof with sufficient structural stability under fire conditions to allow collapse of construction on either side without collapse of the wall.

*Fireworks* means anything manufactured, possessed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:

1. Fuel or a lubricant.
2. A firearm cartridge or shotgun shell.
3. 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.
4. A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
5. 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.
6. A toy snake which contains no mercury.
7. A model rocket engine.
8. Tobacco and a tobacco product.
9. A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects or to produce audible and visible effects.
10. A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.



11. A fuseless device that is designated to produce audible or visible effects or audible and visible effects, and that contains less than one-quarter grain of explosive mixture.
12. A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects, or audible and visible effects.
13. A cylindrical fountain that consists of one or more tubes and that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.
14. A cone fountain that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.

*Floor area or square footage of a building* refers to the total square footage of the sums of all basement, floor levels, balconies and mezzanines.

- (a) The area for basements and floor levels shall be measured from the outside perimeter of the outside walls.
- (b) The area for mezzanines shall be determined from the product of the length of the mezzanine multiplied by the width of the mezzanine.
- (c) For the purpose of determining square footage, fire division walls will not be accepted as outside walls or area dividers.
- (d) Buildings that are in close proximity to each other will have their building square footage added together to arrive at the total square footage.
  1. For the purpose of determining close proximity the following will hold true:
    - a. Single story buildings--Thirty feet apart or less.
    - b. Two story buildings--Sixty feet apart or less.
    - c. Three story buildings--Sixty feet apart or less.
    - d. All other multiple story buildings--Sixty feet apart or less.
    - e. Buildings of variable height next to each other--Thirty feet apart or less.
- (e) For the purpose of determining square footage a fire wall which has a fire resistance rating of not less than four hours and which subdivides

or separates a building to restrict the spread of fire, including a three foot parapet wall is an approved area divider.

*Floor ground* means that level of a building on a sloping or multilevel site which has a floor line at or not more than three feet above exit discharge grade for at least one-half of the required exit discharges.

*Frequenter* means every person, other than an employee, who may go in or be in a place of employment or public building under circumstances which render such person other than a trespasser. Such term includes a pupil or student when enrolled in or receiving instruction at an educational institution.

*Garbage* means refuse and accumulation of animal, fruit and vegetable matter that attends the preparation, use, cooking, dealing in or storage of meats, fish, fowl, fruits and vegetables.

*Grade plane* means a reference plane representing the average of finished ground level adjoining the building exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building.

*Hazardous material(s)* means a substance (solid, liquid or gas) capable of posing an unreasonable risk to health, safety, the environment or property.

*Hazardous group H.* Group H occupancy includes, among others, the use of a building or structure, or a portion thereof, that involves the manufacturing, processing, generation or storage of materials that constitute a physical or health hazard in quantities in excess of those found in Tables 307.7(1) through 307.7(4) of the International Building Code.

- (a) H-1 buildings and structures which contain material that poses a detonation hazard.
- (b) H-2 buildings and structures which contain materials that pose a deflagration hazard or a hazard from accelerated burning.
- (c) H-3 buildings and structures which contain materials that readily support combustion or pose a physical hazard.
- (d) H-4 buildings and structures which contain materials that are health hazards.
- (e) H-5 semiconductor fabrication facilities and comparable research and development areas in which hazardous production materials are used and the aggregate quantity of materials is in excess of those listed in Tables 307.7(1) and 307.7(2) of the International Building Code.

*Height building* means the vertical distance from the grade plane to the average height of the highest roof surface.

*Incident commander* means the chief or other officer or other member of the department who is in charge of a fire, emergency medical or other emergency scene to which the services of the department have been requested.

*Institutional group I.* Group I occupancy includes, among others, the use of a building or structure, or a portion thereof, in which people having physical limitations because of health or age are harbored for medical treatment or other care or treatment, or in which people are detained for penal or correctional purposes or in which the liberty of the occupants is restricted. Institutional occupancies are classified as I-1, I-2, I-3 or I-4, as described in the International Building Code.

*Key lock box* means a secure box placed upon a building that contains the keys to said building. The fire department is able to access that box using standard operating procedures.

*Listed* means included in a list published by a nationally recognized testing laboratory, inspection agency, or other organization concerned with product evaluation, that maintains periodic inspection of production of listed equipment or materials and whose listing states either that the equipment or materials meet nationally recognized standards or has been tested and found suitable for use in a specified manner.

*MABAS* means the mutual aid box alarm system which is an organized method of providing mutual aid between departments located in both of the states of Wisconsin and Illinois.

*Manual fire alarm system* means a system or portion of a combination system that consist of components and circuits arranged to initiate the notification appliances and appropriate response to those signals only after a person manually activates the fire alarm system.

*Mercantile group M.* Group M occupancy includes, among others, building and structures or a portion thereof, for the display and sale of merchandise, and involves stock of goods, wares or merchandise incidental to such purposes and accessible to the public.

*Mezzanine or mezzanine floor* means an intermediate level or levels between floor and ceiling of any story with an aggregate floor area of not more than one-third of the area of the room or space in which the level or levels are located.

*Miscellaneous group U* means buildings and structures of an accessory character and miscellaneous structures not classified in any specific occupancy shall be constructed, equipped and maintained to conform to the requirements of this Code commensurate with the fire and life hazard incidental to their occupancy.

*Multifamily dwelling* means a building or portion thereof, containing three or more dwelling units, such as tenements, apartments, or rooming houses. Row houses with fire walls extending from the basement to the underside of the roof separating each living unit are not considered multifamily for the purpose of this chapter.

*Mutual aid* means the providing of and receiving fire or emergency medical services to and from other municipalities within the states of Wisconsin and Illinois with which the village/town has signed agreements.

*National Fire Protection Association (NFPA)* means an organization that facilitates the development and distribution of fire safety codes and standards.

*NFPA* means the National Fire Protection Association, an organization that facilitates the development and distribution of fire safety codes and standards.

*Noncombustible materials.* A noncombustible material is one which, in the form in which it is used, meets one of the requirements listed below. Materials used adjacent to or in contact with heat producing appliances, warm air ducts, plenums and chimneys shall be classified as noncombustible only on the basis of requirement (a). Noncombustible does not apply to the flame-spread characteristics of interior finish or trim materials. No material shall be classified as noncombustible building construction material, which is subject to increase in combustibility or Flame-Spread Classification (FSC) beyond the limits herein established through the effects of age, moisture or other atmospheric conditions. (See flame spread rating in Wis. Admin. Code.)

- (a) Materials which pass the test procedure of ASTM E-136 for non-combustibility of elementary materials when exposed to a furnace temperature of 1,382° for a minimum period of five minutes and do not cause a temperature rise of the surface or interior thermocouple in excess of 54° above the furnace air temperature at the beginning of the test and which do not flame after exposure of 30 seconds.
- (b) Materials having structural base of noncombustible material as defined in subsection (a), with a surfacing not more than one-eighth-inch thick which has a Flame-Spread Classification (FSC) not greater than 50 when tested in accordance with the method of test for surface burning characteristics of building materials (ASTM E-84).

*Notification appliance* means a fire alarm system component such as a bell, horn, speaker, light, or text display that provides audible, tactile, visible outputs, or any combination thereof.

*Occupants* means the person or persons, who physically reside, work or are present in a facility.

*Open burning* means the act of starting a fire by means of igniting combustible materials by a match, torch, or accelerant.

*Other terms.* Other terms not defined herein used in this section shall be as defined in the International Fire Code section 202 and are adopted herein by reference.

*Outdoor cooking* means any cooking activity which occurs in a grill or barbecue kettle or cooker designed expressly for cooking meals outside.

*Owner* includes his duly sworn agent or attorney, a purchaser, devisee, fiduciary, or person having a vested or contingent interest in the property in question.

*Places of employment*, as set forth in Wis. Stats. § 101.01(11), "place of employment" includes 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. "Farming" includes those activities specified in Wis. Stats. § 102.04(3), and also includes the transportation of farm products, supplies, or equipment directly to the farm by the operator of the farm or employees for use thereon, if such activities are directly or indirectly for the purpose of producing commodities for market, or as an accessory to such production. When used with relation to building codes, "place of employment" does not include an adult family home, as defined in Wis. Stats. § 50.01(1), or, except for the purposes of Wis. Stats. § 101.11, a previously constructed building used as a community-based residential facility, as defined in Wis. Stats. § 50.01(1g), which serves 20 or fewer residents who are not related to the operator or administrator.

*Protected premises* means the physical location protected by a fire alarm system.

*Pumper pad* means an area designated for fire engine access to the Fire Department Connection (FDC) and fire hydrant combination. The site can be a shared portion of the pavement (however it must not cause driveway access to be blocked) or an area designated for the sole use of the fire department. The fire department shall grant final approval.

*Recreational burning* means a fire to be used for cooking or warmth similar to that of a campfire. The fire shall be three feet in diameter or less if it is placed on the ground.

*Remodel* means to remodel, alter or both, means to change any building or structure which affects the structural strength, fire hazard, internal circulation, or exits of the existing building or structure. This definition does not apply to maintenance, re-roofing, or alterations to the heating and ventilating or electrical system.

*Residential group R*. Group R occupancy includes, among others, the use of a building or structure, or portion thereof, for sleeping accommodations when not classed as an Institutional Group I.

- (a) R-1 residential occupancies where the occupants are primarily transient in nature.
- (b) R-2 residential occupancies containing more than two dwelling units where occupants are primarily permanent in nature.
- (c) R-3 residential occupancies where the occupants are primarily permanent in nature and not classified R-1, R-2 or I, and where buildings do not contain more than two dwelling units or adult and child care facilities, that provide accommodations for five or fewer persons of any age for less than 24 hours.

- (d) R-4 residential occupancies shall include buildings arranged for occupancy as residential care/assisted living facilities including five but not more than 16 occupants, excluding staff.

*Roof spaces.* Buildings with combustible roofs shall have all roof spaces subdivided every 3,000 square feet by one-hour rated partitions unless protected by an approved automatic fire sprinkler system. All openings must have a minimum of a one-hour rated self-closing door.

*Rooming house* means any building, which has a room or rooms for sleeping, without permanent provisions for cooking. Rooming house rooms do not include any room in a one- or two-family dwelling.

*Rough inspection* means visual observation from the floor and/or ground level of any system and/or component thereof required by this Code prior to being concealed in any way by any means.

*Row house* means a place of abode arranged to accommodate three or more attached side-by-side or back-to-back living units.

*Rubbish* and *refuse* mean old rags, paper, newspaper, furniture, white goods, metal, plastics, wood other than wood classified as yard waste, and other combustible materials.

*Self-closing device (door)* means a device that will maintain a door in a closed position.

*Shall* indicates a mandatory requirement.

*Should* means a recommendation which is advised but not required.

*Solid waste* means as defined in Wis. Stats. § 289.01.

*Spacing* means a horizontally measured dimension relating to the allowable coverage limits of fire detectors, automatic sprinkler systems, and fire alarm visual notification devices.

*Standard* means a document, the main text of which contains only mandatory requirements using the word "shall" to indicate mandatory requirements and which is in a form generally suitable for reference by another standard or code for adoption into law.

*Standpipe* means an arrangement of piping, valves, hose connections, and allied equipment installed in a building or structure with the hose connections located in such a manner that water can be discharged in streams or spray patterns through attached fire hose and nozzles for the purpose of extinguishing a fire and so protecting a building or structure and its contents in addition to protecting the occupants. This is accomplished by connections to water supply systems or by pumps, tanks, and other equipment necessary to provide an adequate supply of water to the those connections.

*Story* means that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. To determine the number of stories in a building, all floors will be counted whether they are above grade or below grade, including basements, sub-basements, and ground floors, but not including penthouses or mezzanines less than one-third of a story.

*Temporary* means less than 180 days.

*Throughout*, for the purpose of this Code, throughout shall mean the following:

- (a) Throughout for automatic fire sprinkler systems means providing fire sprinkler protection in all areas of a structure as required by NFPA 13.
- (b) Throughout for automatic fire alarm systems means installing detection, audible and visual notification devices in all areas of the protected premises installed in accordance with NFPA 72.
- (c) Throughout for manual fire alarm systems means installing audible and visual notification devices in all areas of the protected premises installed in accordance with NFPA 72.

*Village/town* means the Village of Union Grove and the Town of Yorkville.

*Water flow alarm* means a device that is listed for the service and so constructed and installed that any flow of water from a sprinkler system equal to or greater than that from a single automatic sprinkler of the smallest orifice size installed on the system will result in an audible, visual alarm and send such notification to a central station within one minute after such flow begins.

*Water flow test* means a test of an available water supply that indicates the quantity of water flowing out of a specific orifice, at a specific pressure, at a specific point in time.

*Yard waste* means leaves, branches, twigs and organic material from household gardens which have become dried to the extent that they are combustible without an accelerant.

(Ord. No. 2009-01, 1-26-2009)

## **Sec. 26-2. Fire and rescue department recognized.**

(a) The Union Grove-Yorkville fire department is officially recognized as the provider of the essential services of fire protection and emergency medical care to the people that live, work or travel through the village/town. The department also provides service to those communities that reciprocally provide mutual aid to the village/town. The contemporary duties expected of the fire department include but may not be limited to intermediate level emergency care and transportation, fire prevention inspections, public fire and safety education, fire suppression, first responder first aid and defibrillation, hazardous material incident mitigation, rescue from water, ice, confined space, heights, transportation accidents, construction accidents, and industrial accidents, and assistance to law

enforcement, as well as operations at natural and man-made disasters. The duties of the fire department need to stay current with the needs of a dynamic community.

(b) The fire department shall be in charge of fire fighting and emergency care where fires, emergency medical incidents, accidents or disasters threaten life and/or property and those duties related to the performance of this service within the village/town.

(c) Unless the context requires otherwise, all references in this Code to the “fire department” or “department” shall mean the Union Grove-Yorkville fire department and include the provision of emergency medical care and other rescue services where life(s) is threatened.

(Ord. No. 2009-01, 1-26-2009)

### **Sec. 26-3. Department composition.**

The department is comprised of volunteers who are paid-on-call personnel. The department shall have a chief as well as other officers and personnel as may be authorized by the fire commission and department by-laws.

(Ord. No. 2009-01, 1-26-2009)

### **Sec. 26-4. Fire commission: department funding and compensation.**

(a) A fire commission is created which shall consist of three members from the village board appointed annually by the village president and approved by the Union Grove village board, three members from the Yorkville town board and one member of the Union Grove-Yorkville fire department elected by the Union Grove-Yorkville fire department, who shall be a nonvoting member. The fire commission shall act in an advisory capacity to, and as a liaison between, the Union Grove village board, the Yorkville town board and the Union Grove-Yorkville fire department; and further to transact all business necessary to carry this chapter into effect.

(b) Budgeted funds for the operation of the fire department will be retained by the fire commission and disbursed for the purchase of equipment and for expenses. The fire commission will report semiannually on its expenditures to the governing bodies. All fees for services of the Union Grove-Yorkville fire department will be billed and collected by the fire commission and held in escrow to be applied towards the operation and maintenance of the fire department. No expenditure will be made from this fund, without prior approval of the fire commission.

(Ord. No. 2009-01, 1-26-2009)



### **Sec. 26-5. Budget and compensation.**

The village and the town boards shall appropriate funds to provide for operation and for such apparatus and equipment for the use of the fire department, as they may deem expedient and necessary to maintain efficiency and properly protect life and property from fire. The officers and members of the fire department shall receive such compensation as may from time to time be fixed by the fire commission.

(Ord. No. 2009-01, 1-26-2009)

### **Sec. 26-6. Department organization.**

The organization and internal regulation of the department shall be governed by the provisions of this chapter and by such rules, regulations, standard operating procedures and guidelines as adopted by the department and approved by the fire commission.

(Ord. No. 2009-01, 1-26-2009)

### **Sec. 26-7. Appointment, powers and duties of the chief.**

(a) *Fire chief.* Unless the context requires otherwise, all references in this Code to the "chief," "fire chief" or "incident commander" shall mean the chief of the fire department. In the absence of the chief, "chief" shall mean the next highest ranking officer.

(b) *Qualifications.* The fire chief shall have seven years of volunteer department or equivalent experience, part of which shall have been as a command officer. The fire chief shall be a certified firefighter or shall hold a current EMT license. The fire commission may waive this requirement with a five-sixths vote of the commission.

(c) *Appointment.* The office of fire chief shall be filled by appointment by a two-thirds vote of the members of the fire commission.

(d) *Tenure.* The chief shall immediately assume office upon appointment and shall hold office for a three year term which term may be renewed by a two-thirds vote of the fire commission, or until removed for cause by a two-thirds vote of the members of the fire commission after a hearing before the fire commission.

(e) *Vacancy.* A vacancy in the office of the chief shall be filled by appointment by a two-thirds vote of the fire commission. Upon creation of a vacancy in the office of the chief, the next highest ranking officer shall perform the duties of the chief until such time as an interim chief has been appointed or until the vacancy has been filled.

(f) *Review.* The fire chief shall have a performance review done annually. The review shall be conducted by the fire commission.

(g) *General supervision.* The chief shall have the responsibility of overall supervision of the department and personnel assigned to the department, which shall be subject to and not to conflict with this chapter. The chief shall be responsible for all activities within the department, as well as the personnel, department budget and general efficiency

of the department, and shall report directly to the fire commission on all matters that do not conflict with Wis. Stats. § 66.0105. The chief shall perform such other duties as are usually incumbent upon the commanding officer of a fire department and as are detailed in the job description for this position.

(h) *Command at incidents.* The chief shall have all of the authority and responsibility for command at all fire-fighting, rescue, and emergency medical incidents and other incidents that the department may respond to where life and/or property is threatened within the village/town. The chief shall plan the control of the same, direct the actions of the department and/or mutual aid personnel and other agencies which may be called to assist, ensure that the department performs the duties required, and grant leaves and/or release personnel and equipment from the scene of the emergency when appropriate. In the absence of the chief, the next highest ranking officer or, in the absence of an officer, the most senior member of the department shall be in charge and shall have the same authority and responsibility at incidents as the chief.

(i) *Readiness.* The chief shall maintain the department, personnel and equipment in a constant state of readiness in anticipation of an emergency response. The chief shall keep the fire commission apprised of the department's readiness and report deficiencies in the department's ability to provide service.

(j) *Mutual aid.* The chief shall recommend and maintain the necessary mutual aid contracts as approved by the fire commission. Mutual aid with other municipalities within the States of Wisconsin and Illinois shall be organized within the mutual aid box alarm system or with a community directly when necessary. The chief shall have the authority to dispatch units to respond out of the village/town in response to mutual aid requests from signatories of a mutual aid agreement and the responsibility to ensure that the village/town is adequately protected during said incidents.

(k) *Enforcement of fire prevention ordinances.* The fire chief of the village/town or his/her designee shall enforce all fire prevention ordinances of the village/town and the State of Wisconsin. The chief and/or his/her designees are authorized to cite violations of the fire prevention ordinances of the village/town in accordance with this chapter.

(Ord. No. 2009-01, 1-26-2009)

## **Sec. 26-8. Control and care of apparatus, vehicles and equipment.**

(a) *Chief responsible.* The chief shall have control of all apparatus, vehicles and equipment used by the department and shall be responsible for its proper maintenance. The chief may authorize emergency repairs.

(b) *Use.* Fire apparatus and rescue vehicles shall be used for official purposes only.

(c) *Damage to equipment.* No person shall willfully damage any hose, hydrant, fire apparatus, rescue vehicle and equipment related to the provision of said services that belongs to the village/town, and no vehicle or railroad equipment shall be driven over any unprotected hose of the department when laid down on any street, private driveway, track or

other place to be used at any fire or alarm of fire or other emergency without the consent of the chief.

(Ord. No. 2009-01, 1-26-2009)

**Sec. 26-9. Authority of department at fires, emergency incidents, and other emergencies.**

(a) Pursuant to Wis. Stats. § 213.095, the chief or other officer acting as the incident commander at the scene of a fire, emergency medical call or other emergency where the department has been called to perform service to persons or property shall have the authority to do the following:

- (1) Suppress any disorder and order all individuals or companies to leave the neighborhood of any fire or first aid scene.
- (2) Command from the inhabitants of the village/town all necessary assistance for the suppression of fires and the preservation of property exposed to fire.
- (3) Enter any property or premises to do whatever may be reasonably necessary in the performance of the officer's duties while engaged in the work of extinguishing any fire or performing any duties incidental thereto and/or while engaged in the work of aiding persons or minimizing the loss to property a first aid scene.

(b) The incident commander conducting operations in connection with the extinguishment and control of any fire, explosion or other emergency shall have the authority to direct all operations of fire extinguishment or control and to take the necessary precautions to save life, protect property, and prevent further injury or damage. During such operation, including the investigation of the cause of such emergency, the incident commander shall be permitted to control or prohibit the approach to the scene of such emergency by any vehicle, vessel or person.

(c) No person shall obstruct the operations of the department in connection with extinguishing or control of any fire, or actions relative to other emergencies, or disobey any lawful command of the incident commander in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the department.

(d) The incident commander in charge of an emergency scene shall have the authority to establish barriers to control access in the vicinity of such emergency and to place, or cause to be placed, ropes, guards, barricades, or other obstructions across any street or alley to delineate such emergency scene barrier. No person, except as authorized by the incident commander in charge of the emergency, shall be permitted to cross such barriers.

(e) The incident commander in charge of an emergency scene shall have the authority to have property damaged by fire or other emergency barricaded or otherwise protected from persons or the elements. The expense of such preventative action shall be borne by the property owner.

(f) The fire department shall investigate the cause and origin, and circumstances of fires occurring within its jurisdiction to determine if the fire is of carelessness or design. Such investigations may begin immediately upon the occurrence of such a fire, and if it appears to the officer making such an investigation that such fire is of suspicious origin and of a significant nature, the fire chief shall be notified of the facts. The AHJ shall notify the proper authorities designated by law to pursue the investigation of such matters and shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case. A member of the fire investigation team shall file a written report of damage associated with every fire in a timely manner. It shall contain a statement of all facts relating to the cause and origin and circumstances of such fire and other information as may be required.

(g) The fire chief or officers in command and the fire Inspector at any fire are hereby vested with full and complete police authority. Any officer of the fire department may cause the arrest of any person failing to give the right-of-way to the fire department in responding to or investigating an incident.

(h) The fire chief or officers in command shall have the power to cause the removal of any property whenever it is deemed necessary and prudent for the preservation of such property. During the progress of any fire, they shall have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes work of the fire department during the progress of fire.

(i) It shall be lawful for any fire department personnel while acting under the direction of the fire chief or officer in command to enter premises adjacent to or in the vicinity of a building or other property that is on fire for the purpose of extinguishing, containing, or searching for extension of such fire or other exigent circumstances. No person shall hinder, resist or obstruct any firefighter in the discharge of his duties as is herein before provided. The person so offending shall be deemed guilty of resisting firefighters in the discharge of their duties.

(j) During the progress of fire the fire chief or officers in command shall have the power to order the removal or destruction of any property necessary to prevent the further spread of fire or to ensure that the fire has not extended to other areas; providing that it is likely that, unless such property is removed, other property is in danger of being destroyed by fire.

(Ord. No. 2009-01, 1-26-2009)

## **Sec. 26-10. Records and reports.**

(a) *Legal custodian.* The chief is the legal custodian of the reports, records and property within the department.

(b) *Fire reports.* Per Wis. Stats. §101.141, the department shall maintain a record of all fires. The department shall participate in the national incident fire reporting system, supplying data collected to the department of commerce. Fire reports shall be maintained a minimum of seven years.

(Ord. No. 2009-01, 1-26-2009)

## **Sec. 26-11. Fire inspectors.**

(a) *Chief to be a deputy of the department of commerce.* Pursuant to Wis. Stats. § 101.14, incorporated herein, the chief is a deputy of the department of commerce. The chief is responsible for the enforcement of the state codes adopted within this chapter.

(b) *Fire inspectors.* The chief shall hold the office of fire inspector and shall appoint one or more inspectors from within the department who shall perform the same duties and have the same powers as the fire inspector.

(c) *Required inspections.* The chief of the department shall be responsible for having all public buildings and places of employment inspected for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or any violations of any law or ordinance relating to fire hazards or to the prevention of fires. Repairs or alterations necessary to remove a hazard or hazardous condition shall be at the owner's expense and within a reasonable time or sooner if so ordered by the chief.

(d) *Special inspections.* The chief, upon the request of the fire commission, or upon receiving the complaint of any person or whenever the chief deems it necessary, shall inspect any public building and premises where inspections are required within the village/town.

(e) *Number of inspections.* The chief shall be responsible for determining the number of public buildings and places of employment to be inspected within the village.

(f) *Scheduling of inspections.* Fire prevention inspections shall be conducted at least once in each non-overlapping six-month period per calendar year, or more often if ordered by the chief.

(g) *Written reports.* Written reports of inspections shall be made and kept on file.

(h) *Authority to inspect.* The chief acting as the fire inspector or other fire inspectors shall be authorized at all reasonable times to enter and examine any building, structure, vehicle or premises, excepting only the interior of private dwellings, where inspections are required for the purpose of making fire inspections. The owner, agent or occupant of any such premises who refuses to permit, or prevents or interferes with, any entry into or upon the premises by any such inspector shall be in violation of this chapter.

(i) *Special inspection warrant.* If consent for 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 chief shall obtain a special inspection warrant under Wis. Stats. § 66.0119.

(j) *Correction of hazards.* At such time as the fire inspector identifies a violation or fire hazard, the fire inspector shall serve notice in writing upon the owner of the property, giving such owner a reasonable time in which to remove the hazard. However, where an extreme or hazardous condition exists which, for the protection of the public, must be corrected or removed immediately, the chief shall have the authority to take such steps as may be necessary to protect the public and property, including closing and vacating of a building, structure or premises. If the owner fails to comply with the order to correct the

hazard within the time allowed, it shall be deemed a nuisance. The fire chief shall also have the authority to take such steps as may be necessary, including obtaining appropriate court orders, to enforce any order of the chief correcting a hazardous or potential fire condition. The fire chief may also have a hazard corrected or removed by the village/town. The cost of such removal shall be recovered in an action by the village/town against the property owner and may be entered in the tax roll as a special charge against the property. When the owner of any property or person in apparent control of the property is issued an order by the AHJ and fails to comply with the order, the municipality may do the work ordered and the cost of such work shall constitute a special assessment against the property upon which the work is done and shall be levied against such property pursuant to Wis. Stats. § 66.0703.

(k) *Special inspection requests.* If a building owner requests a fire inspection from the fire department for a building that is not a public building and premises where inspections are not required within the village or town, the building owner shall pay for the cost of inspection. The inspection rate will be \$50.00 per hour, per inspector and any related reports generated from the inspection of the building will be charged an administrative fee of five percent of the subtotal.

(Ord. No. 2009-01, 1-26-2009)

#### **Sec. 26-12. Fire inspection fees.**

(a) An annual fire inspection fee shall be charged to the property owner by the fire department for required inspections of each building, structure, and premises. Fire inspection fees, shall be billed to the owner of each inspected parcel within the village or town.

(b) The fee for the required annual fire inspections and any re-inspections shall be based upon the building's square footage, as set forth by resolutions of the village and town board, from time to time.

(Ord. No. 2009-01, 1-26-2009)

#### **Sec. 26-13. Notification of use or occupancy change.**

(a) Whenever there is a change in occupancy or the agent(s) (manager, shift supervisor, after hour's emergency contact, etc.) of that occupancy, the owner or their duly authorized agent shall submit the changes in writing to the fire department within five working days. The information shall consist of the following:

- (1) Name and address of occupancy;
- (2) Owner's name, address and phone number(s);
- (3) Agent's name, address and phone number(s);
- (4) Other information as required by the AHJ.

(b) Whenever a change in the service company for the alarm system has occurred within the occupancy, the owner or authorized agent shall submit the changes in writing to the fire department within five working days. The information shall consist of the following:

- (1) All information required in subsection (a);
- (2) Type(s) of fire protection systems;
- (3) Service company name, address and phone number(s).

(c) No change can be made in the use or occupancy of any building or structure, or any space within a building, structure, or space of a building or structure either in a different division of the same occupancy group or in a different occupancy group, unless the building or structure complies with this Code's requirements for the new division of occupancies, as these requirements exist.

Exception: This subsection does not apply to an approved temporary use or to a new use that will be less hazardous, based on life and/or fire risk, than the existing use.

(d) An inspection by the fire department shall be required for any new or change of occupancy. The fee for occupancy inspections and re-inspections shall be based upon the square footage of the building or tenant space, as set forth by resolutions of the village and town boards from time-to-time.

(Ord. No. 2009-01, 1-26-2009)

#### **Sec. 26-14. Fire prevention.**

(a) *Wisconsin regulations adopted.* The following chapters of the Wisconsin Administrative Code, Department of Safety and Professional Services, are hereby adopted by reference with the same force and effect as if fully set forth herein and as the same may be from time to time amended:

SPS 303	Petition for Variance Procedure.
SPS 305	Certifications and Registrations
SPS 307	Explosives and Fireworks
SPS 310	Flammable and Combustible Liquids
SPS 314	Fire Prevention
SPS 316	Electrical
SPS 318	Elevators, Escalators and Lift Devices
SPS 323	Heating, Ventilating and Air Conditioning
SPS 328	Smoke Detectors and Carbon Monoxide Detectors
SPS 330	Fire Department Safety and Health
SPS 334	Amusement Rides
SPS 335	Infectious Agents
SPS 340	Gas Systems
SPS 341	Boilers and Pressure Vessels
SPS 343	Anhydrous Ammonia
SPS 345	Mechanical Refrigeration

SPS 348	Petroleum and Other Liquid Fuel Products
SPS 361-365	Enrolled Commercial Building Code
SPS 366	Existing Buildings
SPS 371	Solar Energy Systems
SPS 372	Cleaning Methods for Historic Buildings
SPS 375	Definitions and General Requirements
SPS 376	Factories, Office and Mercantile Buildings
SPS 377	Theaters and Assembly Halls
SPS 378	Schools and other Places of Instruction
SPS 379	Apartment Houses, Hotels and Places of Detention
SPS 326	Manufactured Home Communities

(b) *Compliance.* Any act required to be performed or prohibited by any chapter of the Wisconsin Administrative Code incorporated herein by reference is required or prohibited by this section. Any violation of these provisions constitutes a violation of this chapter.

(c) *Code updates.* Any future updates to the Wisconsin Administrative Codes are also adopted prospectively by reference.

(d) *Fire department access.* A road shall be provided to all construction sites at the commencement of construction having suitable strength and width to support the apparatus operated by the department. Such road will have a minimum clear width of 12 feet and shall be subject to the approval of the fire chief and the building inspector.

(e) *Conflicts.* In cases of conflict between local and state codes, the most restrictive provisions shall govern.

(Ord. No. 2009-01, 1-26-2009)

### **Sec. 26-15. Adoption of International Code Council Inc. Codes.**

The latest I.C.C. publication listed below, and any amendments thereto, is adopted by reference, enforced and incorporated into this Code as if fully set forth herein:

International Fire Code (applies only to sections specifically referenced in this Code)  
2006 edition.

(Ord. No. 2009-01, 1-26-2009)

### **Sec. 26-16. Adoption by reference NFPA publications.**

The latest NFPA publications and any amendments thereto, are adopted by reference, enforced and incorporated into this Code as if fully set forth herein. For the sake of easy reference, the following NFPA standards are routinely consulted:



NFPA	1	Uniform Fire Code (applies only to the use, maintenance, operation and testing) 2006 edition
NFPA	10	Standard for Portable Fire Extinguishers, 2007 edition
NFPA	11	Standard for Low-, Medium- and, High-Expansion Foam, 2005 edition
NFPA	12	Standard on Carbon Dioxide Extinguishing Systems, 2008 edition
NFPA	13	Standard for Installation of Sprinkler Systems, 2007 edition
NFPA	13D	Sprinkler Systems in One and Two-Family Dwellings and Manufactured Homes, 2007 edition
NFPA	13R	Sprinkler Systems in Residential Occupancies up to and Including four Stories in Height, 2007 edition
NFPA	14	Standard for the Installation of Standpipes, and Hose Systems, 2007 edition
NFPA	15	Standard for Water Spray Fixed Systems for Fire Protection 2007 edition
NFPA	16	Standard for the Installation of Foam-Water sprinkler and Foam-Water Spray Systems, 2007 edition
NFPA	17	Standard for Dry Chemical Extinguishing Systems, 2002 edition
NFPA	17A	Standard for Wet Chemical Extinguishing Systems, 2002 edition
NFPA	20	Standard for the Installation of Stationary Pumps for Fire Protection, 2007 edition
NFPA	22	Standard for Water Tanks for Private Fire Protection, 2008 edition
NFPA	24	Standard for the Installation of Private Fire Service Mains and their Appurtenances, 2007 edition
NFPA	25	Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems, 2008 edition
NFPA	30	Flammable and Combustible Liquids Code, 2008 edition
NFPA	30B	Code for the Manufacture and Storage of Aerosol Products, 2007
NFPA	33	Standard for Spray Application Using Flammable or Combustible Materials, 2007 edition
NFPA	34	Standard for Standard Dipping and Coating Processes Using Flammable or Combustible Liquids, 2007 edition
NFPA	35	Standard for the Manufacture of Organic Coatings, 2005 edition
NFPA	36	Standard for Solvent Extraction Plants, 2004 edition
NFPA	37	Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines, 2006 edition
NFPA	40	Standard for the Storage and Handling of Cellulose Nitrate Film, 2007 edition
NFPA	42	Code for the Storage of Pyroxylin Plastic, 2002 edition
NFPA	45	Standard on Fire Protection for Laboratories Using Chemicals, 2004 edition
NFPA	51	Standard for the Design and Installation of Oxygen-Fuel Gas Systems for Welding, Cutting, and Allied Processes, 2007 edition
NFPA	51A	Standard for Acetylene Cylinder Charging Plants, 2006 edition
NFPA	54	National Fuel Gas Code, 2006 edition
NFPA	55	Standard for the Storage, Use, and Handling of Compressed Gases and Cryogenic Fluids in Portable and Stationary Containers, Cylinders, and Tanks, 2005 edition
NFPA	58	Liquefied Petroleum Gas Code, 2008 edition
NFPA	59	Utility LP-Gas Plant Code, 2008 edition
NFPA	59A	Standard for the Production, Storage, and Handling of Liquefied National Gas (LNG), 2006 edition

NFPA	61	Standard for the Prevention of Fires and Dust Explosions in Agricultural and Food Processing Facilities, 2008 edition
NFPA	68	Standard on Explosion Protection by Deflagration Venting, 2007 edition
NFPA	69	Standard on Explosion Prevention Systems, 2008 edition
NFPA	70	National Electrical Code®, 2008 edition
NFPA	72	National Fire Alarm Code, 2007 edition
NFPA	75	Standard for the Protection of Information Technology Equipment, 2003 edition
NFPA	76	Standard for the Fire Protection of Telecommunications Facilities, 2005 edition
NFPA	80	Standard for Fire Doors and Other Opening Protectives, 2007 edition
NFPA	82	Standard on Incinerators and Waste and Linen Handling Systems and Equipment, 2004 edition
NFPA	85	Boiler and Combustion Systems Hazards Code, 2007 edition
NFPA	86	Standard for Ovens and Furnaces, 2007 edition
NFPA	88A	Standard for Parking Structures, 2007 edition
NFPA	91	Standard for Exhaust Systems for Air Conveying of Vapors, Gases, Mists, and Noncombustible Particulate Solids, 2004 edition
NFPA	92B	Standard for Smoke Management Systems in Malls, Atria, and Large Spaces, 2005 edition
NFPA	96	Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations, 2008 edition
NFPA	99B	Standard for Hypobaric Facilities, 2005 edition
NFPA	99C	Standard on Gas and Vacuum Systems, 2005 edition
NFPA	101	Life Safety Code®, 2006 edition
NFPA	102	Standard for Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures, 2006 edition
NFPA	105	Standard for the Installation of Smoke Door Assemblies and Other Opening Protectives, 2007 edition
NFPA	110	Standard for Emergency and Standby Power Systems, 2005 edition
NFPA	111	Standard on Stored Electronic Energy Emergency and Standby Power System, 2005 edition
NFPA	115	Standard on Laser Fire Protection, 2008 edition
NFPA	160	Standard for the Use of Flame Effects Before an Audience, 2006 edition
NFPA	170	Standard for Fire Safety and Emergency Symbols, 2006 edition
NFPA	204	Standard for Smoke and Heat Venting, 2007 edition
NFPA	214	Standard on Water-Cooling Towers, 2005 edition
NFPA	221	Standard for High Challenge Fire Walls, Fire Walls, and Fire Barrier Walls, 2006 edition
NFPA	232	Standard for the Protection of Records, 2007 edition
NFPA	241	Standard for Safeguarding Construction, Alteration, and Demolition Operations, 2004 edition
NFPA	291	Recommended Practice for Fire Flow Testing and Marking of Hydrants, 2007 edition
NFPA	303	Fire Protection Standards for Marinas and Boatyards, 2006 edition
NFPA	307	Standards for the construction and Fire Protection of Marine Terminals, Piers, and Wharves, 2006 edition
NFPA	318	Standard for the Protection of Semiconductor Fabrication Facilities, 2006 edition
NFPA	400	Hazardous Chemical Code, Proposed Standard
NFPA	418	Standard for Heliports, 2006 edition

NFPA	430	Code for the Storage of Liquid and Solid Oxidizers, 2004 edition
NFPA	432	Code for the Storage of Organic Peroxide Formulations, 2002 edition
NFPA	434	Code for the Storage of Pesticides, 2002 edition
NFPA	484	Standard for Combustible Metals, 2006 edition
NFPA	490	Code for the Storage of Ammonium Nitrate, 2002 edition
NFPA	495	Explosive Materials Code, 2006 edition
NFPA	499	Recommended Practice for the Classification of Combustible Dusts and of Hazardous (Classified) Locations for Electrical Installations in Chemical Process Areas, 2008 edition
NFPA	560	Standard for the Storage, Handling, and Use of Ethylene Oxide for Sterilization and Fumigation, 2007 edition
NFPA	654	Standard for the Prevention of Fire and Dust Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids, 2006 edition.
NFPA	655	Standard for Prevention of Sulfur Fires and Explosions, 2007 edition
NFPA	664	Standard for the Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities, 2007 edition
NFPA	704	Standard System for the Identification of the Hazards of Materials for Emergency Response, 2007 edition
NFPA	720	Standard for Installation of Carbon Monoxide (CO) Warning Equipment in Dwelling Units, 2005 edition
NFPA	750	Standard on Water Mist Fire Protection Systems, 2006 edition
NFPA	780	Standard for the Installation of Lightning Protection Systems, 2008 edition
NFPA	801	Standard for Fire Protection for Facilities Handling Radioactive Materials, 2008 edition
NFPA	804	Standard for Fire Protection for Advanced Light Water Reactor Electric Generating Plants, 2006 edition
NFPA	850	Recommended Practice for Fire Protection for Electric Generating Plants and High Voltage Direct Current Converter Stations, 2005 edition
NFPA	853	Standard for the Installation of Stationary Fuel Cell Power Systems, 2007 edition
NFPA	1123	Code for Fireworks Display, 2006 edition
NFPA	1124	Code for the Manufacture, Transportation, Storage and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 edition
NFPA	1125	Code for the Manufacture of Model Rocket and High Power Rocket Motors, 2007 edition
NFPA	1126	Standard for the Use of Pyrotechnics before a Proximate Audience, 2006 edition
NFPA	2001	Standard on Clean Agent Fire Extinguishing Systems, 2008 edition
NFPA	2010	Standard for Fixed Aerosol Fire Extinguishing Systems, 2006 edition

(Ord. No. 2009-01, 1-26-2009)

## **Sec. 26-17. False alarms.**

No person shall give a false alarm of fire with intent to deceive, or pull the lever of any signal box except in case of fire, or tamper, meddle or interfere with the fire alarm system or any part thereof.

(Ord. No. 2009-01, 1-26-2009)

## **Sec. 26-18. Open burning.**

### *(a) Definitions.*

*Campfire* means a small outdoor fire intended for recreation or cooking not including a fire intended for disposal of waste wood or refuse.

*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.

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

*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.

*Outdoor wood-fired furnace* means a wood-fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.

*Refuse* means any waste material except clean wood.

*(b) General prohibition on outdoor burning and refuse burning.* Open burning, outdoor burning and refuse burning are prohibited unless the burning is specifically permitted by this chapter.

### *(c) Materials that may not be burned.*

- (1) Unless a specific written approval has been obtained from the department of natural resources, the following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device.
- (2) Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
- (3) Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 590, Wisconsin Administrative Code.

- (4) Asphalt and products containing asphalt.
  - (5) Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
  - (6) Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
  - (7) Rubber including tires and synthetic rubber-like products.
  - (8) Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the recycling ordinance.
- (d) *Open burning of leaves, brush, clean wood and other vegetative debris.*
- (1) Open burning of leaves, weeds, brush, stumps, clean wood and other vegetative debris is allowed only in accordance with the following followings:
    - a. All allowed open burning shall be conducted in a safe nuisance free manner, when wind and weather conditions are such as to minimize adverse effects and not create a health hazard or a visibility hazard on roadways, railroads or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.
    - b. Except for barbecue, gas and charcoal grills, no open burning shall be undertaken during periods when either the fire chief or the state department of natural resources has issued a burning ban applicable to the area.
    - c. Open burning shall be conducted only on the property on which the materials were generated or at a facility approved by and in accordance with provisions established by the department of natural resources and the fire chief.
    - d. Unless explicitly allowed elsewhere in this chapter, a commercial enterprise other than an agricultural or silvicultural operation may open burn only at a facility approved by and in accordance with provisions established by the department of natural resources and the fire chief.
    - e. Open burning of weeds or brush on agricultural lands is allowed if conducted in accordance with other applicable provisions of this chapter.

- f. Fires set for forest, prairie or wildlife habitat management are allowed with the approval of the department of natural resources.
- g. Outdoor campfires and small bonfires for cooking, ceremonies or recreation are allowed provided that the fire is confined by a control device or structure such as a barrel, fire ring, or fire pit. Bonfires are allowed only if approved by and in accordance with provisions established by the fire chief.
- h. Burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of rights-of-way is allowed if approved by the fire chief and if in accordance with other provisions of this chapter.
- i. In emergency situations such as natural disasters burning that would otherwise be prohibited is allowed if specifically approved by the department of natural resources.
- j. Open burning under this section shall only be conducted at a location at least 25 feet from any structure and ten feet from any property line.
- k. Except for campfires and permitted bonfires, open burning shall only be conducted between 9:00 a.m. and the earlier of the following: Sunset or 7:00 p.m. All recreational fires shall be out by 12:00 a.m.
- l. Open burning shall be constantly attended and supervised by a competent person until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
- m. No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or waterbody.
- n. Except for barbecue, gas and charcoal grills, no burning shall be undertaken within 25 feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the fire chief.
- o. No open burning may be conducted on days when the department of natural resources has declared an ozone action day applicable to the County of Racine.
- p. Fires shall not be ignited with flammable or combustible liquids, such as gasoline, kerosene, fuel oil, diesel fuel, etc.

(e) *Outdoor wood-fired furnaces.* An outdoor wood-fired furnace may be installed and used in the town and village only in accordance with the following provisions:

- (1) The outdoor wood-fired furnace shall be installed and used only in an area zoned for agricultural use.
- (2) The outdoor wood-fired furnace shall not be used to burn any of the prohibited materials listed above.
- (3) The outdoor wood-fired furnace shall be located at least 300 feet from the nearest building which is not on the same property as the outdoor wood-fired furnace.
- (4) The outdoor wood-fired furnace shall have a chimney that extends at least 15 feet above the ground surface. If there are any residences within 500 feet the chimney shall also extend at least as high above the ground surface as the height of the roofs of all such residences. The fire chief may approve a lesser height on a case-by-case basis if necessary to comply with manufacturer's recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors.

(f) *Fire department practice burns.* Notwithstanding subsections (b) and (c), the fire department may burn a standing building if necessary for fire fighting practice and if the practice burn complies with the requirements of the department of natural resources.

(g) *Liability.* A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

(h) *Right of entry and inspection.* The fire chief or any authorized officer, agent, employee or representative of the town or village who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this chapter.

(Ord. No. 2009-01, 1-26-2009)

### **Sec. 26-19. Ambulance service rates.**

(a) The Union Grove-Yorkville fire department provides emergency ambulance service to those needing emergency medical attention after the sudden onset of a medical condition manifesting itself by acute symptoms of such severity (including severe pain) that the absence of immediate medical attention could reasonably be expected to result in placing the patient's health in serious jeopardy, or the serious impairment of bodily functions, or serious dysfunction of any bodily organ or part.

(b) The fire department shall be in charge of fire fighting and emergency care where fires, emergency medical incidents, accidents or disasters threaten life and/or property and those duties related to the performance of this service within the village/town.

(c) Fees for outlying areas (with a mutual aid agreement). In all cases where the emergency service of the village/town is summoned in response to an emergency call in areas outside the village/town where a mutual aid agreement does exist, every person receiving such emergency service, the administration of medical drugs and disposable

medical equipment used in attending at the scene of the incident and transporting such person to an emergency hospital shall be charged for such service.

(d) Fees for outlying areas (without a mutual aid agreement). In all cases where the emergency service of the village/town is summoned in response to an emergency call in areas outside the village/town where no mutual aid agreement exists, every person receiving such emergency service, the administration of medical drugs and disposable medical equipment used in attending at the scene of the incident and transporting such person to a private or emergency hospital shall be charged for such service.

(e) The schedule of fees for service, transfer service, medical drugs and disposable medical equipment shall be established by resolutions of the village and town boards, from time to time.

(Ord. No. 2009-01, 1-26-2009)

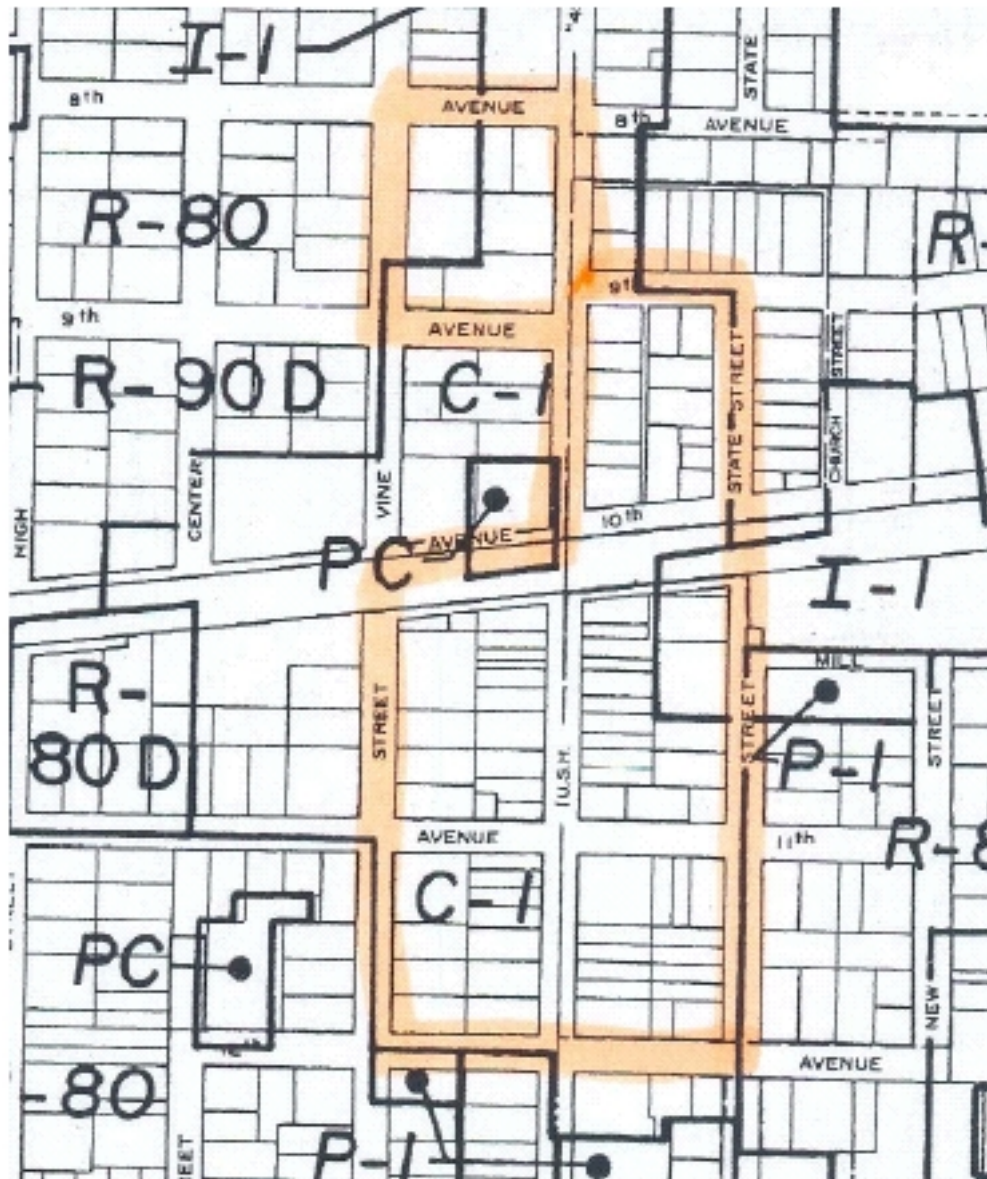
### **Sec. 26-20. Fire district.**

(a) *Definitions.* As used in this section, the terms "fire resistive construction," "mill construction," "ordinary construction," "frame construction," and "fire retardant roof coverings" shall have the meanings as defined in the Wis. Admin. Code.

(b) *Established.* The part of the village included within the following described territory shall be known as the fire district:

- (1) Block 1, Taber's addition to the village.
- (2) Blocks 1 and 2, Salisbury's addition to the village.
- (3) Blocks 2, 3 and 5 of the original plat of the village.





(c) *Building construction requirements.* Every building erected, enlarged or moved within or into the fire district shall be fire resistive, mill or ordinary construction, except as otherwise provided by this section. Enclosing walls and party walls shall be four-hour, fire resistive walls of a construction as provided in Wis. Admin. Code which is adopted by reference and made a part of this section with respect to all buildings and structures within the fire district.

(d) *Exceptions for certain frame construction.* No building of frame construction shall be constructed within or moved within or into the fire district except the following:

- (1) The entire building is sprinklered regardless of size.
- (2) A greenhouse, not more than 15 feet in height.

- (3) A construction trailer, for use only in connection with a duly authorized building operation.

(e) *Bulk oil tanks prohibited.* The storage of class I flammable liquids, as defined in the Wis. Admin. Code SPS 310-01(37), in above ground tanks outside of buildings is prohibited within the fire district.

(f) *Razing old or damaged buildings.* Any building of frame construction within the fire limits which may be damaged by fire or which has deteriorated to an amount greater than one-half of its value, exclusive of the foundation, as determined by the village assessor, shall be subject to a raze order, as issued by the building inspector, pursuant to Wis. Stats. § 66.0413.

(g) *Fire retardant roofing.*

- (1) Every roof constructed within the fire district, including buildings listed in subsection (d), shall be covered with roofing having a fire resistive rating equivalent to class B or better of the Underwriters' Laboratories, Inc., classification in their List of Inspected Materials, which is adopted by reference and incorporated in this section as if fully set forth in this section.

- (2) No roofing on a roof shall be renewed or repaired to a greater extent than one-tenth of the roof surface, except in conformity with the requirements of subsection (g)(1).

(h) *Enforcement.* The building inspector or fire chief or other designated person is authorized and it shall be his/her duty to enforce this section.

(Ord. No. 2009-01, 1-26-2009)

## **Sec. 26-21. Fire walls.**

(a) *Purpose.* The purpose of this section is to establish uniform standards for the identification of fire walls.

(b) *Identification.* Every owner of a building within the village or town shall identify the location of a fire wall at the exterior walls of the building with a sign. A sign may not be required to identify a fire wall:

- (1) Abutting exterior walls of two or more buildings along streets in downtown areas;
- (2) With a visible parapet from the street;
- (3) Which extends above a roof and is an exterior wall of another part of the building; and
- (4) In a building of more than three stories.

(c) *Sign requirements.* A sign required by this section shall be subject to the following:

- (1) *Generally.* The sign shall consist of three circles arranged vertically on the exterior wall marking the location of the fire separation wall or occupancy separation wall and centered on the fire separation wall or occupancy separation wall. The circles may be affixed directly to the surface of the building or may be placed on a background material which is affixed to the building.
- (2) *Size of circle.* Each circle shall be the same size. The diameter of the circle shall be at least one and one-half inches, but shall not be greater than two inches.
- (3) *Spacing.* The circles shall be spaced an equal distance apart. The maximum distance measured from the top of the uppermost circle to the bottom of the lowermost circle shall be 12 inches.
- (4) *Color.* The circles shall be orange and of a reflective material.
- (5) *Location.* The top of the sign shall be located on the face of the exterior wall of the building and located no more than 12 inches below the eave, roof edge, fascia or parapet.

(Ord. No. 2009-01, 1-26-2009)

## **Sec. 26-22. Automatic fire sprinkler, fire suppression and fire alarm systems and fire hydrants.**

(a) *Purpose.* The purpose of this section is to protect the health, safety and welfare of the those that live, work, visit, or travel through the village/town, including the fire personnel who serve the village/town or assist the village/town, by establishing minimum standards for fire safety through the standardization of the design, installation, testing and maintenance requirements for automatic fire sprinkler, fire suppression and fire alarm systems.

(b) *Enforcement.* The Union Grove-Yorkville Fire Department shall be responsible for the enforcement of this section.

(c) *State regulations.* All building code requirements, rules and laws of the state shall apply to all buildings located within the village/town. The requirements of this section shall not lessen any building code requirements, rules or laws of the state. Should any conflict arise between this section and the codes, rules or laws of the state, the more stringent regulation shall govern.

(d) *Owner's responsibility.*

- (1) Within buildings that the fire department is required to inspect, no owner may construct or alter any building, or portion of a building, or

permit any building to be constructed or altered except in compliance with this chapter.

- (2) The owner is also responsible for maintaining a current set of plans for all detection, suppression and fire alarm systems.
- (3) The owner shall maintain all automatic fire sprinkler, suppression and alarm systems (and the alarm monitoring of those systems) that were required by the village/town as a condition of occupancy.

(e) Installation required. An automatic fire sprinkler System shall be installed in all structures where the floor area exceeds the thresholds established the Wisconsin Administrative Code, or where otherwise required by State law.

(f) How installed.

- (1) Incorporation of standards by reference. The most current editions of all NFPA documents are hereby incorporated by reference into this section.
- (2) Material and test certificates. All fire protection systems installed in the village/town shall be tested in accordance with the requirements of the state code and NFPA provisions. In the event that a conflict between these documents occurs, the fire protection contractor shall comply with the most stringent requirements. Two copies of each material and test certificate shall be provided to the department before an occupancy permit will be granted.
- (3) When using nonpotable water and/or a nonfreeze solution. Whenever nonpotable water is used to supply a fire sprinkler system and/or when a fire sprinkler system uses any type of nonfreeze solution, a reduced pressure backflow preventer (R-P-Z) shall be required as part of those systems.
- (4) Fire pump test header. Fire pump test headers shall be placed on the exterior of the fire pump room.
- (5) Fire pump relief valve. When a fire pump is required to have a relief valve and that relief valve discharges to the exterior, the relief valve shall discharge directly into a storm water catch basin.
- (6) Safety factor. The safety factor for a hydraulically calculated sprinkler system shall be a minimum of ten percent or five psi, whichever is greater.
- (7) Sprinkler control rooms shall be located with adequate access for fire department, sprinkler maintenance and inspection personnel and shall not be located within private dwellings with the exception of NFPA 13D systems.

- (8) There shall be direct access from the exterior to the sprinkler control valve as determined by the AHJ, with a door labeled as such which will include reflective lettering.
- (g) Standpipes and hose connections.
  - (1) Wet automatic standpipes shall be provided in all buildings three stories or more in height. Standpipes shall be sized and distributed as described in subsection (2).
  - (2) When the NFPA requires the installation of small hose and small hose valve connections, this department will require the installation of two and one-half-inch hose valves in lieu of the former. The two and one-half-inch hose valves shall be supplied from a separate piping system or from adjacent sprinkler systems. The two and one-half-inch NST valve shall be capable of delivering 250 gpm at 75 psi measured at the hose valve. The standpipes shall be wet and placed first adjacent to the exterior exit doors and then move inward to provide the required coverage. Hose valves shall be no further than 150 feet apart, per floor.

(h) Fire department connection. The fire department connection (FDC) for both the sprinkler system and standpipe systems shall be located remote from the building, curbside to a street or driveway. The minimum distance from the building shall be equal to the height of the building. An FDC may be placed at a greater distance from the building if the building is of extra hazard occupancy. The location of the FDC shall be approved by the fire department. The FDC shall have an automatic drip for drainage of the waterline enclosed within an inspection pit and accessed through a manhole, when the automatic drip cannot be placed within the structure.

- (i) Fire hydrant(s) and pumper pad.
  - (1) *Scope.* The requirements of this section apply to fire hydrants and water main systems supplying private fire hydrants or fire suppression systems.
  - (2) *Installation and maintenance standards.* Private fire hydrants and water mains shall be installed in accordance with NFPA 24 and the village/town water utility. Private fire hydrants and water mains shall be maintained in accordance with NFPA 25.
  - (3) *Approval required.* Plans shall be submitted to the designated third party for review to determine compliance with the applicable standards prior to the installation of private fire hydrants.
  - (4) *Approved water hydrant.* An approved water hydrant shall mean a water hydrant connected to a municipal water main, and the hydrant shall have one five-inch Storz connection and two two-and-five-tenths-inch connections. The connecting waterline between the municipal water main and the approved water hydrant shall not be less than six

inches. All water hydrants shall be installed in such a manner and location so as to be accessible at all times to the fire department. Note: The hydrant must flow a minimum of 1,500 gpm with 20 psi residual.

- (5) *Number of required fire hydrants.* A minimum of one fire hydrant shall be installed on the property where a sprinkler system (or standpipe system) is installed within the building. The hydrant shall be located remote from the building at a minimum distance equal to the height of the building and adjacent (maximum distance five feet) to the fire department connection(s), curbside. Hydrants may be placed at a greater distance from the building if the building is of extra hazard occupancy. The FDC and the fire hydrant shall be incorporated into a pumper pad to assure access for the fire department pumpers. This access must be maintained at all times. Additional hydrant(s) shall be provided around the perimeter of the building so that no hydrant is more than 250 feet from other approved hydrants measured by normal access routes.
- (6) *Setback distances.* Private fire hydrants shall be no more than five feet from the curb or edge of the street or fire apparatus access. Alternative setback distances may be considered when site conditions conflict with the provisions of this section.
- (7) *System design.*
  - a. *Valves.* Control valves shall be provided to limit the number of private hydrants and/or sprinkler systems affected by maintenance, repair or construction. Valves shall be located at street intersections and at no more than 800-foot intervals, and sectional control valves shall be placed so that no more than a combination of five hydrants and sprinkler systems can be isolated between control valves. Valves shall be provided in each hydrant lead.
  - b. *Outlet position.* All hydrants shall be positioned so that the largest outlet faces the street or fire apparatus access route.
  - c. *Hydrant height above grade.* The center of the lowest outlet cap of the fire hydrants shall be at least 18 inches above grade and not more than 23 inches above grade.
- (8) *Hydrant specifications.* All fire hydrants shall meet the specifications of the village/town water utility.
- (9) *Bollards.* Private hydrants shall be protected from vehicular traffic damage with bollards. The chief shall determine the number of bollards needed.
- (10) *Hydrant colors.*

- a. For private hydrants fed by a fire pump, the hydrants shall be painted red, both barrel and caps.
  - b. Hydrants fed by municipal water shall be painted a solid color, both barrel and caps that match the hydrant's flow rate.
  - c. No person shall alter the color or paint scheme of an approved municipal fire hydrant or an approved private fire hydrant. That person or persons who alter the color of a fire hydrant identified above shall be in violation of this chapter.
- (11) *Hydrant markers.* Whenever the location of a fire hydrant may be obscured by its placement, or due to the placement of a building, structure, fencing, grade or land, vegetation, snow accumulation or other obstruction of vision, the fire chief may require such fire hydrants to be identified and marked with above-grade markers. Above-grade markers are any devices, approved for use by the fire chief, designed to promote and enhance the ready identification of fire hydrant locations.
- (12) *Obstructions.* No obstructions, including but not limited to power poles, trees, bushes, fences or posts, shall be located within five feet of a fire hydrant. Grade changes exceeding one and one-half 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 obstructed the view of a hydrant(s) on their property.
- (13) *Installation prior to construction.* Fire hydrants shall be installed, tested and placed in service prior to combustible construction.
- (14) *Out of service fire hydrants.* Private fire hydrants and water systems placed out of service or made inoperable for maintenance, repair or construction shall be covered with a durable and weather-resistant bag to indicate the hydrant is unusable. The fire department shall be notified immediately when hydrants and/or systems are out of service. Fire hydrants and/or water systems shall be repaired and returned to service within 48 hours.
- (15) *Maintenance.* The inspection(s), test and maintenance of required fire hydrants shall be recorded on forms approved by the fire chief. Completed forms shall be maintained on premises and made available to the fire department upon request or during required fire inspections. Copies of the above records shall be mailed to the department upon completion of tests. Failure to provide the completed forms as required shall constitute a rebuttable presumption that required inspections, tests and maintenance have not been performed.
- (j) Protection of fire hydrants and other control valves.

(1) Private fire hydrants and those fire protection control valves and devices placed along drives and parking areas of a building shall be protected by bollards. The department shall determine the number of bollards needed.

(k) Strobe light.

(1) A red strobe light shall be placed in the vertical position above the audible water flow alarm. The light shall be activated by a sprinkler water flow. Additional strobe lights will be required on the exterior of buildings that have multiple sprinkler (risers in multiple locations) systems.

(2) Strobe specifications. The following strobe lights are acceptable for use: Federal, Model 131 ST/DST and Whelen, Model 1550. Alternate manufacturers must be approved by the department prior to installation.

(l) Annual inspections.

(1) Every standpipe system or sprinkler system required by the village/town Code or by the administrative rules of the state of shall be inspected at least once within each consecutive 12-month period and maintained in accordance with the most current edition of the applicable department of commerce provisions, and NFPA 25, Inspection, Testing and Maintenance of Water-Based Fire Protection Systems.

(2) Annual maintenance permit and inspection form. Prior to performing the annual inspection required by NFPA 25 of a fire sprinkler system and/or fire pump, the owner shall obtain a permit and inspection form from the fire department. The results of the inspection shall be recorded on the department form and copies given to the fire chief, owner and all others authorized by the owner within ten days of the date the inspection was performed. In the case that deficiencies are found, the department shall be given a schedule as to when repairs will be made at such time the inspection report is filed with the department. In the event that a permit is not obtained prior to the inspection being performed, the owner may be subject to an additional fee, in accordance with penalties set forth in these chapters.

(m) Completion of work. At such time that each sprinkler project is completed, the sprinkler contractor shall provide the owner of the building and the fire department with a letter stating that the sprinkler system, or portion thereof, is 100 percent operational and built according to the design of the licensed and certified fire protection engineer.

(n) Maintenance of automatic fire sprinkler, suppression and alarm systems. Sprinkler systems, standpipe systems, fire alarm systems and other fire protective or extinguishing systems or appliances which have been installed in compliance with a permit or order, or because of any law or ordinance, shall be maintained in operative condition at



all times in accordance with NFPA 25, Inspection, Testing and Maintenance of Water-Based Fire Protection Systems, and other applicable NFPA codes. Further, it shall be unlawful for any owner or occupant to reduce the effectiveness of the protection so required, except that 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 of the fire department shall be notified before repairs, alterations or additions are begun and shall be notified again when the system has been restored to service.

(o) Exemptions. Rooms or buildings devoted to the manufacture or storage of aluminum powder, calcium carbide, calcium phosphate, metallic sodium or potassium, quick lime, magnesium powder, sodium peroxide or like materials where the application of water may cause or increase combustion are exempt from the use of automatic water sprinkling systems but are required to install other forms of fire protection systems approved by the fire chief.

(p) Automatic closing devices.

(1) Where installed.

- a. Except on single and two-family dwellings, there shall be an automatic closing device on all fire and smoke doors, except doors leading directly outside in all buildings, regardless of size.
- b. On all fire shutters and vents.
- c. Wired into the fire alarm system when a fire alarm system is required.

(2) How installed. Per National Fire Protection Association Standard 80, Fire Doors and Other Opening Protectives.

(3) How maintained and inspected. Per National Fire Protection Association Standard 80, Fire Doors and Other Opening Protectives.

(q) Fire alarm systems.

(1) *Intent.* The intent of this section is to provide a means for automatic detection of fire conditions and to provide warning notification throughout all buildings and occupancies built herein after, structurally altered, and/or added to.

(2) *Installation required.* A fire alarm system shall be installed in all structures where the floor area, inclusive of any additions to structures, exceeds 5,000 square feet. However, this section shall have no applicability to single-family residential structures.

(3) *Minimum system requirements.* When a fire alarm system is required, the following minimum system requirements shall be met:

- a. Audible notification appliances shall be installed throughout protected premises.
- b. Visible notification appliances shall be installed throughout protected premises. Exceptions:
  - 1. Closets and/or other similar small storage rooms that do not exceed 50 square feet in floor area and are not normally occupied.
  - 2. Normally unoccupied crawl spaces.
  - 3. Normally unoccupied attic spaces.
  - 4. Any non-accessible area.
  - 5. Any area the AHJ deems visible notification appliances are not required.
- c. Appliances that automatically detect fire and/or products of combustion shall be installed throughout protected premises. The type of appliance used in each specific application and/or area must be appropriate for the applicable conditions and acceptable to the AHJ. The determination of the acceptability of any type of detector (products of combustion, flame, heat, etc.) shall be based upon occupancy and/or building use.

Exceptions:

- 1. Closets and/or other similar small storage rooms that do not exceed 50 square feet in floor area and are not normally occupied.
- 2. Normally unoccupied crawl spaces.
- 3. Normally unoccupied attic spaces.
- 4. Any non-accessible area.
- 5. Appliances that automatically detect fire and/or products of combustion are not required in buildings that have complete automatic fire sprinkler systems installed in accordance with NFPA 13, unless required by the AHJ.
- 6. Any area the AHJ deems appliances that automatically detect fire and/or products of combustion are not required.

- d. Manual initiating devices (pull stations) shall be located at all points of egress including all exit doors on every floor and/or building level.
  - e. Water flow detection devices shall be connected to the protected premises fire alarm system to specifically activate the notification appliances upon water flow.
  - f. Fire suppression system activation alarms shall be connected to the protected premises fire alarm system to specifically activate the notification appliances upon system activation. This includes but is not limited to wet chemical, CO2, clean agent, water mist and dry chemical systems.
  - g. Fire control and/or suppression systems supervisory condition indicators shall be connected to and monitored by the protected premise fire alarm system. This specifically includes but is not limited to: valve supervisory switches (tamper switches), low air switches, low water switches, low temperature switches, fire pump condition indicators and/or any other situation or condition deem necessary by the AHJ.
  - h. Fire alarm systems shall be addressable and capable of indicating the status of all specific components connected to the system.
  - i. All fire alarm systems shall be monitored by a service acceptable to the AHJ.
  - j. Fire alarm annunciators shall be installed in all protected premises. The number and locations of the fire alarm annunciators installed shall be acceptable to the AHJ.
  - k. As determined by the AHJ, any additional notification and/or initiation appliances/devices may be required due to size, occupancy hazards, building construction, and/or occupancy use.
- (2) Shop drawings for fire alarm systems. Shop drawings for fire alarm systems are intended to provide basic information consistent with the objective of installing a fully operational, code compliant fire alarm system and to provide the basis for the record drawings required by NFPA 72. Conditional approval of shop drawings is not intended to imply waiver or modification of any requirements of any Code or any other applicable criteria.
- a. A minimum of three sets of plans, specifications, equipment data sheets and calculations must be submitted for conditional approval. The municipality will retain two copies of each

submittal and one copy will be returned to the installing contractor.

- b. Fire alarm submittals shall include, shop drawings that include to an extent commensurate with the extent of the work being performed, floor plan drawings, riser diagrams (except for systems in single-story buildings), control panel wiring diagrams, point-to-point wiring diagrams, and typical wiring diagrams as described herein.
- c. All shop drawings shall be drawn on sheets of uniform size and shall include the following information:
  - 1. Name of owner and occupant.
  - 2. Location, including street address.
  - 3. Device legend.
  - 4. Date.
  - 5. Floor plan drawings shall be drawn to an indicated scale and shall include the following information:
    - I. Floor identification.
    - II. Point of compass.
    - III. Graphic scale.
    - IV. All walls and doors.
    - V. All partitions extending to within 18 inches of the finished ceiling.
    - VI. Room descriptions.
    - VII. Fire alarm device/component locations.
    - VIII. Locations of monitor/control interfaces to other systems.
    - IX. Riser locations.
    - X. The location of the electrical panel that has the control panel circuit breaker.
    - XI. Name and address of installation contractor.
    - XII. Name and address of system designer.
  - 6. Fire alarm system riser diagrams shall include the following information:
    - I. General arrangement of the system, in building cross-section.
    - II. Number of risers.
    - III. Type and number of circuits in each riser.
    - IV. Type and number of fire alarm system components/devices on each circuit, on each floor or level.

7. Control panel wiring diagrams shall be provided for all control equipment (i.e., equipment listed as either a control unit or control unit accessory), power supplies, battery chargers, and annunciators and shall include the following information:
  - I. Identification of the control equipment depicted.
  - II. Location(s) of control panels.
  - III. All field wiring terminals and terminal identifications.
  - IV. All indicators and manual controls, including the full text of all labels.
  - V. All field connections to supervising station signaling equipment, releasing equipment, and fire safety control interfaces.
8. Typical wiring diagrams shall be provided for all initiating devices, notification appliances, remote alarm light emitting diodes (LEDs), remote test stations, and end-of-line and power supervisory devices.

(r) Door, floor and stairway identification. Any occupancy having more than five exterior means of egress and or more than two floors in height shall number the individual egress areas according to this section.

- (1) An identifying number shall be placed on the interior and exterior of each means of egress doorway not less than six inches high in contrasting color and light reflective. The main entrance or means of egress shall be numbered one with each additional means of egress, progressing clockwise around the exterior of the structure to reflect its relationship to the main entrance. All means of egress leading into the structure shall be numbered not just the required exit egresses.
- (2) Each interior door providing access to an enclosed stairway that is considered part of an accessible means of egress shall be identified with numbers and letters not less than three and one-half inches high in the following manner:
  - a. Have a sign indicating floor level posted on both sides of the egress door in a location acceptable to the AHJ.
  - b. Have a sign indicating the exterior exit door egress assigned in compliance with subsection (1) located on both sides of the egress door in a location acceptable to the AHJ.
- (3) Identification numbers shall be placed on the exterior windows of all hotels, motels, nursing homes, and multi-family occupancies to identify the room number or address it services. The numbers shall be not less than three and one-half inches high and light reflective and in a location acceptable to the AHJ.

- (s) Exit lights and emergency lights.
  - (1) Exit and emergency lights are required in all places of public occupancy.
  - (2) Exit and emergency lights shall have battery backup unless connected to an emergency generator.
  - (3) Combination exit and emergency lights are acceptable and recommended.
  
- (t) Plan review, approval and conditions.
  - (1) The department uses a third party contractor to perform the review. The owner or owner's contractor is responsible for payment of all third party review fees. The plans for all fire sprinkler, fire suppression and fire alarm systems, both new and modified, must be submitted to the third party contractor for review.
  - (2) No automatic fire sprinkler, fire suppression or fire alarm equipment shall be installed or altered in a building until plans have been submitted and approved by the department. Upon payment of the review fees the village/town on behalf of the fire department shall issue a permit. Work started before a permit is issued may be subject to fine up to three times the original permit fee.
  - (3) The state-registered fire protection contractor or other contractor(s) who was given the permit to work shall keep at the job site at all times one set of approved plans bearing the stamp of conditional approval from the department and a copy of the specifications. The plans shall be open to inspection by an authorized representative of the department immediately upon request.
  
- (u) Engineered roof and floors.
  - (1) All new residential and commercial buildings within the Town of Yorkville and the Village of Union Grove shall have the required emblems affixed as provided in this section to indicate that they are equipped or have installed truss supports.
  - (2) Identifying emblems shall be permanently affixed to the meter sockets of residential properties in the lower left corner of the exterior cover. On commercial properties they shall be located on the meter trans socket. If the meters are located in the building, the emblem shall be affixed to the front doorway. If the building is sprinklered and no trans socket is located outside, the emblem shall be located on the sprinkler control room door. With the approval of the fire department, emblems may be placed in other locations.

- a. The emblem shall be of white reflective background with red reflecting trim and lettering. The shape of the emblem shall be a house and the size shall be three inches horizontally by five inches vertically. The following letters, four inches in size and in red reflective shall be printed on the emblem.
    - "F" to signify a floor with truss construction.
    - "R" to signify a roof with truss construction
  - b. The emblem shall be permanently affixed by the Building Inspector at the final inspection, and before an occupancy permit is granted.
- (v) Revocation, extension and liability.
- (1) *Revocation of approval.* The fire department may revoke any approval issued under the provisions of this section for any false statements or misrepresentation of facts on which the approval was based.
  - (2) *Expiration of plan approval.* Plan approvals issued by the department shall expire two years after the approval date indicated on the fire protection plans.
  - (3) *Extension of plan approval.* Upon written request and payment of the fees specified under of this chapter, the expiration date described under subsection (v)(2) may be extended for a single two-year period, provided that the written request and fee are submitted prior to the expiration date of the original approval and the originally approved plans are revised to comply with the requirements of this section at the time that the request is made.
  - (4) *Limitation of liability.* The conditional approval of an automatic fire sprinkler, suppression or fire alarm design by the fire department shall not be construed as an assumption of any design responsibility.

### **Sec. 26-23. Automatic fire sprinkler fees.**

Automatic fire sprinkler fees shall be established by third party consultants or resolutions of the village and town boards, from time to time.

(Ord. No. 2009-01, 1-26-2009)

### **Sec. 26-24. Hazardous materials and spills.**

(a) *Prohibited discharges.* No person, firm or corporation shall discharge or cause to be discharged, leaked, leached or spilled upon any public or private street or alley, or public, private or village/town-owned property, or onto the ground, surface waters, subsurface waters, or aquifers, within the village/town, except those areas specifically licensed for waste disposal activities and to receive such materials, any explosive, flammable or combustible liquid or gas, any radioactive material at or above nuclear

regulatory restriction levels, etiologic agents, or any solid, liquid or gas creating a hazard, potential hazard, or public nuisance or any solid, liquid or gas have a deleterious effect on the environment.

(b) *Containment, cleanup and restoration.* Any person, firm or corporation in violation of this section shall, upon direction of the chief, begin immediate actions to contain, cleanup and remove to an approved repository the offending material(s) and restore the site to its original condition. The spiller (offending person, firm, or corporation) is responsible for all expenses incurred by the department, mutual aid departments and contractors retained during the mitigation, removal and cleanup. Should any person, firm, or corporation fail to engage the necessary personnel and equipment to comply with or to complete the requirements of this section, the chief shall notify the office of emergency government, which may order the required actions to be taken by public or private resources and allow the recovery of any and all costs incurred by the village/town and those assisting the village/town in this matter.

(c) *Response by emergency services.* A response by emergency services includes but is not limited to fire services, emergency medical services, and police and law enforcement services. A person, firm or corporation who or which possesses or controls a hazardous substance which is discharged or who or which causes the discharge of a hazardous substance shall be responsible for reimbursement to the responding agencies for actual and necessary expenses incurred in carrying out their duties under this section.

(d) *Expenses.* Actual and necessary expenses may include but are not limited to personnel hourly costs; fire and rescue vehicle hourly costs; equipment expense; replacement of equipment damaged by the hazardous material; the replacement costs of any extinguishing agent or chemical, neutralizer or materials used to extinguish a fire or suppress a vapor; confinement, neutralizing or cleanup of any flammable or combustible liquid, gas, solid or any hazardous material or chemical involved in any fire or accidental spill; cleaning, decontamination, and maintenance of the equipment specific to the incident; costs incurred in the procurement and use of specialized equipment specific to the incident; specific laboratory expenses incurred in the recognition and identification of hazardous substances in the evaluation of the response; and decontamination, cleanup and medical surveillance of response personnel as required by the responding agency's medical advisor.

(Ord. No. 2009-01, 1-26-2009)

## **Sec. 26-25. Elevators.**

(a) Purpose; intent. It is the purpose of this section to establish minimum requirements relating to the specification and installation of an elevator within a building or structure that adequately meets the needs of the department. It is the intent of this section to ensure adequate access to any floor or level that is above or below the ground or first floor level. It has been the past experience that elevators have been specified and installed within buildings and structures within the village/town that do not adequately meet the needs of the department. It is recognized that an ordinance is needed to identify the minimum size elevator that will be accepted by the department.



(b) Scope. This section applies to all new construction that is covered within Wis. Admin. Code §§ 61 to 66. All existing public buildings or places of employment and all additions shall conform to this section, as follows.

(1) Additions, remodeled buildings, and change of use.

- a. Any existing building that is to be modified by addition or remodel in a percentage of 25 percent or more shall comply with the intent of this section when a new elevator installation is required.
- b. If the use of an existing building is changed to a new use and the building undergoes physical remodeling, the building shall comply with the intent of this section when a new elevator installation is required.
- c. Exemptions:
  1. Multi-tenant dwelling buildings which have separated, private entrances and that do not share an internal common corridor.
  2. Mezzanine levels which are not utilized as work environments, provided that their primary function is as storage space.

(c) Minimum rated load and capacity for elevators. At least one elevator for each building or structure shall be designed to accommodate an ambulance stretcher that is a minimum 80 inches by 24 inches in the horizontal position along with three department personnel and all associated equipment. The door and car size shall permit the entrance and exit of an ambulance stretcher without tilting the stretcher at any time.

(1) Acceptable minimum size.

- a. Passenger (general purpose). Capacity 4,000 pounds with a minimum clear cab inside of seven feet eight inches by five feet five inches.
- b. Hospital/service. Capacity 4,500 pounds with a minimum clear cab inside of five feet eight inches by seven feet nine and one-half inches.
- c. The proposed elevator shall meet or exceed these minimum clear cab inside dimensions.

(d) Location within the building. The department shall review and approve the proposed location being considered for the elevator. This is to ensure that the elevator is easily accessible and readily available to the emergency services. This will be done in conjunction with site and operational approval for a building permit and is not associated with the shop drawing approval process described in the following sections.

(e) *Submittal.* All shop drawings of proposed elevators for each building or structure shall be submitted to the third party reviewer for review and approval.

(f) *Shop drawings.* All shop drawings will be reviewed and returned accepted or not accepted within three weeks of being received.

(g) *Installation Permit Required.* No installation shall begin until the department has completed a satisfactory review and issued a permit.

(Ord. No. 2009-01, 1-26-2009)

### **Sec. 26-26. Key lock box system.**

(a) *Definition.* As used in this chapter, the term "key lock box" means a locking metal container, UL approved, approved by the Union Grove-Yorkville fire chief, designated to hold keys for emergency entry into buildings, which can be opened by a key to be kept by the Union Grove-Yorkville fire department for emergency use only.

(b) *General provisions.* The following structures shall be equipped with a key lock box at or near the main entrance or such other location as required by the fire chief:

- (1) Commercial, retail or industrial structures;
- (2) Multifamily residential structures that have restricted access through locked doors and have a common corridor for access to the living units; and
- (3) Governmental structures and nursing care facilities.

(c) *Lock box installation.* All structures subject to this chapter shall have a key lock box installed and operational prior to the issuance of an occupancy permit.

(d) *Requirements.*

- (1) The fire chief shall designate the type and quantity of the key lock box system to be implemented and shall have the authority to require all structures to use the designated system.
- (2) The owner or operator of a structure required to have a key lock box shall, at all times, keep keys in the lock box that will allow for access to the following:
  - a. Keys to locked points of egress, whether on the interior or exterior of such buildings;
  - b. Keys to locked mechanical equipment rooms;
  - c. Keys to locked electrical rooms;

- d. Keys to elevator controls; and
- e. Keys to other areas as directed by the fire chief.
- f. Each key shall be legibly labeled to indicate the lock that it opens in such a manner as is approved by the fire chief.

(e) *Rules and regulations.* The fire chief shall be authorized to implement rules and regulations for the use of the lock box system, which rules shall be approved by the Union Grove-Yorkville fire commission.

(f) *Security procedures.* The fire chief shall promulgate and enforce procedures to protect the security of the fire department's master lock box key, which rules shall be approved by the Union Grove-Yorkville fire commission.

(g) *Contact information.* Any person who owns or operates a structure subject to this chapter shall annually provide a list of emergency contacts and telephone numbers to the fire department.

(h) *Penalties.* Any person who owns or operates a structure subject to this chapter shall be subject to the penalties set forth below. Any person who tampers with, removes, or otherwise renders any key lock box inoperable shall be subject to the penalties set forth in this chapter.

(Ord. No. 2009-01, 1-26-2009)

### **Sec. 26-27. Storage tanks.**

(a) *Plan and permits.* A permit is required for the installation, upgrade or removal of new and existing aboveground or below-ground storage tanks, piping or appliances. The department shall be notified when tanks are installed or removed.

(b) *Department of safety and professional services codes.* The installation, upgrade and/or removal of storage tanks shall be in compliance with the state department of safety and professional services codes.

(c) *Violation.* Any person failing to obtain a permit is in violation of this chapter.

(Ord. No. 2009-01, 1-26-2009)

### **Sec. 26-28. Fees for response and service on roads, streets, highways, public waterways and railroads.**

The Union Grove-Yorkville fire department from time to time responds to provide emergency service on a local street, county trunk highway, state trunk highway, the interstate system, public waterways, and the railroad system, where emergencies such as vehicle fires, vehicle accidents, transportation incidents and spills create a hazardous condition.

- (a) Definitions. As used in this section, the following terms shall have the meanings indicated:

*County trunk highway* means a road maintained by the county highway department.

*Disposable supplies* mean any material used to control and/or remove a hazard and then must be replenished, such as fire-fighting foam and/or oil dry.

*Emergency vehicles* means fire apparatus, ambulance vehicles, and support vehicles operated by the village/town and/or by the municipalities that are signatories to the MABAS (mutual aid box alarm system) mutual aid agreement that are providing service within the village/town.

*Hazardous condition* means a condition or substance (solid, liquid or gas) capable of posing an unreasonable risk to health, safety, the environment or property.

*National highway system* means any highway maintained by the state department of transportation that is a part of the national system of interstate highways, including entrance and exit ramps, frontage access roads, service centers, and inspection and weigh stations.

*Service* means an act performed by the fire department upon the national highway system, state trunk highway or local street that includes but is not limited to extinguishing a vehicle fire, using extrication equipment to aid in the removal of victims of a vehicular accident, and cleanup of a hazardous condition or spill.

*Specialized vehicles* means vehicles such as heavy lifting tow trucks, cranes, and vacuum trucks, owned or operated by the village/town or a subcontractor to the village/town, that are needed to control and/or remove a hazardous condition.

*State trunk highway* means a road maintained by the state department of transportation.

*Street* means a local thoroughfare or roadway, either private or owned and maintained by the village/town.

- (b) *Establishment of Fees.* Fees to be charged for emergency service shall be established by resolutions of the village and town boards, from time to time.

(Ord. No. 2009-01, 1-26-2009)

### **Sec. 26-29. Fees for recovery of costs.**

The Union Grove-Yorkville fire department from time to time responds to provide a service after which it can be determined that a fire was intentionally set, a false alarm occurred because a fire or rescue call was falsely reported either verbally or through the

activation of a fire alarm device, a fire detection device and/or a fire suppression system, or by the failure of the property owner to properly and adequately make prior notification that would have prevented the unnecessary response by the fire department during a scheduled test, scheduled maintenance or scheduled repair of either a fire alarm device, fire detection device and/or fire suppression systems. When in fact it is determined that an event such as those described above has occurred, the village/town will seek to recover the costs expended during such a response from the responsible party or the property owner when applicable.

- (a) Definitions. As used in this section, the following terms shall have the meanings indicated:

*False alarm* means a report of an emergency that was found to be not true and caused by an unintentional or accidental activation.

1. *Preventable false alarm* means a report of an emergency either verbally, automatically or during a scheduled test, scheduled maintenance or scheduled repair of either a fire alarm device, fire detection device and/or fire suppression system that could have been prevented by prior notification to the central station and/or local fire department which in fact would have prevented an emergency response by the fire department.
2. *Malicious false alarm* means a report of an emergency that was found to be not true and caused by an intentional verbal reporting or manual activation of a fire alarm or fire suppression system.

*Fire alarm and detection device* means a device designed to send a fire alarm thus reporting an emergency and/or which monitors the products of combustion, most commonly known as heat, smoke and radiant energy, and which in fact will send an alarm of emergency when appropriate.

*Fire suppression system* means a device or system that uses water or special agents to automatically or manually release for the purpose of extinguishing a fire.

*Fire, deliberately set, lawful* means a fire where the evidence supports the conclusion that the fire was intentionally set but the circumstances indicate that no law was broken, such as an open burning fire where there is a valid open burning permit in effect.

*Fire, deliberately set, unlawful* means a fire where the evidence supports the conclusion that the fire was intentionally set and that it was unlawful, such as an open burning fire where there is no valid open burning permit in effect.

*Property owner* means the owner of record.

*Responsible party* means the person or persons found to be responsible for causing the incident.

*Service* means the service provided by the fire and rescue department during such events as fires, hazardous material, emergency medical calls, and other events requiring the department to contain, control and remove.

*Unintentional false alarm* means when a device such as a fire alarm, fire detection system or fire suppression system is accidentally tripped, such as being struck by a forklift or falling boxes or excessive heating of a fusible link.

- (b) Cost recovery for emergency service at intentionally set fires. The person or persons found to be responsible for intentionally setting an unlawful fire may be charged for the services provided by the village/town and/or by the departments identified within the mutual aid agreement for the use of emergency fire and rescue vehicles, equipment, disposable supplies, such as fire-fighting foam, and other material used to remove a hazardous condition, as well as contracted services and services from other municipal departments within the village/town, and shall pay for such services when rendered within the village/town.
- (c) Cost recovery for emergency service provided at what is determined to be a false alarm.
  - (1) When a person(s) is found to be responsible for a fire or rescue call that was falsely reported either verbally or through the activation of a fire alarm device, a fire detection device and/or a fire suppression system, that person may be charged for the services provided by the village/town and/or by the departments identified within the mutual aid agreement for the use of emergency fire and rescue vehicles during the response to the incident described within.
  - (2) When the property owner fails to properly and adequately make prior notification that would prevent an unnecessary response by the fire department during a scheduled test, scheduled maintenance or scheduled repair of either a fire alarm device, fire detection device and/or fire suppression system, the property owner may be charged for the services provided by the village/town and/or by the departments identified within the mutual aid agreement for the use of emergency fire and rescue vehicles.
- (d) Establishment of fees. Fees to be charged for emergency service shall be established by resolutions of the village and town boards, from time to time.

(Ord. of 1-12-09, § 3)

### **Sec. 26-30. Violations and penalties.**

(a) Any person who shall violate any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty, which shall be as follows:

- (1) *First offense.* Any person who shall violate any provision of the chapter shall, upon conviction thereof, forfeit not less than \$50.00 nor

more than \$500.00, together with the cost of prosecution, and in default of payment of such forfeiture, assessment and costs of prosecution shall be imprisoned in the county jail at a rate of one day for each \$25.00 of forfeiture imposed, subject to a maximum period of imprisonment of 90 days.

- (2) *Second offense.* Any person who shall violate any provision of the chapter shall, upon conviction thereof, forfeit not less than \$100.00 nor more than \$500.00, together with the cost of prosecution, and in default of payment of such forfeiture, assessment and costs of prosecution shall be imprisoned in the county jail at a rate of one day for each \$25.00 forfeiture imposed subject to a maximum period of imprisonment of 90 days.

(b) *Continued violations.* Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the village/town from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

(Ord. No. 2009-01, 1-26-2009)

### **Sec. 26-31. Appeals.**

(a) Appeals.

- (1) The owner of a building or structure, or any other person who is aggrieved and directly affected ("Person Aggrieved"), may appeal from decisions or orders of the building inspector, Fire Chief or his designate relative to the application and interpretation of ("Fire and Rescue Protection Ordinance"), to the town board.
- (2) All applications for appeal shall be in writing and must be received by the town clerk no later than thirty (30) days after notice of the building inspector's, Fire Chief's or his designate decision or order ("Determination"). The request for review shall state the grounds upon which the Person Aggrieved contends that the Determination should be modified or reversed.
- (3) A determination or action subject to administrative or judicial review procedures set forth under the Wisconsin Administrative Code or state statutes or other provisions of this code is not reviewable under this chapter.
- (4) An application for an appeal shall be accompanied by a fee of fifty dollars (\$50.00) made payable to the Town of Yorkville.
- (5) The town board shall provide the Person Aggrieved with a hearing on an appeal within thirty (30) days of receipt of the notice of appeal, providing the appellant with notice of the hearing at least ten (10) days before such hearing, unless such notice is waived in

writing by the appellant. At the hearing, the appellant and the town may be represented by counsel and may present evidence, call and examine witnesses and cross-examine witnesses of the other party.

(b) Decision on Appeals.

- (1) The board shall affirm, modify or reverse the decision of the building inspector, Fire Chief or his designate. Appeal of the action of the board shall be to circuit court.
- (2) The board shall affirm the decision of the building inspector, Fire Chief or his designate unless it determines that:
  - a. The building inspector, Fire Chief or his designate has misinterpreted or misapplied the applicable ordinance, rule or code provision; or
  - b. The compliance time established by the building inspector, Fire Chief or his designate is unreasonable; or
  - c. An equally good or better form of construction can be used.
- (3) The board shall send the applicant a written decision, including reasons for the decision. The building inspector, Fire Chief or his designate shall act immediately to carry out the board's decision.

(c) Modification or Waiver.

- (1) Authority. Where, in the judgment of the town board, it would be inappropriate to apply literally the provisions of an ordinance because an exceptional circumstance exists, the town board may waive or modify any requirements to the extent deemed just and proper. However, the town board does not have the authority to interpret or waive the requirements of the Wisconsin Administrative Code, as the Department of Commerce exercises jurisdiction with respect to such matters.
- (2) Application. Application for any such modification or waiver shall be made by the Person Aggrieved in writing as part of the request for clarification or review of Determination, stating fully all facts relied upon in requesting the modification or waiver, and shall be supplemented with any additional data that may aid the building board in the analysis of the proposed modification or waiver. This application may be supplemented at any time during the review process.
- (3) Considerations. The town board may consider the following factors, in addition to any other factors deemed relevant by the town board:



- a. Whether the request for a waiver or modification, if granted, would be consistent with the general intent of the ordinance.
  - b. Whether the request for a waiver or modification, if granted, would adversely affect any property owners in the town.
  - c. Whether the request for waiver or modification, if granted, would benefit the Person Aggrieved in a way that is not consistent with the village's interests.
  - d. Whether, instead of granting the request for a waiver or modification, the ordinance itself should be changed to accommodate the kind of situation presented by the Person Aggrieved.
  - e. Whether, the conditions upon which the request for a modification or waiver is based are unique to the situation or property for which the modification or waiver is sought and are not applicable generally to other situations or property.
- (4) Conditions for Granting. The town board shall not grant a modification or waiver to an ordinance unless it makes findings based upon the evidence presented to it in each specific case and based upon the consideration of the above factors that the granting of the modification or waiver will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the town. Any decision to grant a modification or waiver shall not be arbitrary, capricious, or prejudicial in nature.
- (5) Granting by Town Board.
- a. The town board, if it approves of the modification or waiver of an ordinance or any portion of it, shall do so only after a hearing.
  - b. Such relief shall be granted without detriment to the public good and without impairing the intent and purpose of the ordinance.
  - c. The reasons why such modification or waiver was granted shall be entered as part of the record of hearing.
  - d. If the town board grants a modification or waiver, the town board may also decide whether the ordinance itself be changed to accommodate the kind of situation presented by the Person Aggrieved.
- (6) Past Non-compliance Not Waived. A waiver or modification that is

granted pursuant to a written request as described in this Section shall not waive any fines, forfeitures or other penalties that may have accrued due to violations of the ordinance that took place prior to the date of the Appeal, unless specifically stated otherwise in the decision of the town board.

(d) Chapter 68 of the Wisconsin Statutes.

Pursuant to Wis. Stat. Section 68.16, the Town of Yorkville elects not to be governed by those provisions of Chapter 68 which are in conflict with this ordinance. In the event of any conflict between this ordinance and Chapter 68, the provisions of this ordinance shall govern.