

**AN ORDINANCE REPEALING AND RECREATING CHAPTER 6 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO FIRE PREVENTION AND PROTECTION.**

(Safety and Licensing Committee – XX-XX-XX (Date))

The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Chapter 6 of the Municipal Code of the City of Appleton, relating to fire prevention and protection, is hereby repealed and recreated as follows:

**ARTICLE I. IN GENERAL**

**Sec. 6-1. Intent of chapter.**

It is the intent of this chapter to prescribe regulations consistent with the nationally recognized standard practice for the safeguarding, to a reasonable degree, of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, from conditions hazardous to life and property in the use or occupancy of buildings or premises, and the adequacy of exit systems.

**Sec. 6-2. Fire equipment.**

(a) No person shall molest, tamper with, damage or otherwise disturb any apparatus, equipment or appurtenance belonging to or under the supervision and control of the Fire Department without authority from the Chief or his/her authorized representative.

(b) No person shall remove, tamper with or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provisions of this code, except for the purpose of extinguishing fires, training purposes, recharging or making necessary repairs or when permitted by the Fire Department. Whenever a fire appliance is removed as permitted herein, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished. No person shall use or operate any hydrant or other valves installed on any water system intended for use by the Fire Chief for fire suppression purpose, and which is accessible to any public highway, alley or private way open to or generally used by the public, unless such person first secures permission from the Fire Department. This section does not apply to the use of a hydrant or other valves by a person employed by and authorized to make such use by the Water Department which supplies water to such hydrants or other valves.

(c) No person shall place or keep any post, fence, vehicle, growth, trash, storage or other material near any fire hydrant, Fire Department connection or fire protection system control valve that would prevent such equipment or hydrant from being immediately discernible or in any other manner deter or hinder the Fire Department from gaining immediate access to the equipment or hydrant. A minimum three- (3-) foot clear space shall be maintained around the circumference of the fire hydrants except as otherwise required or approved by the Fire Chief.

(d) Where on-site fire hydrants are required on private property, the City shall annually

inspect, flush and, if necessary, paint said hydrants for the fee per hydrant on file with the City Clerk's Office. The owner shall be notified of any repairs or maintenance necessary, and it shall be the owner's responsibility to see that any repair or maintenance is performed in accordance with the National Fire Protection Association Standard 25, the City Water Utility's standard operating procedures and the American Water Works Standards for fire hydrant maintenance. The property owner or agent must call between April 1 and October 1 of each year to schedule the annual flush and inspection.

(e) The property owner or agent shall keep and maintain records indicating when the hydrants are flushed, painted and maintained. These records shall be made available to the City upon request.

### **Sec. 6-3. Enforcement by Fire Chief.**

The Fire Chief shall be responsible for fire protection. This chapter shall be enforced by the Fire Chief, designated by the City and the State as the "authority having jurisdiction", in all matters concerning this chapter and related fire prevention activities. The Fire Chief may appoint a Fire Marshal or other designee who will act on the Chief's behalf in matters concerning fire prevention.

### **Sec. 6-4. Police assistance.**

Whenever requested to do so by the Fire Chief or his/her designee, the Chief of Police shall assign such available police officers as in his/her discretion may be necessary to assist the Fire Department in enforcing the provisions of this chapter.

### **Sec. 6-5. Right of entry.**

(a) For purposes of this section, the authorized representative shall include all members of the Fire Prevention Program and all officers of the Fire Department.

(b) Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the Fire Chief or his/her authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition which makes such building or premises unsafe, the Fire Chief or his/her authorized representative may enter such building or premises at all reasonable times to inspect the building or premises or to perform any duty imposed upon the Fire Chief by this chapter.

(c) If such building or premises is occupied, the Fire Chief or authorized representative shall first present proper credentials and demand entry. If such building or premises is unoccupied, he/she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Fire Chief or his/her authorized representative, shall have recourse to every remedy provided by law to secure entry.

(d) If the owner or occupant denies entry, the Fire Chief or his/her authorized representative shall obtain a proper inspection warrant or other remedy provided by law to secure entry. No owner or occupant or any other persons having charge, care or control of any building or premises, shall fail or neglect, after proper request is made as provided herein, to promptly permit entry therein by the Fire Chief or his/her authorized representative for the purpose of inspection and examination pursuant to this chapter.

### **Sec. 6-6. Removal of fire hazards.**

(a) Whenever an inspection by the Fire Chief reveals a fire hazard, the Fire Chief may provide a notice, in writing, upon the owner or occupant of the property giving the owner or occupant sufficient time in which to remove the hazard. If the fire hazard is not removed within the time prescribed, it shall be deemed a nuisance and the Fire Chief shall have the hazard removed by the City and the cost of removal reported to the Director of Finance and spread on the tax roll as a special charge against the property, as prescribed in §12-32 et seq.

(b) Within ninety (90) days after the removal of any flammable/combustible liquids tank, all barreled sludge or liquids must be removed from the property.

### **Sec. 6-7. Vacation of buildings.**

(a) The Fire Chief is hereby empowered to close any building or structure, and order it vacated wherein violations of any regulations of this chapter are found and not abated within a reasonable time stipulated by him.

(b) Where the public is exposed to immediate danger, the Fire Chief is hereby empowered and directed to order the immediate closing and vacating of the building or structure.

### **Sec. 6-8. Investigation of fires.**

The Fire Department shall promptly investigate ~~promptly~~ the ~~cause~~, origin, cause, and circumstances of ~~each and every~~ all fires occurring in the jurisdiction of the City ~~involving loss of life or injury to person or destruction or damage to property~~. If it appears ~~to the Fire Department that the cause of the fire may be the result of a criminal act, such fire is of suspicious origin, they shall take immediate charge of all physical evidence relating to the cause of the fire and shall pursue the investigation to its conclusion.~~ The Fire Department shall inform the Police Department and the State Fire Marshal of all suspicious fires and seek their assistance wherever necessary or required by law in determining the origin and cause of the fire.

### **Sec. 6-9. Inspections generally.**

The Fire Chief or his/her designee shall provide for the inspection of every public building and place of employment in accordance with W.S.A. §101.14 and shall comply with the provisions thereof. The Fire Chief shall, on a time schedule to be determined by the Common Council, report information regarding these inspections. Violations identified during inspections shall be recorded and kept on file in accordance with W.S.A. §101.14. Owners or occupants who do not show for a scheduled inspection appointment may be charged a fee. Repeated inspections or re-inspections resulting from continued non-compliance may subject an occupancy or property to a re-inspection fee and/or remedies as outlined in §6-75 "Repeat violation rule".

### **~~Sec. 6-10. Reserved.~~**

**Sec. 6-110. Fire inspection required before occupancy.**

No person shall occupy or change the occupancy of a building or structure covered under Wisconsin Administrative Code, SPS Chapters 350-365 the Wisconsin Commercial Building Code, or the locally adopted International Fire Code used by or for public assembly, industrial, institutional, multifamily, office, or mercantile purposes until such building or structure has been inspected by the Fire Department.

**Sec. 6-121. Burning trash, rubbish, garbage, yard waste, etc.**

(a) No person shall build, maintain or allow to be operated or maintained on a premises controlled by him/her, any waste burner, refuse burner, trash burner or other similar appliance unless such device is permitted with the approval of the Inspections Supervisor and the Fire Chief, or his/her designee.

(b) No person shall operate an outside incinerator, burn garbage, or leaves within the City.

**Sec. 6-132. Open outdoor fires, outdoor fireplaces, cooking fires and barbecue grills, kettles and outdoor hibachis.**

(a) No open outdoor fires, including fires confined within outdoor fireplaces and outdoor cooking fires, with the exception of fires fueled by natural gas, propane or charcoal in commercially manufactured appliances or a non-commercially manufactured appliance approved by the Fire Chief or his/her designee, shall be started by any person unless a permit is first obtained from the Fire Department. No permit shall be granted for open burning for multifamily occupancies without separate private yards for each tenant, nor without the property owner's permission, in a public right-of-way, alley or other public thoroughfare.

- (1) Daily permits are available for bonfires, brush burns, wildland management burns, outdoor fireplaces and cooking fires.
- (2) Annual permits are available for recreational fires in outdoor fireplace appliances. (January 1 through December 31).
- (3) Annual and single day permits are valid 6:00 a.m. to 10:00 p.m. Sunday through Thursday, 6:00 a.m. to 12:00 a.m. Friday, Saturday, and any day/evening preceding a federal holiday.
- (4) No permit will be issued for any fire within ten (10) feet of any building, structure, fence, combustible material or property line.
- (5) Only those fuels and appliances approved by the Fire Chief or his/her designee shall be used.
- (6) Burning is to be attended at all times by a person at least eighteen (18) years of age, with an approved means of extinguishing the fire available for use at the location of the fire.

(b) Barbecue grills, kettles, outdoor hibachis.

- (1) Charcoal burners and other open-flame devices shall not be operated on combustible balconies or within ten (10) feet of combustible construction in all dwellings. Exceptions:
  - a. Single family dwellings.
  - b. Permanently piped natural gas fired barbecue grills, where dwellings, balconies, and decks are protected by automatic sprinkler system.
- (2) Cylinders having water capacities greater than 2½ lb. (1 kg) [nominal 1 lb. (0.5 kg) LP-Gas capacity] shall not be located on balconies above the first floor that are attached to a multiple family dwelling of three (3) or more living units.

(c) No person shall install, use or maintain a woodfire furnace, stove or boiler that is not located within a building intended for habitation by humans within the City limits. This prohibition shall apply to furnaces, stoves or boilers installed after the effective date of this ordinance.

(d) The Fire Chief or his/her designee shall have the authority to prohibit any and all open burning when atmospheric conditions or local circumstances make such fire hazardous. No burning will be allowed if wind conditions will cause smoke, embers or other burning materials to be carried towards any building or other combustible material, nor anytime the wind is in excess of nine miles per hour (9 m.p.h.) as measured by the Outagamie County Emergency Communication Center.

### **Sec. 6-143. Careless smoking prohibited.**

(a) It is unlawful for any person, by reason of careless, willful or wanton conduct in smoking or in the use of lighters or matches in smoking to set fire to any bedding, carpet, curtains, draperies, furniture, household equipment or other goods or chattels or to any building.

(b) A plainly printed notice of the provisions of this section shall be posted in a conspicuous place in every sleeping room of every place renting rooms for the accommodations of the public. Such printed notices shall also be posted in any place of public assembly where smoking is permitted.

### **~~Sec. 6-15. Posting of no smoking signs.~~**

~~—The Fire Chief shall post or cause to be posted no smoking signs in retail establishments where flammable or combustible materials are handled or sold and the act of smoking or striking a match or lighter device presents a fire hazard. Such signs shall be plainly visible on a contrasting background and shall be posted conspicuously in all areas where such hazards exist. Such sign shall bear the words “No Smoking” across the top in large letters, state the authority by which they are posted in smaller letters, and bear the signature of the Fire Chief.~~

~~(Code 1965, §19.06(3); Ord 1-91, §1(19.06(3)), 1-9-91; Ord 23-09; §1, 1-13-09)~~

### **~~Sec. 6-16. Portable fire extinguishers.~~**

~~—All public buildings within the City and wherever flammable and combustible materials including dusts, solids, liquids and gases are sold, manufactured, handled or processed, shall have a~~

~~fire extinguisher with a minimum rating of 2A-10 BC. One (1) fire extinguisher shall be required for each three thousand (3,000) square feet or fraction thereof and at least one (1) per each floor. (Ord 1-91, §1(19.15), 1-9-91; Ord 23-09, §1, 1-13-09)~~

#### **Sec. 6-17. Sale of defective fire extinguishers.**

~~\_\_\_\_\_ No person shall sell or trade any form, type or kind of fire extinguisher which is not approved or which is not in proper working order, or the contents of which do not meet the requirements of city and state fire and building codes. However, this shall not apply to the sale or trade of fire extinguishers to any person or firm engaged in the business of selling or handling of such extinguishers or the sale or exchange of obsolete or damaged equipment for junk. (Ord 1-91, §1(19.16), 1-9-91; Ord 23-09, §1, 1-13-09)~~

#### **Sec. 6-18~~54~~. Key-Lock box.**

(a) Every newly constructed building, except one- and two-unit family dwellings or additions to an existing building previously without a lock box, shall be equipped with a lock box consistent with the specifications set forth in (c) within this section.

(b)\_\_\_\_\_ When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life saving or fire-fighting purposes, the Fire Chief or his/~~her~~ designee may require a key-lock box to be installed ~~in an accessible location~~ consistent with the specifications set forth in (c) within this section.

(c)\_\_\_\_\_ The key-lock box shall be a type approved by the Fire Department and shall contain keys to gain necessary access as required by the Fire Department. ~~The lock box shall be installed by the property owner at a location approved by the Fire Department. The lock box shall be installed within an appropriate time, as determined by the Fire Chief or his/ her designee.~~

#### **Sec. 6-19~~56~~. Fire Department signs.**

It shall be illegal for anyone to remove, mutilate or destroy any legally required sign posted by the Fire Department or required sign to be posted by the owner, manager or operator of any occupancy open to the public.

#### **Sec. 6-20~~167~~. Fire alarms.**

(a) Every public building, dwelling or place of employment containing either a manual, sprinkler activated or fire detector activated alarm system shall comply with this section.

(b) New or upgraded fire alarm systems at large buildings or buildings with multiple occupancies shall provide outside strobe lights indicating the occupancy or area of fire alarm activation and if applicable, the location of the Fire Department connection. The location of these strobe lights is to be determined by the Fire Chief or designee.

(c) The Fire Department will be contacted immediately upon activation of an alarm by on-site personnel or a monitoring agency so not to cause a delay in alarm. Any monitoring agency shall be licensed or approved by either Factory Mutual (FM) or Underwriters Laboratories (U.L.). All systems shall be maintained in operable condition as specified in the International Fire Code. If the alarm or

fire sprinkler system becomes inoperative for any reason, the Fire Department shall be notified and the provisions of the International Fire Code, Section 901.7 and subsequent revisions shall apply.

(d) False alarms and fees.

- (1) Words and phrases defined in §12-121 are used in the same sense in this section unless a different definition is specifically provided.
- (2) If the Fire Department responds to a false alarm, the party responsible for the false alarm shall pay the city a fee according to the schedule of fees kept on file with the City Clerk's Office.
- (3) If the Fire Department is cancelled by the emergency communications center while responding to an alarm, the party responsible for causing the alarm may still be assessed the false alarm fee.
- (4) Any fees payable to the City which are delinquent may be assessed against the property involved as a special charge for current service, without notice, pursuant to Wisconsin Statutes Annotated §66.0627.
- (5) The party responsible or the alarm user may appeal the assessment of a false alarm fee by submitting written documentation to the Fire Chief or designee within ten (10) business days after notification of the assessment of a fee. The Chief or designee must inform the alarm user of the decision in writing. If the alarm user further contests the Chief or designee's decision, within ten (10) days of receiving the Chief or designee's decision, the alarm user may seek review by the Safety and Licensing Committee by submitting a written notification to the City Clerk's Office.

**Sec. 6-~~21~~187. Malls.**

The mall manager or designee shall notify the Fire Department prior to any use of a mall common space for any intended use other than exiting. Examples of other uses would be trade shows, exhibitions, or public assemblies.

**Sec. 6-~~22~~198. Violations.**

It is unlawful for any person to violate any provision of this chapter or to fail to obey any rule, regulation or order of the Fire Chief or his/her designees.

**Secs. 6-~~23~~19 – 6-30. Reserved.**

## ARTICLE II. FIRE DEPARTMENT

**Sec. 6-31. Generally.**

The Fire Department shall be a paid department, consisting of such officers and members as the Common Council may establish from time to time. The Department shall be charged with providing response to fires, hazardous material spills, medical emergencies, rescue of people in distress and other



dangerous conditions. The Department shall also provide for fire investigation, prevention, inspection, code compliance, and other services designed to maintain fire and life safety within the community.

**Sec. 6-32. Duties of Fire Chief.**

It shall be the duty of the Fire Chief to:

- (1) Direct the operation of the Fire Department subject to the rules and regulations which may be adopted by the Common Council or the Police and Fire Commission;
- (2) Issue and enforce such orders as in his/her judgment may be best for the protection of property and the extinguishing of fires;
- (3) Enforce all ordinances, rules and regulations of the Common Council governing the Fire Department;
- (4) Report the condition of the Fire Department at the end of each year and make further reports when ordered to do so by the Common Council or the Police and Fire Commission;
- (5) Report promptly to the Police and Fire Commission any member of the Fire Department who may have disobeyed his/her order or violated any of the laws or rules governing the Department;
- (6) Keep a record and report to the Police and Fire Commission the absence of any member of the Fire Department from fires, together with any dereliction of duty or violation of any of the rules and regulations of the Department.

In the absence or disability of the Fire Chief, the Deputy Chief shall perform his/her duties.

**Sec. 6-33. Wearing of name tag and badge.**

The members of the Fire Department of the City, when on duty, shall wear the badge or insignia and name tag of the office on the outside of the outermost garment, conspicuously displaying the badge and name tag so the entire surface thereof may be seen, except when caution may dictate that the badge and name tag should not be exposed.

**Secs. 6-34 – 6-42. Reserved.**

**ARTICLE III. PERMITS**

**Sec. 6-43. Required.**

(a) It shall be unlawful for any person to use a building or premises or engage in any activities for which a permit is required by this code, without first having obtained such permit.

(b) Permits are required for the following:



- (1) ***Floor finishing*** (required for floor finishing or surfacing operations exceeding three hundred fifty (350) square feet using Class I or Class II liquids).
- (2) ***Lumber yards*** (where more than one hundred thousand (100,000) board feet of lumber is to be stored or used inside of the facility);
- (3) ***Vehicle tire rebuilding plants*** (for any tire recapping or rebuilding operation);
- (4) ***Magnesium use*** (for the melting, casting, heat treating machining or grinding of more than ten (10) pounds of magnesium per working day);
- (5) ***Cryogenic liquids*** (for the production, storage or sale of cryogenic liquids);
- (6) ***Combustible fibers*** (for the storage and handling of combustible fibers in quantities in excess of one hundred (100) cubic feet);
- (7) ***Dust explosion hazard*** (for the operation of any grain elevator or bleacher, flour, starch or feed mill, malt house, wood flour manufacturing plant, or plant pulverizing aluminum, coal, cocoa magnesium, spices, sugar or other material producing dust which, if mixed with air in the proper portions becomes explosive and may be ignited by flame or spark);
- (8) ***Fumigation and thermal insecticidal fogging*** (this process is not to start without a permit);
- (9) ***Flammable and combustible bulk storage*** (storage in excess of fifty-five (55) gallons on permanent basis above or below ground);
- (10) ***Open burning*** (where permits are required by the State or this code, §6-13);
- (11) ***Tents, membrane structure, canopies*** (to operate or erect a tent or membrane structure or canopy in excess of two hundred (200) square feet unless it is used exclusively for camping or on the premises of a one- (1-) or two- (2-) family dwelling which is not covered under this Code);
- (12) ***Fireworks/pyrotechnic displays*** (for the discharge of any fireworks as defined by W.S.A. §167.10. Such discharge shall conform to any state law or this code and any regulations);
- (13) ***Explosives***
  - a. Any person conducting blasting operations in the City shall notify the Fire Department of the time and location of the blast. Notification shall be made on proper forms provided by the State. A permit shall be obtained after notification and prior to blasting;
  - b. Any person storing explosive materials, as defined in Wisconsin Administrative Code, International Fire Code, Section 3302.1, in the city shall obtain a permit. Such explosives shall be stored in an approved

manner;

(14) ***Cellulose nitrate plastics:***

- a. All retailers, jobbers and wholesalers storing or handling more than twenty-five (25) pounds of cellulose nitrate plastics shall obtain a permit from the Fire Chief;
- b. A permit shall be obtained from the Fire Chief for the manufacture of articles of cellulose nitrate plastics, including the use of cellulose nitrate plastics in the manufacture or assembling of other articles;
- c. Cellulose nitrate motion picture film (a person may not store, handle, or keep on hand more than twenty-five (25) pounds without obtaining a permit. A person may not sell, lease or otherwise dispose of any cellulose nitrate film to any person not having a permit issued by the Fire Chief or his/her designee to handle, use or display the film);

(15) ***Recyclables storage*** (any outside storage area, or warehouse used for the bulk storage of paper for sale or recycling);

(16) ***Storage tanks***

- a. Removal of underground storage tanks (UST) or above ground storage tanks (AST) in either commercial or residential properties as required by Wisconsin Administrative Code, SPS 310;
- b. Upgrades of underground storage tanks (UST) or above ground storage tanks (AST) flammable/combustible liquid storage systems;

(17) Installation, storage or use of liquid petroleum gases systems with a cumulative total of one hundred twenty-five (125) gallons or larger water capacity.

**Sec. 6-44. Temporary special permits.**

When a temporary hazardous situation is anticipated for conditions not otherwise regulated by this code, the Fire Chief is authorized, based on applicable data, to issue a temporary special permit for the duration of the hazard.

**Sec. 6-45. Application.**

Applications for permits shall be made to the Fire Chief and shall include the applicant's answers in full to inquiries set forth on such forms. Applications for permits shall be accompanied by such data as required by the Fire Chief and fees as may be required by his/her jurisdiction.

**Sec. 6-46. Fees.**

Fees shall be established for the permits, certificates, approvals and other functions performed under this code and shall be payable to the City. Such fees shall accompany each application for such

permit, approval, certificate or other fee-related code provision. The fee amount for the required permits, certificates, approvals and other functions performed under this Code shall be maintained on a schedule filed with the City Clerk.

#### **Sec. 6-47. Issuance and posting.**

(a) The Fire Chief or his/her designee shall review all applications submitted and determine compliance with applicable provisions of this code and issue or revoke permits based on his/her findings as required.

(b) A copy of the permit shall be posted or otherwise readily accessible at each place of operation or carried by the permit holder as specified by the Fire Department.

#### **Sec. 6-48. Fee for failure to obtain permit.**

The fee for failure to obtain a permit required under §6-43 of this Code is triple the permit fee described in that section when a permit is obtained. Payment of any fee shall not relieve any person of the penalties that may be imposed for violation of this chapter.

#### **Sec. 6-49. Non-resident fees for Fire Department services.**

When the Fire Department is called upon to extinguish a vehicle fire or extricate a person, and where the subject vehicle is registered to an owner with a permanent address located outside of the Appleton city limits, the registered owner shall pay a service fee to the City, the amount of which shall be on file with the City Clerk.

#### **Sec. 6-50. Recovery of costs associated with technical rescue responses.**

(a) ~~*Structural collapse*~~*Technical rescue reimbursement for costs of emergency services response. A technical rescue response includes, but is not limited to, structural collapse, confined space, trench rescue, water rescue, ice rescue, or rope rescue.* Emergency service response includes, but is not limited to, fire service, emergency medical service and law enforcement. Any person or property owner who ~~causes damage to a structure resulting in the need for~~necessitates a technical rescue response placement by the department of shoring/stabilizing systems to prevent further damage to life or property and on-going safety to the public, may be responsible for reimbursement to the responding agencies for the actual and necessary expenses incurred in carrying out their duties under this article. Actual and necessary expenses may include, but not be limited to, replacement of equipment ~~or materials necessary for the construction of shoring or stabilizing systems~~, maintenance of the equipment specific to the incident, costs incurred in the procurement and use of specialized equipment specific to the incident, and charges associated with personnel and equipment necessary for the ~~construction and placement of such shoring and stabilizing systems~~technical rescue response.

(b) *Appeal.* A person or property owner has the right to appeal the assessment of charges for an emergency service response. Any person or property owner appealing the assessment of charges shall file a written objection with the Fire Chief within thirty (30) days of receiving the bill. Upon receipt of the written objection, the matter shall be placed on the Agenda for the Safety and Licensing Committee at its next regularly scheduled meeting. The Safety and Licensing Committee shall make a recommendation to the Common Council, which shall grant or deny the request.

**Secs. 6-51 – 6-55. Reserved.**

#### **ARTICLE IV. STANDARDS AND REQUIREMENTS**

**Sec. 6-56. Adoption of codes and standards.**

(a) The state codes listed in this section are hereby adopted by reference and made a part of the City Fire Prevention Code. For the purposes of this section, these provisions are adopted to enable the Fire Department to note any violations of such codes and to report those violations to the appropriate community service inspectors. The Fire Inspectors shall have the authority to cite such violations on fire inspections.

- (1) General Hazard on Fire Prevention, Wisconsin Administrative Code, SPS chapter 314;
- (2) General Orders on Existing Buildings, Wisconsin Administrative Code, SPS chapters 375 to 379;
- (3) Wisconsin Administrative Code, Wisconsin State Electrical Code, SPS Chapter 316;
- (4) Wisconsin Administrative Code, Wisconsin Commercial Building Code, SPS Chapters 361 - 366;
- (5) Elevator Code, Wisconsin Administrative Code, SPS chapter 318;
- (6) Existing Building Code, Wisconsin Administrative Code, SPS chapter 370;
- (7) Flammable and Combustible Liquids Code, Wisconsin Administrative Code, SPS 310.

Overall enforcement responsibility is equally shared by the Building Inspection Division and the Fire Department. Primary responsibility for particular sections of the above provisions shall be as indicated in the Wisconsin Administrative Code.

(b) The International Fire Code 2009 Edition, hereinafter “IFC” is hereby adopted as though fully set forth herein, with the following exceptions:

- (1) Chapter 1 of the IFC is not included as part of the adoption of the IFC, nor is Chapter 34.
- (2) The Appendices A is not included as part of the adoption of the IFC.

(c) The following editions of the National Fire Protection Codes and Standards are hereby adopted by reference and made part of the City Fire Prevention Code with the same force and effect as though set forth herein in full:

NFPA 11, Low Expansion Foam, 2002 Edition;

NFPA 12, Carbon Dioxide Extinguishing Systems, 2000 Edition;

NFPA 12A, Halon 1301 Fire Extinguishing Systems, 2004 Edition;

NFPA 13, 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, Standpipe Private Hydrant and Hose Systems, 2007 Edition;

NFPA 15, Water Spray Fixed Systems, 2007 Edition;

NFPA 16, Deluge Foam-Water Sprinkler Systems and Foam-Water Spray Systems, 2003 Edition;

NFPA 17, Dry Chemical Extinguishing Systems, 2002 Edition;

NFPA 17A, Wet Chemical Extinguishing Systems, 2002 Edition;

NFPA 20, Installation of Stationary Pumps, 2007 Edition;

NFPA 24, Private Fire Service Mains, 2007 Edition;

NFPA 25, Water Based Fire Protection Systems, 2002 Edition;

NFPA 30, Flammable and Combustible Liquids Code, 2003 Edition;

NFPA 30A, Motor Fuel Dispensing Facilities, 2003 Edition;

NFPA 30B, Aerosol Products, Manufacture and Storage, 2007 Edition;

NFPA 31, Installation of Oil Burning Equipment, 2006 Edition;

NFPA 33, Spray Application Using Flammable or Combustible Materials, 2007 Edition;

NFPA 34, Dipping and Coating Processes Using Flammable or Combustible Liquids, 2007 Edition;

NFPA 50, Bulk Oxygen Systems at Consumer Sites, 2001 Edition;

NFPA 50A, Gaseous Hydrogen Systems at Consumer Sites, 1999 Edition;

NFPA 50B, Liquefied Hydrogen Systems at Consumer Sites, 1999 Edition;

NFPA 51B, Welding, Cutting, Other Hot Work, 2003 Edition;

NFPA 54, National Fuel Gas Code, 2006 Edition;

NFPA 55, Compressed and Liquefied Gases in Portable Cylinders, 2003 Edition;

NFPA 69, Explosion Prevention Systems, 2002 Edition;

NFPA 72, National Fire Alarm Code, 2002 Edition;

NFPA 80, Fire Doors and Fire Windows, 2007 Edition;

NFPA 92A, Smoke Control Systems, 2006 Edition;

NFPA 96, Ventilation Control and Fire Protection of Commercial Cooking Operations, 2001 Edition;

NFPA 105, Standard for the Installation of Smoke-Control Door Assemblies, 2007 Edition;

NFPA 204, Smoke and Heat Venting, 2002 Edition;

NFPA 385, Tank Vehicles for Flammable and Combustible Liquids, 2000 Edition;

NFPA 430, Liquid and Solid Oxidizers, 2000 Edition;

NFPA 490, Storage of Ammonium Nitrate, 2002 Edition;

NFPA 654, Prevention of Fire and Dust Explosions from Manufacturing Combustible Particulate Solids, 2006 Edition;

NFPA 1123, Fireworks Display, 2006 Edition;

NFPA 1124, Fireworks and Pyrotechnic Articles, 2006 Edition;

NFPA 1126, Use of Pyrotechnics before a Proximate Audience, 2006 Edition;

NFPA 1221, Communications, Emergency Services, 2007 Edition;

NFPA 1961, Fire Hose, 2002 Edition;

NFPA 1962, Standard for the Inspection, Care, and Use of Fire Hose, Couplings and Nozzles; and the Service Testing of Fire Hose, 2003 Edition;

NFPA 1963, Fire Hose Connections, 2003 Edition;

NFPA 2001, Clean Agent Fire Extinguishing Systems, 2004 Edition;

(c) Any fire prevention issue not herein addressed by code or adopted standards will be addressed on the basis of current accepted National Fire Protection Association Standards.

**Sec. 6-57. Automatic sprinkler systems.**

(a) **Intent of section.** The intent of this section is to provide a means for the automatic extinguishment of fires in buildings or parts of buildings which because of their size, construction or occupancy or lack of suitable protection equipment, constitute a special fire hazard to life or property and an excessive burden upon the fire extinguishing facilities of the Fire Department.

(b) **Definitions.** For the purpose of this section, the following definitions shall be applicable:

**Approved** shall mean that the material, workmanship and installation of the sprinkler system complies with the regulations as set down in the National Fire Protection Association standards for the installation of automatic sprinkler systems in effect at the date of installation and approved by Fire Chief.

**Area** shall mean the gross ground floor area of a building or when a building is divided by approved firewalls, each section so divided shall be considered an area.

**Authority having jurisdiction** shall be the Fire Chief or whomever the Chief designates to enforce this chapter, the laws of the state pertaining to the prevention of fires and public safety and approving equipment, installation or procedure as outlined in National Fire Protection Association Codes and Standards.

**Automatic sprinkler equipment** shall mean a system of water supply pipes and orifices to apply water to a fire when activated by an automatic, manual or remote control device.

**Fire-resistive construction** shall mean a building is of fire resistive construction if all the walls, partitions, piers, columns, floors, ceilings, roof and stairs are built of noncombustible materials as specified in Wisconsin Commercial Building Code.

**Housing for the elderly** shall mean a residential occupancy building where the occupancy is limited to primarily elderly people meeting specific age criteria as specified by the financing or owning agency.

**Institutional buildings** shall mean and include convents, monasteries, children's homes, homes for the aged, nursing homes, convalescent homes, asylums, mental hospitals and jails.

(c) **Buildings and areas where required.** Every building constructed or structurally altered shall have an approved automatic sprinkler system installed and maintained when occupied in whole or part for the following purposes:

~~(1) As defined in Wisconsin Commercial Building Code, Factory Group F, Business Group B, and Mercantile Group M buildings if:~~

~~a. Over twelve thousand (12,000) square feet in area on one (1) floor.~~



~~b. Over one (1) story in height and exceeding nine thousand (9,000) square feet per floor.~~

~~c. Over three (3) stories.~~

~~(2) As defined in Wisconsin Commercial Building Code, Storage Group S garages (storage or repair), throughout garages if over ten thousand (10,000) square feet in area.~~

~~(3) Hotels and motels:~~

~~a. In buildings of one (1) story in height, sprinklers are to be installed to meet requirements of Standard 13 of the National Fire Protection Association Appendix in cellars, store rooms, work shops, hallways, stairways. Sprinklers installed in corridors shall be spaced up to the maximum of fifteen (15) feet along the corridor, with one (1) sprinkler opposite the center of any door or pair of adjacent doors opening onto the corridor, and with an additional sprinkler spaced inside each adjacent room above the door opening. When the sprinkler in the adjacent room provides full protection for that space, an additional sprinkler is not required in the corridor adjacent to the door.~~

~~b. Sprinklers are to be installed throughout all hotels and motels of two (2) stories or more in height.~~

~~(4) Multifamily dwellings of three (3) units or more exceeding four thousand eight hundred (4,800) square feet per floor and dormitories, except housing for the elderly, shall be protected by one (1) of the following automatic sprinkler systems:~~

~~a. Option #1 shall include the protection of the areas within the living unit by an automatic fire sprinkler system complying with Standard 13D of the National Fire Protection Association and the protection of windowless floor levels and storage areas as specified in Wisconsin Commercial Building Code, by an automatic fire sprinkler system with Standard 13 of the National Fire Protection Association. All sprinkler heads used in Option #1 shall be of the residential type.~~

~~b. Option #2 shall include the protection of all areas within the building by an automatic fire sprinkler system complying with Standard 13 of the National Fire Protection Association and equipped with residential type sprinkler heads in the living units.~~

~~(5) Theaters and assembly halls:~~

~~a. In every theater and assembly hall where a proscenium curtain is required, automatic sprinklers shall be provided under the stage, under the stage roof and in the dressing rooms but not in the automatic smoke outlet.~~

~~b. Automatic sprinklers are to be installed throughout all such buildings of nonfire resistive construction if such place of assembly is located above the first floor,~~

~~whether or not there is a stage.~~

~~c. Automatic sprinklers are to be installed throughout all basement areas used for assembly and exiting hallways from such assembly area.~~

(26) Educational Group E occupancies:

- a. In basements, kitchens, shops and other spaces where combustibles are stored or handled.
- b. In other than fire resistive buildings.
  1. Ten thousand (10,000) square feet or over.
  2. Two (2) stories and up exceeding six thousand (6,000) square feet in area.
  3. Three (3) stories and up in height.

(d) ***Application to existing buildings.*** Where the Fire Chief finds that by reason of construction or highly combustible occupancy, existing buildings constitute a severe fire hazard to its occupants or to adjoining property, the provisions of this section will apply.

(e) ***System types and approval of plans.*** Approved automatic sprinkler equipment shall be installed, connected to an adequate water supply with sprinkler heads, valves and auxiliary equipment of standard types suitable for the individual building to be protected as determined by adopted Standard 13, of the National Fire Prevention Association. Automatic sprinkler systems shall be designed with a minimum five (5) psi water supply safety factor. No automatic sprinkler equipment shall be installed or altered in a building until plans have been submitted to fire prevention and reviewed. Four (4) copies of plans shall be submitted approved plans stamped "Conditionally Approved" and three (3) copies shall be returned to owner and the other kept on file at the Fire Department.

(f) ***Alternative materials and methods.***

- (1) ~~The Fire Chief may modify any of the provisions of this section upon application in writing by the owner or lessee or his/her duly authorized representative where there are practical difficulties in the way of carrying out the strict letter of this section, provided that the spirit of this section shall be complied with, public safety secured and substantial justice done. The particulars of such modification shall be granted or allowed and the decision of the Fire Chief shall be entered upon the records of the Department and a signed copy shall be furnished the applicant.~~

~~(2)~~ The Fire Chief, on notice to the Inspections Supervisor, may approve any alternate material or method, provided he/she finds that the proposed design, use or operation satisfactorily complies with the intent of this code and that the material, method of work performance or operation is, for the purpose intended at least the equivalent of that prescribed in this section in quality, strength,

effectiveness, fire resistance, durability and safety, provided, however, that any approval under the authority herein contained shall be subject to the approval of the building official whenever the alternate material or method involves matters regulated by the Wisconsin Administrative Code.

(23) The Fire Chief may require tests as proof of compliance with the intent of this section, such tests to be made by an approved agency at the expense of the person requesting approval of the alternate material or method of construction.

(34) If technical expertise is unavailable within the Department because of new technology, process, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to the inspection of the Department, the Fire Chief may require the owner or the person in possession or control of the building or premises to provide without charge to the Department, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire-safety organization acceptable to the Fire Chief and the owner and shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, and prescribe the necessary recommended changes.

~~(5) Buildings having an area exceeding the area limitations in this code may be constructed without complete fire sprinkler systems provided the building is divided into areas less than the specified area limitations by at least a two (2) hour rated fire barrier shall extend from the foundation to the underside of the roof deck. Structural framing members may continue through or over the separation wall provided the framing and supporting elements are of nonecombustible or one (1) hour fire resistive combustible construction. All openings in the separation wall shall be protected by fire resistive door assemblies.~~

(g) **Inspection.** Every automatic sprinkler system required under this section shall be tested and inspected upon installation, according to the National Fire Protection Association Standards in effect at time of installation.

(h) **Maintenance.**

(1) The owner or occupant of a building containing the required automatic sprinkler system shall maintain the system in an operative condition at all times. The occupant of the building shall notify the Fire Department prior to interrupting this system for any reason or at the time it is withdrawn or its service interrupted or curtailed. Testing and maintenance of such systems shall be performed according to Standard 25, of the National Fire Protection Association. Copies of all tests results shall be furnished to the Fire Chief of the Fire Department.

(i) **Water.** Where an automatic sprinkler system is required, the supply shall be from the city water supply. Testing of the water supply shall be conducted by using the two (2) hydrants closest to the property being sprinkled. Tests over two (2) years old will not be accepted unless approved by the Fire Chief after taking into consideration growth, size and changes in the general area. The

sprinkler contractor will take all readings with the Director of Public Works approval and assistance in hydrant use. The Fire Chief will be informed of all testing twenty-four (24) hours in advance and be given an opportunity to observe testing.

~~Sec. 6-58. Reserved.~~

**Sec. 6-598. Welding and cutting operations.**

In addition to the International Fire Code, all welding and cutting operations shall also comply with this code.

(a) Before welding or cutting operations have begun in areas not designed or approved for that purpose, specific authorization shall be obtained from the owner of the premises or his/her duly authorized agent.

(b) When welding or cutting operations are performed above or within thirty-five (35) feet of construction or material exposed to the operation or within thirty-five (35) feet of floor, ceiling or wall openings so exposed:

- (1) Such construction or combustible material shall be protected by noncombustible shields or covers from possible sparks, hot metal or oxide;
- (2) Such floor, ceiling or wall shall be protected by noncombustible shields or covers.

(c) A firewatcher shall be provided to watch the fire, make use of portable fire extinguishers or fire hose and perform similar fire prevention and protection duties. The firewatcher shall remain on the job at least thirty (30) minutes after the welding or cutting operation has been completed to insure that no fire exists. A signed inspection report attesting to that fact shall be filed and available for inspection by the Fire Marshal.

(d) One (1) or more portable fire extinguishers of approved type and size shall be kept at the location where welding or cutting is to be done.

(e) Welding or cutting shall not be done in or near rooms or locations where flammable gases, liquids or vapors, lint, dust or loose combustible stocks are present when sparks or hot metal from the welding operation may cause ignition or explosion of such material.

(f) Except as otherwise provided in this section, welding or cutting shall not be performed on containers and equipment which contain or have contained flammable liquids, gases or solids until these containers and equipment have been thoroughly cleaned or made inert or purged.

(g) Hot tapping may be permitted on tanks or pipelines by the owner-operator thereof.

(h) Sprinkler protection shall not be shut off while welding or cutting work is being performed. When welding or cutting is being done close to automatic heads, sheet asbestos or damp cloth guards may be used to shield the individual heads but shall be removed when the work is completed.

**Sec. 6-6059. Outside storage of recyclables and building material.**

Scrap or old lumber and old building material shall not be stored or kept in a residential area. Storage of scrap lumber or other materials in other than residential areas shall be handled to conform to recognized safe practices for lumber yard storage of IFC. Recyclables stored outside shall conform to IFC.

**Sec. 6-61. Apartment buildings.**

~~All apartment buildings containing three (3) or more dwelling units shall meet the following fire prevention requirements:~~

- ~~(1) Interior fire alarm systems required by Wisconsin Commercial Building Code, shall be installed according to the State Electrical Code.~~
- ~~(2) a. Fire alarm systems in accordance with this section shall be installed in all apartment buildings containing three (3) or more dwelling units with common areas constructed prior to April 1, 1995.~~  
~~b. In all apartment buildings where fire alarms are not required by State, but are required by the City, alarms may be installed in accordance with the National Electrical Code, Article 760 Fire Protection Signaling Systems. Fire alarm break stations shall be installed at all required exits. Any apartments or dwelling units that are connected to a business occupancy must comply with §4-342 of this Code.~~
- ~~(3) All alarm break stations for interior alarms shall be identified with a sign stating that the Fire Department must be called when the break station is activated. Such signs shall be predominantly red in color and be permanently attached above the break station, be made of durable material and shall carry the 911 emergency number.~~
- ~~(4) Exit lights.~~
  - ~~a. Every required exit from each floor, other than those within private living units, shall be indicated by an approved illuminated red exit sign bearing the word "Exit" or "Out" in plain letters not less than five (5) inches in height.~~
  - ~~b. All wiring for exit signs shall conform to the State Electrical Code.~~
- ~~(5) Smoke and heat detection devices.~~
  - ~~a. Smoke detectors, combustion detectors or heat rise detectors shall be installed in boiler rooms and laundry areas and shall be connected to the local alarm system. Such detection devices shall be of a type approved by a recognized testing agency acceptable to the Fire Department and may be wired according to the National Electrical Code or the State Electrical Code.~~

- ~~b.~~ At least one (1) smoke detector installed at the head of every open stairway and at the door leading to every enclosed stairs on each floor level including the basement. One (1) detector also must be installed in each sleeping area. These detection devices are not required to be connected to the local alarm system.
- ~~(6)~~ Attic spaces shall be divided into area not in excess of three thousand (3,000) square feet and areas shall be divided in partitions having a one (1) hour fire resistive rating or better. Each area so divided shall be accessible from the living area below by an access panel of construction equal to the ceiling of the living area.
- ~~(7)~~ Fire extinguishers of FM (Factory Mutual) or UL (Underwriters Laboratory) approved type having at least a 2A 10 BC rating shall be provided. One (1) extinguisher shall be provided for each three thousand (3,000) square feet of floor area or portion thereof and there shall be at least one (1) extinguisher per floor and one (1) in the basement. Extinguishers shall be located so that all floor area is within seventy five (75) feet of an extinguisher measured along the hallway. They shall be hung on hangers or set on brackets or shelves so that the top of the extinguishers are not more than five (5) feet above the floor. All extinguishers shall be charged and tested in accordance with the instructions of the manufacturer.
- ~~(8)~~ Apartment buildings shall be modified to comply with (2), (3) and (5) above. (Code 1965, §19.11; Ord 1 91, §1(19.11), 1 9 91, Ord 65 99, §1, 9 19 99; Ord 23 09, §1, 1 13 09)

#### **Sec. 6-6201. Smoke detectorsalarms.**

- (a) **Definitions.** For purposes of this section, the following definitions shall apply:

**Dwelling** shall mean a structure or part of a structure providing complete, independent living facilities for one (1) or more persons, including permanent provisions for sleeping, eating, cooking and sanitation.

**Sleeping area** shall mean the area of the unit in which the bedrooms or sleeping rooms are located. Bedrooms or sleeping rooms separated by another use area such as a kitchen or living room are separate sleeping areas, but bedrooms or sleeping rooms separated by a bathroom are not separate sleeping areas.

**Smoke ~~detector~~alarm** shall mean a device which detects particles or products of combustion other than heat.

~~(b)~~ **Buildings affected.** Any structure containing one (1) or more dwelling units containing sleeping areas.

~~(c)~~ **Location and installation of smoke detectorsalarms.**

- (1) Each dwelling unit shall be provided with a minimum of one (1) approved

~~detector~~ smoke alarm installed in a manner and location consistent with its listing. The Fire Department Fire Prevention Division can be contacted for recommendations when an owner is concerned about the installation and number of ~~detectors~~ smoke alarms.

- (2) All existing dwelling units must meet the requirement of the State of Wisconsin Uniform Dwelling Code, Wisconsin Administrative Code, SPS 321.09 and 328.01 Smoke Detectors. Each dwelling unit shall be provided with a minimum of one (1) approved, listed and labeled smoke ~~detector~~ alarm sensing visible or invisible particles of combustion, installed in a manner and location consistent with its listing.

(~~cd~~) **Approval.** A smoke alarm or heat detector required under this section shall be approved by Underwriter's Laboratories, Factory Mutual or any other comparable testing firm.

(~~de~~) **Department inspection and order.** Inspection of new construction will be carried out by the Division of Inspections at its final inspection.

(~~fe~~) **Conveyance of property.** No person shall convey any real property which includes a dwelling unit to another unless there are installed in the dwelling unit approved smoke ~~detectors~~ alarms in accordance with (d) above. Any purchaser of real property found not to be in compliance with this subsection may bring an action in circuit court for damages. A violation of the provisions of this subsection shall not affect the conveyance of title or possession to the affected property.

## **Sec. 6-~~63~~21. Discharge of hazardous materials.**

(a) **Prohibited discharges.** No person shall discharge or cause to be discharged, leaked, leached or spilled upon any public or private street, alley, public or private property, or onto the ground, surface waters, subsurface waters, or aquifers, or within the city, except those areas specifically licensed for waste disposal or landfill activities and to receive such material, any explosive, flammable or combustible solid, 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 having a deleterious effect on the environment.

(b) **Spill notification.** Immediately upon discovery of a discharge involving any explosive, flammable or combustible solid, 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 having a deleterious effect on the environment the property owner, equipment operator, or discovering person shall notify the Appleton Fire Department of the discharge of a hazardous material.

(c) **Responsibility for containment, cleanup and restoration.** Any person in violation of (a) above shall, upon direction of any Fire Department officer, begin immediate actions to contain, cleanup and remove to an approved repository the offending material(s) and restore the site to its original condition, with the offending person being responsible for all expenses incurred. If any person fails to engage the necessary men and equipment to comply or to complete the requirements of this section, the office of the Fire Chief may order the required actions to be taken by public or private sources and allow the recovery of any and all costs incurred by the City as required by (d) below.



(d) **Reimbursement for costs of emergency services response.** Emergency service response includes, but is not limited to, fire service, emergency medical service and law enforcement. A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall be responsible for reimbursement to the responding agencies for the actual and necessary expenses incurred in carrying out their duties under this article. Actual and necessary expenses may include, but not be limited to, replacement of equipment damaged by the hazardous material, 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 response, decontamination, cleanup and medical surveillance, and incurred costs in future medical surveillance of response personnel as required by the responding agency's medical advisor.

(e) **Site access.** Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to Fire Department officers and staff and to Police Department personnel for the purpose of evaluating the threat to the public and monitoring containment, cleanup and restoration activities.

(f) **Public protection.** If any prohibited discharge occurs that threatens the life, safety or health of the public at, near or around the site of a prohibited discharge, and the situation is so critical that immediate steps must be taken to protect life and limb, the Fire Chief, his/~~her~~ assistant or the senior police official on the scene of the emergency may order an evacuation of the area or take other appropriate steps for a period of time until the Common Council can take appropriate action.

(g) **Enforcement.** The Fire Chief, as well as the police officers, shall have authority to issue citations or complaints under this section.

(h) **Civil liability.** Any person in violation of this section shall be liable to the City for any expenses incurred by the City or loss or damage sustained by the City by reason of such violations.

#### **Sec. 6-64~~32~~.** Miscellaneous standards.

(a) Interior finishes, decorative materials and furnishings shall comply with International Fire Code, Chapter 8.

(b) Flame retardant solutions, processes and applicators must be approved by the Fire Chief.

#### ~~Sec. 6-65. Flame-spread classification.~~

~~(a) Interior wall and ceiling finishes shall be classified in accordance with ASTM E 84, and shall comply with Wisconsin Commercial Building Code, Section 803.~~

~~(b) Interior floor finish and floor covering materials shall be classified in accordance with NFPA 253 and shall meet the requirements of Wisconsin Commercial Building Code, Section 804. (Ord 1-91, §1(Appendix), 1-9-91; Ord 23-09, §1, 1-13-09)~~

#### **Sec. 6-66~~43~~.** Fireworks and pyrotechnic devices.

(a) Definition: For the purpose of this section the following definition shall be applicable:

“Fireworks shall include all items under W.S.A. sec. 167.10(1) (intro), (e), (f), (i), (j), (k), (l), (m) and (n).”

(b) The provisions in this section shall apply to places where fireworks are stored or handled. Such premises shall be adequately equipped with fire extinguisher approved by the Fire Chief. Smoking is prohibited where fireworks are stored or handled.

(c) Every wholesaler, dealer or jobber keeping, storing, or handling fireworks of any description within the City shall notify the Fire Chief immediately upon receipt of such fireworks for the removal thereof from one (1) location to another and shall indicate the location where such fireworks are stored. No such fireworks shall be stored in any building used for dwelling purposes or in any building situated within fifty (50) feet of any building used for dwelling purposes, or in any place of public assemblage, or within fifty (50) feet of any gasoline pump, gasoline filling station, or gasoline bulk station, or in any building in which gasoline or flammable liquid is sold in quantities in excess of one (1) gallon. The storage buildings for fireworks shall conform to Standard 1124 of the National Fire Protection Association Standards and Codes.

(d) This section shall prohibit the use of any pyrotechnic device indoors of an occupancy without a permit from the Fire Chief. Such permits will not be issued for any event in an unsprinkled occupancy. Permit applications will be made in writing seven (7) days in advance of the date of the display.

(e) The use of the pyrotechnic device shall be handled by a competent adult operator and shall be of such composition, character and be located, discharged or fired as in the opinion of the Fire Chief shall not be hazardous to property or endanger any persons.

(f) The display, storage and discharge of fireworks shall be regulated by and comply with all IFC, NFPA, state and local codes and nationally recognized standards.

(g) The outdoor use of pyrotechnic devices shall be regulated by §10-5 of this Code and W.S.A. §167.10.

**Sec. 6-6754. Posted occupant load.**

(a) Every room or space that is an assembly occupancy shall comply with International Fire Code.

(b) The number of persons in any building or portion thereof shall not exceed the amount determined as specified in the State building code, as surveyed by the Supervisor of Inspections, the Fire Chief, or his/her designee.

(c) No person shall permit overcrowding or admittance of any person beyond the approved capacity of any place of public assemblage as specified above. The Fire Chief, upon finding any overcrowding conditions or obstruction in aisles, passageways or other means of egress or upon finding any condition which constitutes a serious menace to life, shall cause the performance, presentation, spectacle or entertainment to be stopped with the assistance of the Police Department until such condition or obstruction is corrected. The manager or person in charge of the premises shall

be responsible for preventing overcrowding.

**Sec. 6-6865. Fire apparatus access roads.**

(a) **Definitions.** For the purpose of this section, the following definitions shall be applicable:

**Fire apparatus access road** means a hard surface designated and maintained to support the imposed loads of fire apparatus and shall be maintained so as to provide all-weather driving capabilities and have a minimum of thirteen (13) feet six (6) inches in vertical clearance.

**Street** means any legally established public thoroughfare or all weather hard surface area thirty (30) feet or more in width unless otherwise approved by the Fire Department, whether designated or not by name such as avenue, boulevard, circle, court, drive, lane, place, road or way within fifty (50) feet of the building and maintained so as to provide all-weather driving capabilities and have a minimum of thirteen (13) feet six (6) inches in vertical clearance.

(b) Fire apparatus access roads shall be provided according to the International Fire Code and this ordinance.

(c) Multi-family residential projects having more than fifty (50) dwelling units shall be provided with a minimum two (2) separate and approved streets or approved Fire Department access roads.

(d) When conditions prevent the installation of an approved fire apparatus access road, the Fire Chief may permit the installation of a fire protection system in lieu of a road, provided the system or systems are not otherwise required by this or any other code.

**Sec. 6-6976. Atrium furnishings.**

(a) Atriums are defined as a floor opening two (2) or more stories that are covered at the top of the series of openings and is used for purposes other than an enclosed stairway, elevator hoist way or utility shaft used for plumbing, electrical, air conditioning or communication facilities.

(b) All decorative materials in atriums shall be noncombustible or shall be flame retardant treated and be so maintained. Devices generating an open flame shall be approved by the Fire Chief prior to use.

**Sec. 6-70687. Working plans of suppression/detection and control systems.**

(a) Working plans of all fire suppression, detection and control systems shall be submitted to the Fire Department Prevention Division in duplicate, before any equipment is installed or remodeled. Deviation from approved plans will require permission of the authority having jurisdiction.

(b) Fire protection system plans shall be drawn to an indicated scale of not less than 1/8" on sheets of uniform size with a plan of each floor or section. Plans must be easily duplicated and shall show all pertinent information as required by NFPA standards for plan submittals.

**Sec. 6-71698. Plan review fee structure and requirements.**

A schedule of plan review fees shall be maintained in the City Clerk's Office. This schedule specifies the fees for plan examination and approval for projects located within the city of Appleton.

Note: If the property is subject to state plan review, the additional fee required under Wisconsin Administrative Code, SPS Table 302.31-3 will be added to the appropriate municipal fee.

- (1) **Miscellaneous fee.** The miscellaneous fee shall be assessed for submission of plans for non-water based fire extinguishing systems, spray booth fire suppression systems and standpipe and hose systems. The miscellaneous fee will apply to such systems that are submitted separately from the automatic fire sprinkler system and/or fire alarm system. Where the plans for the automatic fire sprinkler systems and/or fire alarm systems are submitted with, for example, the kitchen exhaust hood fire suppression system plans, the fees will be based on the square footage of the project and no miscellaneous fee will be charged for review of plans of non-water based extinguishing systems.
- (2) **Multiple identical buildings.** In order to qualify for the multiple identical building fee, all buildings included in the project must be identical, and plans for such buildings must be submitted at the same time. The fee for submittal of plans for the first building shall be determined in accordance with the fee schedule on file with the City Clerk's Office. The fee for each remaining identical building shall be twenty-five percent (25%) of the appropriate fee.
- (3) **Shell buildings.** When an application is submitted for a property where only the shell of the property has been completed, the fee will be calculated at fifty percent (50%) of the appropriate fee set forth in the fee schedule on file with the City Clerk's Office on the basis of the total gross area of the building. When an application is submitted for the construction of the interior of a building where the shell has been previously granted a permit, the fee for the interior construction shall be calculated at fifty percent (50%) of the total gross area as set forth in the fee schedule on file with the City Clerk's Office. Should the interior be completed in sections, the fee shall be calculated at the percentage of the area being completed, cumulative interior fee not to exceed fifty percent (50%) of the total gross area as set forth in the fee schedule on file with the City Clerk's Office.
- (4) **Fire doors/shutters.** Fire door/shutter plan review and inspection shall be assessed an initial minimum fee as indicated on the fee schedule for the first fire door/shutter and as indicated on the fee schedule for each additional door/shutter. This fee does not apply to fire doors/shutters already reviewed as part of an ongoing project.
- (5) **Re-submission fee.** A fee shall be assessed for review of plans submitted following denial of plan approval.
- (6) **Re-inspection fee.** The inspection of work performed under an approved plan is

included in the fee for plan reviews. This fee does not include any re-inspections required because the inspected work failed to pass inspection. A re-inspection fee equaling twenty-five percent (25%) of the original plan review fee, fifty dollars (\$50.00) minimum, shall be assessed due to system failure during the initial inspection.

- (7) ***Fee for initiation without a permit.*** Penalty for failure to obtain a permit before starting work shall automatically double the applicable fees, and all work shall cease until the proper permits have been attained.

**Sec. 6-72069. Maintenance, approval and registration of installed fire protection systems.**

(a) ***Maintenance.*** All sprinkler systems, fire hydrant systems, standpipe systems, fire alarm systems, portable fire extinguishers, smoke and heat ventilators, smoke-removal systems and other fire protection or extinguishing systems or appliances shall be maintained in an operative condition at all times and shall be replaced or repaired where defective. Fire-protection or extinguishing systems coverage, spacing and specifications shall be maintained in accordance with recognized standards at all times. Such systems shall be extended, altered or augmented as necessary to maintain and continue protection whenever any building so equipped is altered, remodeled, added to or changes occupancy hazard. All additional, repairs, alterations and servicing shall be in accordance with recognized standards and copies of such work sent to Fire Prevention of the Fire Department.

(b) ***Approvals.*** All fire extinguishing systems, including automatic sprinkler systems, classes I, II, III combined stand pipes, Halon systems, and other special automatic extinguishing systems and basement pipe inlets, shall be approved in accordance with §6-71 and shall be subject to periodic tests as may be required. A copy of all test results of the above systems must be provided to the Fire Chief or his/her designee upon completion of the testing. The location and size of all Fire Department hose connections shall be approved by the Fire Chief or his/her designee.

- (c) (1) ***Registration.*** All installers of fire protection components, including, but not limited to, agencies monitoring alarm integrity, shall register with the Fire Department pertinent contact information including, but not limited to, address, phone number and name of responsible person. Registry information shall be updated with AFD within ten (10) days of any change to information previously provided.
- (2) A fee may be assessed to any registered installer and/or monitoring agent deemed responsible for causing a false alarm. Said fee will be billed to the responsible party, if not the alarm user, and will be that amount indicated in the false alarm fee schedule. Failure to pay fees could result in failure to obtain permit(s) for future work. An appeal of a false alarm assessment can be made by writing the Fire Chief or his/her designee within ten (10) business days after notification of the fee. Contesting the Chief's decision involves a review by the Safety and Licensing Committee by submitting a written notification to the City Clerk's Office.

**Sec. 6-7310. Notification of special public assembly events.**

- (a) For the purpose of this section, public assembly is defined as an event which exceeds

one hundred (100) people.

(b) Except as provided in (d), notification must be provided to the Department within five (5) business days prior to the holding of special public assembly events which involves the use of buildings or spaces not approved for public assembly in accordance with the Wisconsin State Building Code and the IFC.

(c) Except as provided in (d), notification must be provided to the Department within five (5) business days prior to the holding of special public assembly events which involves the placement of temporary seating in an area not otherwise approved for such seating.

(d) Notification is not required if a plan indicating occupancy capacity, seating arrangements, location and width of exit ways and aisles is submitted to the Fire Department and pre-approved by the Fire Chief or his/her designee.

Note: Building owners may pre-approve a building or space within the building for special events by submitting an approved plan. This exception allows for multiple special events.

**Sec. 6-74~~21~~21. Fire division walls and occupancy separation wall identification.**

Building owners shall identify fire division walls and occupancy separation walls in accordance with the Wisconsin Commercial Building Code.

**Sec. 6-75~~32~~32. Repeat violation rule.**

Whenever the Fire Chief or his/her designee shall find in any building, upon inspections or re-inspections, a repeat violation involving a fire detection, life safety component, or suppression system which is defective, inoperative, improperly maintained or operated the Fire Chief or designee may order the following remedies and/or a re-inspection fee.

(a) If the system includes one (1) or more exit light(s) which have not been illuminated during inspections, it may be ordered that any or all of the exit lights in such premises be equipped with self-illuminating lights or light equipped with light emitting diodes (LEDs).

(b) If the system includes one (1) or more self-closing fire door(s), any of which have been found to have been held open with non-approved hold open devices during inspections, it may be ordered that any or all of the fire doors in such premises be equipped with an automatic closing device.

(c) If the system includes one (1) or more battery operated smoke detector(s) which have been found to be inoperative during inspections, it may be ordered that the premises be equipped with long life (5 – 10 year battery life) smoke detectors.

(1) If the same occupancy is subsequently found to have inoperative smoke detector(s) it may be ordered that the smoke detectors be hardwired into the electrical service of the premises.

(2) If the premise is found to have no operable smoke detectors, the Fire Department may install smoke detectors and may charge the owner for the actual cost of the detectors and installation.

(d) If the system includes emergency exit doors which, during hours of occupancy, have been found to be secured or locked with bolts, bars, chains, padlocks, or locking devices other than the primary locks, it may be ordered that such bolts, bars, chains, padlocks, or additional locking devices be immediately removed; and it may be further ordered that all emergency exit doors within the premises be equipped with panic door release hardware.

(e) This subsection shall not be construed as a limitation upon the powers of the Chief or his/her designee to issue orders for corrections of violations nor shall this subsection be construed as a limitation upon any of the powers of the Chief under any applicable provision of the City of Appleton Municipal Code, Wisconsin Administrative Code or the Wisconsin Statutes.

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Timothy M. Hanna, Mayor

City Law: A17-1027

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Kami Lynch, City Clerk