

TITLE 5

Public Safety

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Fire Protection

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Sec. 5-2-1 Fire Department Organization; Goals of the Fire Department.

- (a) **Fire Department Recognized.** The Boyceville-Wheeler Fire Department ("Fire Department") is officially recognized as the Fire Department serving the Village of Wheeler, and the duties of firefighting and fire prevention in the Village are delegated to such Department. The Boyceville-Wheeler Fire Department shall be responsible for the program of fire defense for the citizens and property within the Village of Wheeler.
- (b) **Fire Protection Agreement.** The Village of Wheeler, and also surrounding towns/municipalities, and the Boyceville-Wheeler Fire Department have entered into a agreement for fire protection services. Such agreement is on file with the Village Clerk-Treasurer and shall govern the operation of the Fire Department and the relation of the Village thereto.
- (c) **Appropriations.** The Village Board shall appropriate funds for Fire Department operations and for such apparatus and equipment for the use of the Fire Department as the Village Board may deem necessary to maintain efficiency and properly protect life and property from fire.
- (d) **Goals of the Fire Defense Program.**
 - (1) The primary objective of the fire defense program is to serve all citizens, without prejudice or favoritism, by safeguarding, collectively and individually, their lives against the effects of fires and explosions.

- (2) The second objective of the fire defense program is to safeguard the general economy and welfare of the community by preventing major conflagrations and the destruction by fire of industries and businesses.
- (3) The third objective of the fire defense program is to protect the property of all citizens against the effects of fire and explosions. All property deserves equal protection, regardless of location or monetary value.
- (e) **Fire Department By-Laws.** The Boyceville-Wheeler Fire Department ("Fire Department") is authorized and directed to adopt by-laws for the internal procedures, management and governance of the Fire Department.

Sec. 5-2-2 Impeding Fire Equipment Prohibited.

No person shall impede the progress of a fire engine, fire truck or other fire apparatus of a Fire Department along the streets or alleys of the Village of Wheeler at the time of a fire or when the Fire Department is using such streets or alleys in response to a fire alarm or for practice.

Sec. 5-2-3 Police Power of the Department; Investigation of Fires; Fire Inspections.

(a) **Police Authority at Fires.**

- (1) **Police Power at Fire Sites.** The Fire Chief or Incident Commander in command at any fire are hereby vested with full and complete police authority at fires. 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 a fire.
- (2) **Safety Limits.** The Fire Chief or Incident Commander may prescribe certain safety limits in the vicinity of any fire within which no persons, excepting firefighters and police officers and those admitted by order of any officer of the Fire Department, shall be permitted to come.
- (3) **Removal of Property.** The Fire Chief or Incident Commander shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire or to prevent the spreading of fire or to protect the adjoining property, and during the progress of any fire he/she shall have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work of the Fire Department during the progress of a fire.

(b) **Fire Inspection Duties.**

- (1) **Fire Inspection Duties.** The Fire Chief shall be the Fire Inspector for the Village of Wheeler and shall have the power to appoint one or more deputy Fire Inspectors and

shall perform all duties required of the Fire Inspectors by the laws of the State, particularly Sec. 101.14, Wis. Stats., and administrative rules of the Wisconsin Department of Safety and Professional Services (SPS).

- (2) **Right of Entry.** While acting as Fire Inspector pursuant to Sec. 101.14(2), Wis. Stats., the Fire Chief, or any officer of the Boyceville-Wheeler Fire Department, or other qualified person designated by the Fire Chief, shall have the right and authority to enter any building or upon any premises in the Village of Wheeler at all reasonable hours for the purpose of making inspections or investigations which, under the provisions of this Code of Ordinances, he/she may deem necessary. Should the Fire Inspector find that any provisions of this Code of Ordinances relating to fire hazards and prevention of fires are being violated, or that a fire hazard exists which should be eliminated, it shall be the Fire Inspector's duty to give such directions for the abatement of such conditions as he/she shall deem necessary and, if such directions are not complied with, to issue a citation.
 - (3) **Required Fire Prevention Inspections.** The Fire Chief is required, by himself/herself or by officers or members of the Fire Department designated by him/her as fire inspectors, to inspect all buildings, premises and public thoroughfares, except the interiors of private dwellings, 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 the fire hazard or to the prevention of fires. Such inspections shall be made at least once per calendar year, provided the interval between those inspections shall not exceed fifteen (15) months. Additional inspections may be required as deemed necessary by the Fire Chief or Fire Inspector.
 - (4) **Fire Inspection Reports.** Written reports of fire inspections shall be made and kept on file in the office of the Chief of the Fire Department in the manner and form required by the Wisconsin Department of Safety and Professional Services.
- (c) **Fire Inspectors Handbook.** The *Fire Inspectors' Handbook*, SPS is hereby adopted and made part of this Code of Ordinances by references.

State Law Reference: Sec. 101.14(2), Wis. Stats.

Sec. 5-2-4 Damaging Fire Hose Prohibited; Parking by Hydrants; Blocking Fire Lanes.

- (a) **Driving Over Fire Hose.** No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to a Fire Department, and no vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street, private driveway or other place, to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.

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- (b) **Parking Vehicles Near Hydrants.** It shall be unlawful for any person to park any vehicle or leave any object within ten (10) feet of any fire hydrant at any time.
- (c) **No Parking Near Fire.** It shall be unlawful for any person, in case of fire, to drive or park any vehicle within one block from the place of fire without the consent and authority of the Fire Chief or any law enforcement officer.

Sec. 5-2-5 Firefighters May Enter Adjacent Property.

- (a) **Entering Adjacent Property.** It shall be lawful for any firefighter while acting under the direction of the Fire Chief or any other officer in command to enter upon the premises adjacent to or in the vicinity of a building or other property then on fire for the purpose of extinguishing such fire and in case any person shall hinder, resist or obstruct any firefighter in the discharge of his/her duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firefighters in the discharge of their duty.
- (b) **Destruction of Property to Prevent the Spread of Fire.** During the progress of any fire, the Fire Chief or his/her assistant shall have the power to order the removal or destruction of any property necessary to prevent the further spread of fire; provided that it is inevitable that, unless such property is removed, other property is in danger of being destroyed by fire.

Sec. 5-2-6 Duty of Bystanders to Assist.

Every person who shall be present at a fire shall be subject to the orders of the Fire Chief or Incident Commander and may be required to render assistance in fighting the fire or in removing or guarding property. Such officer shall have the power to cause the arrest of any person or persons refusing to obey said orders.

Sec. 5-2-7 Vehicles to Yield Right-of-Way.

Whenever there shall be a fire or fire alarm or the Fire Department is out for practice, every person driving or riding in a motorized or other vehicle shall move and remain to the side of the street until the fire engine and fire truck and other fire apparatus shall have passed.

Sec. 5-2-8 Interference with Use of Hydrants Prohibited.

No person shall occupy any portion of such streets or alleys with a motorized or other vehicle between such fire engine or fire truck or other fire apparatus or any hydrant to which a fire hose may be, or may be about to be, attached.

Sec. 5-2-9 Authorization to Maintain Volunteer Fire Department Funds in Public Depository Account.

(a) **Purpose.**

- (1) Volunteer funds may be raised by members of the Boyceville-Wheeler Fire Department through contributions by donors for the benefit of the Fire Department.
- (2) The Village Board of the Village of Wheeler desires that said funds be designated solely for the purpose of maintaining public fire services and equipment within the community.
- (3) The State of Wisconsin has enacted Sec. 66.0608, Wis. Stats., providing that municipalities may maintain municipal fire volunteer funds in a segregated public depository account in the department's name and exclusive control and in the interest of transparency.

(b) **Account Established.**

- (1) A public depository account shall be created at a financial institution with the specific account number listed under the ownership of the Boyceville-Wheeler Fire Department. Said funds shall remain the property of said municipality until the funds are disbursed.
- (2) The sole purpose of this depository account is to receive and disburse contributions by donors given for the purpose of maintaining municipal fire services and equipment for the benefit of the community served by the Department.
- (3) Said depository account shall be opened in the name of the "Village of Boyceville-Wheeler Fire Department" and expenditures shall be under the exclusive control of the Fire Chief of the Boyceville-Wheeler Fire Department, as agent, being an official of the municipal volunteer fire services.
- (4) Said agent shall conform with all reporting and auditing requirements as provided at Sec. 66.0608(3)(c), Wis. Stats., including providing a written quarterly financial report to be made to the Village Clerk-Treasurers of the Village of Boyceville and Village of Wheeler.

Title 5 ▶ Chapter 3

Fire Prevention Code; Emergency Responses

5-3-1	Adoption of Fire Prevention Codes
5-3-2	Disclosure of Hazardous Material and Infectious Agents; Reimbursement for Cleanup of Spills
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Sec. 5-3-1 Adoption of Fire Prevention Codes.

- (a) **State Administrative Codes Adopted.** The Village of Wheeler by reference adopts the following rules and regulations as promulgated by the Wisconsin Department of Safety and Professional Services (SPS) in the Wisconsin Administrative Code, together with any future additions, deletions, or supplements thereto pertaining to fire prevention; SPS Administrative Code provisions referencing National Fire Protection Association Codes (NFPA) are also herewith incorporated as part of this Chapter and shall be enforced with the same force and effect as though set forth in full herein. Provided, however, that where such rules and regulations are less stringent than other provisions found in this Chapter, the provisions of this Chapter shall apply. Specifically adopted are the following SPS Codes, but not limited to:

- (1) Ch. SPS 307, Wis. Adm. Code - Explosives and Fireworks.
 - (2) Ch. SPS 310, Wis. Adm. Code - Flammable, Combustible and Hazardous Liquids.
 - (3) Ch. SPS 314, Wis. Adm. Code - Fire Prevention.
 - (4) Ch. SPS 316, Wis. Adm. Code - Electrical Code.
 - (5) Chs. SPS 320-325, Wis. Adm. Code - Uniform Dwelling Code.
 - (6) Ch. SPS 320, Wis. Adm. Code - Smoke Detectors.
 - (7) Ch. SPS 330, Wis. Adm. Code - Fire Department Safety and Health.
 - (8) Ch. SPS 343, Wis. Adm. Code - Anhydrous Ammonia Code.
 - (9) Chs. SPS 361-366, Wis. Adm. Code - Commercial Building Code.
 - (10) Chs. SPS 375-379, Wis. Adm. Code - Buildings Constructed Prior to 1914.
 - (11) Chs. SPS 381-387, Wis. Adm. Code - Plumbing Code.
- (b) **Adoption of NFPA Codes.** The following rules and regulations issued by the National Fire Protection Association (NFPA), together with any future additions, deletions or supplements thereto, are herewith adopted and incorporated by reference as part of this Chapter and shall be enforced with the same force and effect as though set forth in full herein. Provided, however, that where such rules and regulations are less stringent than other provisions found in the NFPA Code, the provisions of this Chapter shall apply:
- (1) Fire Prevention Code, NFPA 1, except for 3-2 3.1 and 7-1.2.
 - (2) Safety to Life from Fire in Buildings and Structures, NFPA 101.
 - (3) Water-based Fire Protection Systems, NFPA 54.
 - (4) Spray Applications Using Flammable or Combustible Materials, NFPA 33.
 - (5) National Fuel Gas Code, NFPA 54.
 - (6) Storage and Handling of Liquid Petroleum Gases Code, NFPA 58.
 - (7) Aircraft Fuel Servicing, NFPA 407.
 - (8) Any NFPA Code referenced in SPS Codes.
- (c) **Statutory Fireworks Regulations.** Section 167.10 of Wis. Stats., pertaining to Regulation of Fireworks, together with any future additions, deletions, or supplements thereto, are herewith incorporated by reference as part of this Chapter and shall, along with Title 7, Chapter 5 of this Code of Ordinances, be enforced with the same force and effect as if set forth in full herein. Provided, however, that where such statutory regulations are less stringent than other provisions found in this Code of Ordinances, the provisions of this Code of Ordinances shall apply. Notwithstanding any provisions of this Code of Ordinances to the contrary, no person may sell, possess or use fireworks, as that term is defined by Sec. 167.10(1), Wis. Stats., as may be amended from time to time, within the Village of Wheeler; except that the use of fireworks may be allowed by appropriate Permit issued by the Village per Section 7-5-1.
- (d) **Modifications.** The Fire Chief or Fire Inspector may grant a variance to the provisions of the Fire Prevention Code upon written application by the property owner or lessee, or duly authorized agent, when there are practical difficulties in carrying out the strict letter of the Fire Prevention Code, provided the general intent and purpose of such Code is observed, public safety is protected, and substantial justice is done. If granted, the details

of any such modifications when granted or allowed and the decision of the Fire Chief or Fire Inspector shall be entered into the records of the Fire Department, and a signed copy shall be provided to the applicant. A copy of each such order or modification by the Fire Chief or Fire Inspector shall also be filed with the Village Clerk-Treasurer.

- (e) **Appeals.** Whenever the Fire Chief or Fire Inspector disapproves of an application for a Fire Prevention Code variance or a request for a permit thereunder is denied, or when it is asserted that the provisions of the Fire Prevention Code should not be applicable, or that the intent of the Fire Prevention Code has been misinterpreted, the applicant may appeal from such decision to the Village Board within thirty (30) days from the decision.
- (f) **Offenses.** Any person who violates any provisions of this Chapter, or who shall fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall construct in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any permit issued thereunder and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Village Board or by a court of competent jurisdiction within the time fixed herein, shall be subject to the penalty provisions of Section 1-1-6.

Sec. 5-3-2 Disclosure of Hazardous Materials and Infectious Agents; Reimbursement for Cleanup of Spills.

- (a) **Application.**
 - (1) All persons, firms or organizations using, researching or producing hazardous materials and/or infectious agents shall notify the Boyceville-Wheeler Fire Department as prescribed by this Section.
 - (2) The provisions of this Section shall apply to all persons, firms or organizations using, researching, producing or storing hazardous materials and/or infectious agents on and after the effective date of this Section.
- (b) **Definitions.**
 - (1) "Infectious agent" is a bacterial, mycoplasmal, fungal, parasitic or viral agent known to cause illness in humans which is used, researched, produced or stored within or on premises.
 - (2) "Hazardous materials" are those materials that can cause death or disabling injury from brief exposure; those materials that could cause a lost-time injury from exposure; and those materials that could cause temporary disability or injury without permanent effects which are used, researched, produced or stored within or on premises except those household consumer products used at the point of consumption and not used for commercial or experimental purposes. This definition of hazardous materials shall include radioactive materials.

(c) **Information Required.**

- (1) Any person, firm or organization using, researching, producing and/or storing any hazardous materials shall provide in writing to the Fire Department the following information:
 - a. Address, location of where hazardous materials are used, researched, stored or produced;
 - b. The trade name of the hazardous material;
 - c. The chemical name and any commonly used synonym for the hazardous material and the chemical name and any commonly used synonym for its major components;
 - d. The exact locations on the premises where materials are used, researched, stored and/or produced;
 - e. Amounts of hazardous materials on premises per exact location;
 - f. The boiling point, vapor pressure, vapor density, solubility in water, specific gravity, percentage volatile by volume, evaporation rate for liquids and appearance and odor of the hazardous material;
 - g. The flashpoint and flammable limits of the hazardous substance;
 - h. Any permissible exposure level, threshold limit value or other established limit value for exposure to a hazardous material;
 - i. The stability of the hazardous substance;
 - J. Recommended fire extinguishing media, special firefighting procedures and fire and explosion hazard information for the hazardous material;
 - k. Any effect of over-exposure to the hazardous material, emergency and first aid procedures and telephone numbers to call in an emergency;
 - l. Any condition or material which is incompatible with the hazardous material and must be avoided.
 - m. Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming into contact with the hazardous materials;
 - n. Procedures for handling or coming into contact with the hazardous materials.
- (2) Any person, firm or organization using, researching, producing and/or storing infectious agent and/or carrier of an infectious agent shall provide in writing to the Fire Department the following:
 - a. The name and any commonly used synonym of the infectious agent;
 - b. Address/location where infectious agents are used, researched, stored and/or produced;
 - c. The exact locations where infectious agents are used, researched, stored and/or produced;
 - d. Amount of infectious agent on premises per exact locations;
 - e. Any methods of route of transmission of the infectious agents;
 - f. Any symptoms of effect of infection, emergency and first aid procedure and a telephone number to be called in an emergency;

- g. Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming in contact with the infectious agent;
 - h. Procedure for handling, clean-up and disposal of infectious agents leaked or spilled.
- (d) **Reimbursement for Cleanup of Spills.** Any person who possesses or controls a hazardous material or infectious agent which was discharged or caused the discharge of a hazardous material or infectious agent shall reimburse the Village for actual and necessary expenses incurred by the Village of Wheeler or its agent to contain, remove or dispose of the hazardous substance or infectious agent or take any other appropriate action which is deemed appropriate under the circumstance.

Sec. 5-3-3 Fees for Extraordinary Services; Hazardous Material Incident Response Reimbursement.

- (a) **Purpose; Authority.**
 - (1) The Village of Wheeler provides fire and other emergency response services for the protection of the public health, safety and welfare, the costs of which are funded from the general tax revenue of the Village. Such services may involve property which is not owned by a property taxpayer of the Village such as utility transmission and telephone lines, gas lines, cable television equipment, or hazardous materials, or may involve property owned by a taxpayer of the Village of Wheeler, but which requires extraordinary response services, such as an open burning site or a hazardous substances or hazardous waste handling or storage site. Such response services benefit the owner or person in charge of such property and the public health, safety and welfare; and
 - (2) The Village, pursuant to the Wisconsin Statutes, and its police powers may collect the costs of such response services from the owner or person in charge of the property if it is deemed proper and in the best interest of the public health, safety and welfare.
- (b) **Prohibited Discharges.** No person, firm or corporation shall discharge or cause to be discharged, leaked, leached or spilled upon any public or private street, alley, public or private property, or unto the ground, surface waters, subsurface waters, or aquifers, or within the Village of Wheeler, except those areas specifically licensed for waste disposal or landfill activities and to receive such materials, 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.
- (c) **Definitions.**
 - (1) **Hazardous Substances or Hazardous Waste.** As defined in Sec. 289.01(11) and (12), Wis. Stats.

- (2) **Property.** The personal property or real estate directly involved in the response services, including but not limited to, utility transmission or telephone line, gas line, cable television equipment, open burning site or hazardous substance or hazardous waste handling or storage site.
- (3) **Village Response Services.** Village of Wheeler fire, law enforcement, utilities, emergency medical services, public works, or other similar response services.
- (4) **Emergency Services Response.** Includes, but is not limited to: Fire service, emergency medical service, law enforcement. A person, firm, or corporation 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 actual and necessary expenses incurred in carrying out their duties under this Chapter. 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, specific laboratory expenses incurred in the recognition and identification of hazardous substances in the evaluation of response, decontamination, costs incurred in the procurement and use of specialized equipment specific to the incident, clean up and medical surveillance, and incurred costs in future medical surveillance of response personnel as required by the responding agencies medical advisor.
- (d) **Site Access.** Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to emergency government/law enforcement officers and staff and to Fire Department personnel for the purpose of evaluating the threat to the public and monitoring containment, cleanup and restoration activities.
- (e) **Public Protection.** Should any prohibited discharge occur that threatens the life, safety or health of the public at, near, or around the site of a prohibited discharge, and that the situation is so critical that immediate steps must be taken to protect life and limb, the Village President or the senior law enforcement or fire officials 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 Village Board can take appropriate action.
- (f) **Enforcement.** The Fire Chief and his/her deputies, as well as law enforcement officers, shall have authority to issue citations or complaints under this Section.
- (g) **Civil Liability.** Any person, firm or corporation in violation of this Section shall be liable to the Village for any expenses incurred by the Village or loss or damage sustained by the Village of Wheeler by reason of such violation.
- (h) **Responsibility for Costs.**
 - (1) In the event the Village Board determines the costs incurred for Village response services are extraordinary in amount or the services for which the costs are incurred are extraordinary in type, the Village Board shall review and determine whether to seek reimbursement for the extraordinary costs from the owner of the property. The Village Board shall consider the amount of the costs involved, the nature of the

response services, the impact of the response on other Village services, and such other factors it deems appropriate in making its determination.

- (2) The Village Board may direct the Village Clerk-Treasurer to issue an invoice for the costs of labor and materials, or a portion thereof, to the owner or person in charge of the property. The invoice shall include an itemization of the costs and a requirement for payment within thirty (30) days.

Sec. 5-3-4 Cost Recovery for Extinguishing and Cleaning Up Fires.

- (a) **Purpose.** The Village of Wheeler has determined that the increasing costs associated with fire suppression in conjunction with limitations on municipal revenues make it necessary to institute a system of cost recovery for extinguishing and cleaning up fires.
- (b) **Cost Recovery System.**
 - (1) Every owner of a structure, property or vehicle shall be liable to the Village of Wheeler and the Boyceville-Wheeler Fire Department for the cost of personnel and resources employed to extinguish, confine, suppress or clean up after any fire or threat of fire to a structure, property or vehicle, as provided by the Boyceville-Wheeler Fire Department and/or other departments covered under mutual aid agreements.
 - (2) Liability of the owners of structures or land shall be limited to the actual cost of suppressing or confining the fire, or threat of fire, as determined by the Boyceville-Wheeler Fire Department, not exceeding One Thousand Dollars (\$1,000.00) for any one (1) response to a parcel.
 - (3) Liability of the owner of a vehicle, or the owner's insurance carrier, for fire suppression responses shall be the actual cost of suppressing or confining the fire, or threat of fire, as determined by the Boyceville-Wheeler Fire Department.
 - (4) This Section does not supercede the provisions of Title 5, Chapters 2-3 of the Village of Wheeler Code of Ordinances which address special costs associated with, but not limited to, hazardous materials responses and other extraordinary situations. The payment limits established in Subsection (b)(2) above shall not apply to such situations.
- (c) **Payment.**
 - (1) Payment shall be made within sixty (60) days of the billing date of any statement submitted by the Village or the Department, and if not paid within sixty (60) days, shall accrue interest at the rate of one percent (1%) per month from the billing date. The statement shall indicate the actual cost of fire suppression services provided as determined by the Village or Department.
 - (2) The failure of any such owner to pay said charges within sixty (60) days from the date of billing shall result in the Village Clerk-Treasurer placing the amount owed on the tax roll as a special charge, or placing a lien on the property involved in the fire suppression incident.

- (3) The Village of Wheeler may also use any other legal means available to collect any unpaid amount due, including utilizing the services of a collection service or issuance of a citation for non-payment for services.

Sec. 5-3-5 Smoke and/or Heat Detectors Required in Rental Dwelling Units.

(a) Smoke Detectors Required.

- (1) The owner of every premises, occupied or vacant, on which is located one (1) or more rental dwelling units within the Village of Wheeler shall install a working smoke detector device so located as to protect the sleeping areas of each dwelling unit. If sleeping areas are separated, the number of detection devices installed shall be that deemed necessary by the Fire Inspector to protect each sleeping area. If required by state regulations, carbon monoxide detectors shall also be installed.
- (2) For purposes of this Section, "dwelling unit" shall mean a room or group of rooms constituting all or part of a dwelling which are arranged, designed, used or intended for use exclusively as living quarters.

(b) Installation and Design Standards.

- (1) The Fire Chief or Fire Inspector are available to advise the owner of the rental premises of the types of detectors and points of installation within the dwelling which meet the requirements of this Section.
- (2) All smoke and heat detection devices shall be installed in locations meeting the installation standards of this Section, SPS 320, Wis. Adm. Code, the Wisconsin Statutes, and the National Fire Protection Association (NFPA) standards. The smoke detector(s) shall be installed according to the manufacturer's specifications, in the basement, at the head of any common stairway on each floor level (except attic and storage areas) and in each sleeping area.
- (3) Installation of a smoke detector in a common hallway leading to the sleeping areas, but not more than six (6) feet from the doorway of each sleeping area, may take the place of a smoke detector in each sleeping area adjacent to the hallway.
- (4) All smoke and heat detectors shall bear the Underwriters Laboratory or Factory Mutual seal of approval. All smoke detectors shall meet the Underwriters Laboratory Standard 217. At least one (1) smoke detector shall be installed for every dwelling unit located so as to protect sleeping areas.
- (5) In multi-family dwellings, additional devices connected to the building alarm system, if any, shall be installed in every public corridor serving one (1) or more dwelling units and on every separate level of the building, regardless of whether a sleeping area is located on such level. If a local fire alarm system is not provided or required, smoke detectors shall be connected to a signal outside of the enclosure which will be audible throughout the entire building.

- (6) In multi-family dwellings, in addition to smoke detectors in every living unit, all storage areas shall be protected with heat-sensing devices. These devices shall be connected to the building fire alarm system. If a local fire alarm system is not required, such device shall be connected to a signal outside of the enclosure which will be audible throughout the entire building. Heat-sensing devices shall be installed in space according to good engineering practices, but in no instance shall detectors be spaced more than thirty (30) feet on center and fifteen (15) feet from any wall.
 - (7) Smoke detector or heat-sensing devices shall be installed in all furnace, boiler and incinerator rooms in a multi-family dwelling.
- (c) **Miscellaneous Requirements.**
- (1) The owner of the building shall be solely responsible for the installation and maintenance of smoke detectors, to include battery replacement as required.
 - (2) The tenant shall be responsible for informing the owner in writing of any smoke detector malfunction, including the need for a new battery.
 - (3) The owner shall immediately upon receipt of written notice from the tenant repair/replace the smoke detector or replace the battery as needed.
 - (4) Neither the owner nor the tenant shall remove or disconnect the battery from a smoke detector at any time except for battery replacement.
 - (5) The owner shall install new batteries in all smoke detectors at the beginning of a new lease or new tenancy and shall install new batteries annually.
 - (6) The owner shall furnish to the tenant at the beginning of a new lease or new tenancy, written notice of the responsibilities of the tenant and the obligations of the owner regarding smoke detectors, their batteries and their maintenance.

State Law Reference: SPS 320, Wis. Adm. Code

Sec. 5-3-6 False Alarms.

- (a) **Purpose.**
- (1) False alarms, regardless of their cause, represent a significant public cost and endanger public safety by unnecessarily deploying fire, law enforcement, EMS or other emergency resources that would otherwise be available to respond to actual emergency situations. The purpose of this Section is to discourage the unnecessary deployment of such resources due to false alarms and to provide for reimbursement to the Village of Wheeler and its emergency services providers for the costs thereof. This Section shall be liberally interpreted in the Village's favor to achieve these purposes.
- (b) **Scope.** A false alarm occurs for purposes of this Section when any signal, alarm, telecommunication, or telephone call generating an alert is falsely or improperly sent to an

emergency services provider alleging an emergency, but no such event has occurred and no emergency situation exists. This Section is intended to impose strict liability on the person, business, corporation or other entity who owns or occupies the property which is served by the alarm system and shall be applied regardless of the cause of the false alarm unless a specific exemption applies. When any premises located in the Village is owned, leased or occupied by two (2) or more persons as joint tenants, tenants in common, joint lessees, or in any other manner, each person shall see that the provisions of this Chapter are complied with, and each person may be subjected to a penalty on violation of this Section.

- (c) **Exemptions.** This Section shall not apply:
- (1) To false alarms resulting from personal medical alert signals by personal devices carried by individuals with heightened medical factors to summon assistance in case of a medical emergency.
 - (2) Where a test of the alarm system is being conducted upon notice to fire, law enforcement, EMS and other agencies that might reasonably be expected to respond to such alarm.
 - (3) Where an alarm is activated by weather and such activation could not have reasonably been prevented.
 - (4) To alarms related to activities referenced in Sec. 66.0627(7), Wis. Stats.
- (d) **Intentional False Alarm or Bomb Threats.** No person shall intentionally make a false alarm or cause the activation of a burglar/fire alarm device knowing that no criminal activity, fire or other emergency exists, or in any other manner make or convey a false alarm or bomb threat.
- (e) **False Alarm Charges.** The owner or occupant of any premises in the Village of Wheeler shall pay a special false alarm response charge per Sections 1-3-1 for false alarms involving such premises occurring within the same calendar year.
- (f) **Collection.** The Village Clerk-Treasurer shall provide written notice by regular mail of all charges due under this Section to the owner and, if applicable, the occupant of the premises where the false alarm occurred. Such notice shall inform the owner and occupant of the right to appeal the charges being imposed under this Section. Except as provided in Subsection (g) below, those charges shall be paid by the owner or occupant within thirty (30) days, they shall be considered a delinquent special charge and included in the current or next tax roll pursuant to Sec. 66.0627, Wis. Stats.
- (g) **Appeals.** Any property owner or occupant who receives a notice that false alarm charges are being imposed against him/her under this Section may appeal the imposition of said charges by filing a written appeal upon the Village Clerk-Treasurer within fifteen (15) days after the date that the notice of such false alarm is mailed to him/her. Such appeal shall include a statement of grounds for appeal. The Village Clerk-Treasurer may prescribe a form to be used for appeals. If an appeal is filed, the time for payment under Subsection (f) shall be suspended until the appeal is decided by the Village Board. The charge will be reimposed if the appeal is denied.

Sec. 5-3-7 Open Burning.

- (a) **Open Burning Prohibited.** Except as provided in Subsection (c) below, no person shall engage in the open burning of any garbage, solid waste, grasses, or other refuse of any kind on any public property or private property located within the Village of Wheeler. This prohibition on burning includes burning of construction waste and debris at construction sites and the use of burning barrels.
- (b) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Garbage.** Discarded materials resulting from the handling, processing, preparation, storage, cooking and consumption of food, and discarded animal feces.
 - (2) **Open Burning.** Burning from which the products of combustion are emitted directly into the air without passing through a stack or chimney.
 - (3) **Refuse.** All matters produced from industrial or community life, subject to decomposition.
 - (4) **Solid Waste.** Garbage, refuse, recyclable materials, grasses, and all other discarded or salvageable solid materials including solid waste materials resulting from industrial, commercial, and agricultural operations, and from domestic use and public service activities.
- (c) **Exceptions.** The following are exceptions to the prohibition against open burning:
- (1) **Outdoor Cooking Devices.** Outdoor cooking over a fire contained in a device or structure designed for such use is permissible. This includes the open burning of fuel for cooking food, such as a barbecue or other similar outdoor activity if confined to a proper cooking device such as a grill or in an open pit. Approved cooking devices, such as but not limited to gas grills, charcoal grills, and electric grills, shall not be used above the first floor of any structure containing three (3) or more living units. Approved cooking devices in multi-family dwellings may be used on the first floor, provided a safe distance of fifteen (15) feet in any direction from combustible materials is maintained.
 - (2) **Recreational Fire Rings; Permissible Burning Materials.** Recreational fire rings are permitted for persons living in one- or two-family residences subject to the following conditions:
 - a. Fire rings are to be constructed of steel no greater than thirty (30) inches in diameter and placed no less than six (6) inches above grade. Stone, concrete block or fire brick may be substituted for steel, subject to the same dimensions set forth for a steel fire ring.
 - b. Firewood, cut to no greater than twenty (20) inches in length, may be burned in the fire ring. This specifically excludes the burning of all other materials (i.e., cardboard, plywood, magazines, garbage, solid waste, plastic, rubber, treated wood, flammable liquids, or petroleum-based materials), with the exception of newsprint which may be used only to start the fire.

- c. At no time may firewood used in the fire ring be stacked to a height greater than twenty-four (24) inches.
 - d. Recreational fire rings shall be extinguished by midnight.
- (3) **Portable Fire Rings.** Portable fire rings, defined as moveable devices commercially designed and intended to contain and control outdoor wood fires, may be used in accordance with the manufacturer's recommendations and subject to the requirements of Subsection (c)(2) above and must be used upon a non-combustible surface (dirt without vegetation, stone, gravel, concrete, brick, etc.) with an area twice the diameter of the portable fire pit.
- (4) **Controlled Burns.** Controlled burning of grass or similar vegetation for environmental management purposes, with the prior written approval of the Fire Chief, or his/her designee, may be permitted; this exception is not to be used for the burning of grass, leaves or other lawn debris.
- (5) **Ceremonial Bonfires.** Ceremonial campfire or bonfires, with prior written approval of the Fire Chief, or his/her designee, may be permitted.
- (6) **Other Special Occasions.** Other occasions of desirable outdoor burning not specified by this Subsection, but not as an alternative to refuse removal or disposal of which other methods are available, may be granted single occasion approval as in Subsections (b)(3) and (4) above.
- (7) **Open Burning by Permit.** Open burning made necessary by extraordinary circumstances when a permit is issued not contrary to this Chapter.
- (d) **Application for Open Burning Permit.**
- (1) **Procedure for Issuance of Burning Permit.** Before the setting or starting of any open burning permitted under this Section, a written permit authorizing the burn shall be first obtained by the owner, operator, or agent from the Fire Chief or from such other person as may be authorized or designated by the Fire Chief to issue such permits. Application for a burning permit shall be made in writing upon a form furnished by the Fire Chief. The Fire Chief may also establish from time to time special rules or restrictions relating to open burning by permit. Such permit conditions may govern conditions including, but not necessarily limited to, the following:
- a. Day(s) and hours when burning is allowed;
 - b. Material which may or may not be burned;
 - c. Whether open burning is allowed or whether burning is only allowed with an approved incinerator or burning device;
 - d. The length of time the permit is valid;
 - e. What constitutes an approved burning device or incinerator, if required;
 - f. The size of the material pile burned by open burning;
 - g. The distance or distances to be maintained between the material being burned and other flammable material and/or structures;

- h. Supervision required for burning, including minimum age of supervisors and type of fire extinguishing equipment which must be present at the burn site; and
 1. The manner in which ashes created by the burning under the permit are to be disposed of.
 - (2) **Additional Fire Department Restrictions.** Any such restrictions as may be required by the Fire Department, if such restrictions are not specifically ordained in this Section, shall be effective in regulating burning within the Village, but only if such restrictions are stated on the burning permit issued or attached thereto. Any such restrictions required by the Fire Department which are not specifically ordained in this Section shall, provided they are printed on the face of the burning permit or attached thereto, be binding upon permit applicants; any violation of such restriction shall be punishable as violations of this Section.
 - (3) **Issuance Of Permit.** If the Fire Chief, or his/her designee, finds that the proposed burning complies with all Village ordinances and the regulations contained in Ch. SPS 314, Wis. Adm. Code, he/she shall approve the application, and a burning permit shall subsequently be issued to the applicant. A copy of any burning permit, and the application therefore, shall be kept on file by the Fire Chief. No burning permit issued shall be valid for more than thirty (30) days from the date when issued.
 - (4) **Notice to Permittee.** Each permit issued shall provide notice of this Section and of possible civil and criminal penalties for violation of this Section and of state and county regulations that may be applicable.
 - (e) **Open Burning Regulations.** The following regulations shall be applicable for all open burning, including fire rings and open burning by permit:
 - (1) All open burning shall be performed in a safe, pollution-free manner, when wind and weather conditions are such as to minimize adverse affects, and in conformance with local and state fire protection regulation. Open burning shall not be used to covertly burn plastic, construction debris or other prohibited materials.
 - (2) Startup of fires shall be accomplished by using kindling materials rather than waste oil, tires or other rubber materials.
 - (3) The size of the pile of material to be burned shall not exceed four (4) feet in any direction measured horizontally, or three (3) feet measured vertically.
 - (4) Open burning under this Section, including by permit, is prohibited on Sundays and holidays.
 - (5) The pile of material being burned shall be at least fifty (50) feet away from any structure, wood or lumber pile, wooden fence, trees, or bushes. Provisions shall be made to prevent the fire from spreading to within fifty (50) feet of such items or the fire shall otherwise be contained in an approved incinerator or burner device which is located at least fifteen (15) feet from any structure, wood or lumber pile, wooden fence, trees, or bush(es).
 - (6) Any ashes created by burning such material as is lawful under this Section are to be disposed of in a manner authorized by law.

- (7) Open burning shall be constantly attended and supervised by a competent person of at least sixteen (16) years of age until such fire is extinguished. This person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire while burning and/or extinguishing such fire.
- (8) No materials may be burned upon any street, curb, gutter, sidewalk, or drainage ditch.
- (9) Permits shall not be issued for burning barrels or disposal of yard waste.
- (f) **Fire Hazard Conditions.** The Fire Chief shall have the authority to ban all open burning when weather conditions are such that open burning would threaten life and/or property, or to order fires in violation of this Section to be extinguished.
- (g) **Penalties.**
 - (1) The first time a person(s) is/are informed by the Fire Department that he/she is in violation of any provision of this Section, he/she will be directed to extinguish the fire. The enforcement authority issuing the directive shall record same in the daily log. Failure to comply with the directive shall result in a penalty imposed as herein provided.
 - (2) Any person, firm or corporation violating the provisions of this Section shall be subject to a forfeiture as prescribed in Section 1-1-6. Each violation and each day a violation continues or occurs shall constitute a separate offense. The imposition of a penalty under this Section shall not prohibit the Village from maintaining a separate action against the violator to secure monetary damage for any damage caused by the burning.

State Law Reference: Ch. SPS 314, Wis. Adm. Code.

Sec. 5-3-8 Patio Fireplaces.

Patio fireplaces are permitted in the Village of Wheeler as long as they are commercially purchased units that enclose the entire fire area within the patio fireplace. Homemade units must meet the approval of the Fire Inspector. The chimney area and viewable area of the patio fireplace must be screened with a spark reduction device at all times the patio fireplace is in operation. The patio fireplace shall only burn a readily combustible fuel source that consists of wood, charcoal, or manufactured fireplace logs. The burning of trash, leaves, woods with a chemical treatment (railroad tie, fence post, power pole, etc.), or other materials that tend to create a noxious or annoying smoke discharge are not allowed. This Section does not allow for below ground campfires or other device fires not clearly authorized in this Section or Section 5-2-8. Upon the complaint of two (2) or more persons to the Fire Department that the patio fireplace is causing annoyance, the person responsible for the patio fireplace shall immediately discontinue the use of the device.

Sec. 5-3-9 Banning and/or Regulating the Use of Fire, Burning Materials and Fireworks During the Existence of Extreme Fire Danger.

- (a) **Declarations of Emergency.** When there occurs a lack of precipitation, there may exist an extreme danger of fire within the Village of Wheeler. This extreme danger of fire affects the health, safety, and general welfare of the residents of the Village of Wheeler and constitutes a state of emergency. It is hereby found that the regulation of fires, burning materials, and fireworks is necessary and expedient for the health, safety, welfare and good order of the Village of Wheeler during said emergency.
- (b) **Regulation of Fires, Burning Materials and Fireworks.** When a burning state of emergency is declared, it may be ordered that a person may not:
- (1) Set, build, or maintain any open fire, except:
 - a. Charcoal grills using charcoal briquettes, gas grills, or camp stoves on private property; or
 - b. Charcoal grills using charcoal briquettes, gas grills, or camp stoves in Village parks placed at least twenty (20) feet away from any combustible vegetation.
 - (2) Throw, discard or drop matches, cigarettes, cigars, ashes, charcoal briquettes or other burning materials while outdoors except into a noncombustible container that does not contain combustible materials.
 - (3) Light or ignite a flare, except upon a roadway in an emergency.
 - (4) Light, ignite, or use anything manufactured, processed, or packaged solely for the purpose of exploding, emitting sparks or combustion for amusement purposes, including fireworks, firecrackers, bottle rockets, caps, toy snakes, sparklers, smoke bombs, or cylindrical or cone fountains that emit sparks and smoke, except in displays authorized by the Village where adequate fire prevention measures have been taken.
- (c) **Period of Emergency.**
- (1) The periods of emergency for which this Section shall be in effect shall be during such periods that Dunn County is under Wisconsin Department of Natural Resources emergency fire regulations banning outdoor smoking and campfires, or when necessary as determined by the Fire Chief.
 - (2) Burning emergencies shall become effective upon the time and date of the Village President declaring a state of emergency and shall remain in effect until the period of emergency ceases to exist or until the ratification, alteration, modification, or repeal of the burning state of emergency by the Fire Chief.

Sec. 5-3-10 Outdoor Detached Energy Heating and Systems.

- (a) **Purpose.** The purpose of this Section is to promote the health, safety and well-being of the residents of the Village of Wheeler.

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- (b) **Definition.** "Detached Energy and Heating System" means an outdoor device designed or constructed for solid fuel combustion so that the energy, heat or hot water so produced takes place outside of the building using such energy, heat or hot water. This definition includes, but is not limited to, outdoor furnaces burning wood, coal, wood pellets or corn.
- (c) **Prohibition; Limited Exception.**
 - (1) The construction or use of detached energy and heating systems within the corporate limits of the Village of Wheeler is prohibited in all areas of the Village served by municipal water and sewer.
 - (2) The construction or use of detached energy and heating systems within the Village of Wheeler for those areas not served by municipal water and sewer is permitted, provided the detached energy and heating system is located a minimum of three hundred (300) feet from property lines.

Sec. 5-3-11 Portable Commercial Cooking Equipment.

- (a) **Scope.** The scope of this Section includes:
 - (1) All types of commercial cooking equipment that uses rendered animal fat, vegetable shortening, and other such oily matter that produces grease-laden vapors and are used at any outdoor festival or gathering in the Village; and
 - (2) Cooking equipment used in fixed, mobile, or temporary concessions, such as, but not limited to, trucks, busses, trailers, pavilions, tents, or any form of roofed enclosure shall comply with this Section, in addition to NFPA 96 and its referenced materials.
- (b) **Operation and Use; Emergency Procedures.**
 - (1) Any person using and/or operating any approved cooking equipment shall be properly trained in its use and operation. Training shall be current and documented. Training shall include, but not be limited to, cooking under normal situations. In addition, training shall include procedures for an emergency shut down in the event of a fire or other emergency.
 - (2) Emergency procedures shall include, but not be limited to:
 - a. Evacuating the immediate area.
 - b. Notifying the proper authorities (Use of 911).
 - c. Proper use of portable fire extinguishers.
 - d. Shutting off the main fuel supply - plainly identified.
 - (3) Emergency shut down procedures shall be legible and permanently and conspicuously located on/in the unit at all times during operation.
- (c) **Equipment to be Attended.** The cooking equipment shall be attended at all times by a competent trained person of at least eighteen (18) years of age.
- (d) **Location.** The location of the cooking unit, unless contained within a vehicle, trailer or roofed enclosure, shall be a minimum of ten (10) feet away from any displays, tents, buildings, or other combustibles.

- (e) **Fire Protection.** In addition to units that may include fire protection systems, portable fire extinguishers are required per NFPA 1, 10 and 58 (most current editions), as follows:
- (1) NFPA 1 Fire Code: Chapter 13 Fire Protection Systems, Chapter 13.6.7 Fire Extinguishers provided for the protection of cooking appliances that use combustible cooking media (vegetable or animal oils/fats) shall be listed and labeled for Class K fires.
 - (2) NFPA 10 Standards for Portable Fire Extinguishers: Chapter 6.6 Installation for Class K Hazards. Class K fire extinguishers shall be provided for hazards where there is potential for fires involving combustible cooking media (vegetable or animal fats/oils).
- (f) **Notification.** Any user of such equipment shall notify the Fire Department when the cooking equipment will be used within the Village of Wheeler. Notification shall be at a minimum forty-eight (48) hours in advance.
- (g) **Owner's Responsibility.** It is the responsibility of the owner of the cooking unit to ensure that proper training has been provided, emergency procedures are mounted, and that all required equipment is included and maintained in accordance with applicable codes, including the proper type and size of portable fire extinguishers).

Sec. 5-3-12 Fire Suppression Systems.

- (a) **Automatic Sprinkler Systems.**
- (1) **Applicability.**
 - a. Pursuant to Section 101.14(4m), Wis. Stats, every multi-family residential dwelling of eight (8) or more units serviced by a public water system which is constructed within the Village of Wheeler shall be constructed with an automatic fire sprinkler system for fire protection purposes.
 - b. For purposes of this Section, automatic fire sprinkler system has the meaning given in Section 145.01(2), Wis. Stats.
 - (2) **Plan Review.** Prior to any modification to existing commercial and industrial sprinkler systems or installation of a new sprinkler system, the plans approved by the State for such systems shall be submitted to the Fire Department for review, when not already required by the State of Wisconsin.
 - (3) **Standards.**
 - a. Applicable provisions of the Wisconsin Administrative Code regulating automatic fire sprinkler systems and fire safety are hereby adopted by reference, as may be amended from time to time. Furthermore, to the extent not inconsistent with the Wisconsin Administrative Code, the standards of the National Fire Protection Association regulating automatic fire sprinkler systems are hereby adopted and incorporated herein by reference. All sprinkler systems shall meet the standards of NFPA 13 "Standards for Installation for Sprinkler Systems", NFPA 13R

"Standards for the Installation of Sprinkler Systems in Residential Occupancies Up to and Including Four Stories in Height", NFPA 25 "Standards for the Inspection, Testing, and Maintenance for Water-Based Fire Protection Systems", and any of their referenced standards, and other standards adopted by the State of Wisconsin.

- b. Any automatic fire sprinkler system which is required by this Section shall be installed and maintained in every building and structure where required by the Wisconsin Administrative Code, if not otherwise required herein, and shall comply with the standards adopted by the Wisconsin Administrative Code and the National Fire Protection Association, in effect at the time of such installation. In the event of a conflict between any regulations adopted herein by reference, the most restrictive of such provisions shall apply.
- (4) **Plan Submittals.** Three (3) copies of the plans, specifications and calculations shall be submitted for review. Approved plans shall be stamped "conditionally approved", with a plan number, the date and signature of the approving official. One (1) copy will be kept on file with the Fire Department, while the other copies will be returned to the contractor. Full responsibility for the accuracy of the plans and calculations shall be the responsibility of the contractor.
 - (5) **Fire Department Connections.** Fire Department connections (FDC) on all systems shall be a 4" Storz Connection. The location of the FDC shall be approved by the Fire Department prior to work being commenced. No work may begin on the installation of the sprinkler system until plans have been submitted and reviewed by the Fire Department. The Fire Department shall be contacted no less than forty-eight (48) hours in advance for any tests required by code either during installation or inspection, testing, or maintenance of the system.
 - (6) **Certification and Inspection.**
 - a. Installers of an automatic fire sprinkler system shall, upon completion, certify to the Fire Chief, or his/her designee, that installation was completed pursuant to the requirements of this Section. Upon receipt thereof, the Fire Chief or his/her designee will inspect the installation and verify compliance or direct such appropriate action as is required to secure compliance.
 - b. No building or structure for which an automatic fire sprinkler system is required shall be occupied or used for its intended purpose until compliance with this Section is verified by the Fire Chief or the Fire Chiefs designee. The Building Inspector shall not issue a certificate of occupancy for any building or structure until compliance with this Section, where required, is verified by the Fire Chief or his/her designee.
 - (7) **Connection to Water Supply System.** The water service line providing water to the automatic fire sprinkler system may be connected to the general water service lateral, or may be a separate lateral, provided, however, that if connected to the general water

service lateral, the line shall be separate and valved before the water meter which measures the domestic water supply. The sizing, location and all other aspects of the required water supply line shall be authorized and approved by representatives of the Water Utility and the owner of the premises which requires the automatic fire sprinkler service will be required to pay for the full cost of installing a new or separate fire service water supply line in addition to all necessary valves, fittings and other costs associated with the provision of such service.

- (8) **Documentation.** Copies of all inspection, testing, and maintenance of sprinkler systems shall be forwarded to the Fire Department. In addition, the most current maintenance/test record shall be posted at the system control panel.
- (9) **Maintenance.**
 - a. The owner or occupant of a building or structure containing the automatic fire sprinkler system shall maintain the system in an operative condition at all times. The owner or occupant of the building containing such system shall properly notify the Fire Chief, or his/her designee, in case said sprinkler protection system is inoperative due to a mechanical malfunction or otherwise.
 - b. An automatic fire sprinkler system may not be rendered inoperable without the written permission of the Fire Chief, or his/her designee, and then only for the duration of the time permitted thereby.
 - c. No such system, once installed for any reason, shall be disconnected or shall cease to be maintained should a building or structure cease to be occupied, in whole or in part, without first obtaining the permit to do so from the Fire Chief or his/her designee.
- (b) **Other Fire Suppression Systems.**
 - (1) **Plan Review.** Prior to any modification to or installation of any new fire suppression system, or the alteration of an existing system, plans shall be submitted to the Fire Department or its designee for review, when not already required by the State.
 - (2) **Standards.** All fire suppression systems, other than water based sprinkler systems, shall comply with the applicable NFPA standards (most current edition at the time of modification or installation).
 - (3) **Plan Submittals.** Three (3) copies of the plans, specifications and calculations shall be submitted for review. Approved plans shall be stamped "conditionally approved", with a plan approval number, the date and signature of the approving official. One (1) copy will be kept on file with the Fire Department, while the other copies will be returned to the contractor. Full responsibility for the accuracy of the plans and calculations is the sole responsibility of the contractor.
 - (4) **Notifications.** No work may begin on the installation of a fire suppression system until plans have been submitted and reviewed by the Fire Department. The Fire Department shall be contacted no less than forty-eight (48) hours in advance for any tests required by code either during installation or inspection, testing, or maintenance of the system.

- (5) **Documentation.** Copies of all inspection, testing, and maintenance of fire suppression systems shall be forwarded to the Fire Department. In addition, the most current maintenance/test record shall be posted at the control panel.
- (c) **Fire Extinguishers.**
 - (1) **Code Compliance.** The installation, maintenance, selection, and distribution of portable fire extinguishers shall be in accordance with NFPA 1 Fire Code, Chapter 13.6 and NFPA 10 "Standards for Portable Fire Extinguishers, except as otherwise provided hereunder.
 - (2) **Fire Extinguisher Standards.**
 - a. The owner, agent or occupant of all required occupancies has the option of purchasing a compliant fire extinguisher in lieu of maintenance requirements. In these situations the following applies:
 - 1. A new fire extinguisher shall be purchased annually.
 - 2. The dated store purchase receipt for the new fire extinguisher shall be kept on file for inspection, and presented to the Fire Inspector for review and copying upon request.
 - 3. The date the new fire extinguisher was placed in service must be permanently displayed on the extinguisher.
 - b. In situations where a conflict between the provisions of the Fire Code and the standards in Subsection (c)(2)a above and the manufacturer's recommendations relative to said fire extinguisher, the more restrictive provision shall be enforced.

Sec. 5-3-13 Private Fire Service Mains.

- (a) **Private Fire Service Mains and Their Appurtenances.** Prior to any modification to, or installation of a private fire service main and their appurtenances, or the alteration thereof, plans approved by the State for such systems shall be submitted to the Fire Department or its designee for review, when not already required by the State. Only approved hydrants and post indicator valves (PIVs) shall be allowed for use on private property for the sole purpose of fire protection.
- (b) **Standards.** All private fire service mains and their appurtenances shall comply with NFPA 24 "Private Fire Service Mains and Their Appurtenances", and any of its referenced standards (most current edition at the time of modification or installation).
- (c) **Plan Submittals.** Three (3) copies of the plans, specifications and calculations shall be submitted for review. Approved plans shall be stamped "conditionally approved", with a plan approval number, the date and signature of the approving person. One (1) copy shall be kept on file by the Fire Department, while the other copies will be returned to the contractor. Full responsibility for the accuracy of the plans and calculations is the sole responsibility of the contractor.

- (d) **Notifications.** No work may begin on the installation of a private fire service main and/or their appurtenances until plans have been submitted and reviewed by the Fire Department. The Fire Department shall be contacted no less than forty-eight (48) hours in advance for tests required by code either during installation or inspection, testing, or maintenance of the system, suppression systems shall be forwarded to the Fire Department.
- (e) **Documentation.** Copies of all inspection, testing, and maintenance of private service mains and their appurtenances shall be forwarded to the Fire Department. In addition, the most current test/maintenance record shall be available upon request.

Sec. 5-3-14 Rapid Entry System (Knox Box).

(a) Rapid Entry Key Boxes Required.

- (1) The Village of Wheeler encourages the use of rapid entry lock box devices and associated equipment (Knox Box System) for all commercial, industrial and residential buildings which have a fire sprinkler system and/or alarm systems with an annunciator panel. The Fire Department utilizes a key box system ("Knox Box") requiring the installation of miniature vaults on the exterior of buildings, gateposts, and/or other applicable locations to facilitate entry into such places in a timely manner during an emergency. Contained within these vaults are the keys necessary to gain entry into the facility and/or also keys to gain access to any locked equipment rooms or hazardous locations. Pertinent property information may also be contained in the vaults.
- (2) Key boxes are recommended in all new public buildings, places of employment, and multi-family residential buildings that contain a fire alarm or a combination of fire alarms as well as any detection and/or fire suppression systems. Key boxes may be required on buildings that do not contain any of the above equipment by order of the Fire Chief or Building Inspector if the type of occupancy has contents or processes that warrant immediate access during an emergency when it would be impractical or unsafe to wait for a key holder. Gated facilities may also be required to install a padlock compatible with the key box system master key. In such cases the padlock could be double locked along with facility's padlock so as not to disrupt their normal operation. Required equipment shall be purchased by the owner/occupant.

(b) Rapid Entry Key Boxes Recommended. The Village of Wheeler recommends the use of lock box devices and associated equipment as described in Subsection (a) above in the following types of buildings; where building owners elect to provide such rapid entry box devices to facilitate access by the Fire Department, such devices and associated equipment shall be provided by a commercial vendor and be of the type authorized by the Fire Department:

- (1) In all commercial and/or industrial buildings other than those described in Subsection (a) above.

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- (2) In all multi-family residential structures containing three (3) or more living units, other than those described in Subsection (a) above, that have restricted access through locked doors and have a common corridor for access to the living units or mechanical rooms.
 - (3) In any other building where lack of access may result in loss of life or significant property or environmental damage, based on factors including, but not limited to, fire load, occupancy, exposures, type of building construction, building age, and storage or use of hazardous materials (single and two-family dwellings are exempt from this requirement).
- (c) **Retroactivity.** Participation in this key box system for existing occupancies that would be covered under this Section will be voluntary, except that businesses that have a change of occupancy or a change of use will be required to comply with this Section. Any keys that the Fire Department currently has in its possession will be returned to the rightful owner. The Fire Department will no longer accept or carry loose keys. Occupancies wishing to participate in the key box system master key. In such cases the padlock could be double locked along with the facility's padlock so as not to disrupt their normal operation. Required equipment shall be purchased by the owner/occupant.
- (d) **Special Circumstances/Multiple Residential False Alarms.** The Fire Chief or Building Inspector may require the installation of a key box system on a private dwelling that contains a monitored fire alarm or fire suppression system where multiple false alarms have occurred.
- (e) **Location.**
- (1) The key box shall be installed in an accessible location approved by the Fire Department. The key box shall be mounted not less than five (5) feet or more than seven (7) feet above ground level immediately below the installation.
 - (2) Depending on the type and size of the occupancy, the Fire Chief or Building Inspector may require one or more key boxes to be placed on the structure. Public buildings that contain multiple occupancies may be required to have separate vaults for each separate occupancy. The key box will typically be placed near the main entrance to the occupancy. The mounting location of the box must be approved. The type and size of the key box to be installed must also be approved. The only acceptable equipment will be from the Knox Company. In most cases a Knox 4400 series box will be required. In certain cases where it may be necessary to keep MSDS, Hazmat data or building plans in the vault, a larger box may be required. For smaller occupancies and multi-family residential occupancies required storage for less than ten (10) keys, a Knox 3200 series box will be required.
- (f) **Security.** Security will be maintained through the use of Key Secure master key retention systems. All vaults will be keyed alike utilizing a master key that is proprietary to the Boyceville-Wheeler Fire Department. The Boyceville-Wheeler Fire Department will be the sole agency that has access to the vault. The master key can only be released after entering a PIN code. All activity will be recorded electronically to add to the security of the system.

Boxes shall only be accessed for fire or EMS emergencies, during routine fire inspections, or to update contents.

- (g) **Vault Contents.** The key box vault shall contain keys for the following: the main entrance, all locked points of access in the interior of the building, mechanical rooms, alarm rooms or panels, sprinkler rooms, electrical rooms, elevators and elevator control rooms, and any other locked areas that may be determined by the Fire Chief. Buildings containing hazardous processes and/or hazardous materials may also be required to place information regarding these hazards within the vault. This information shall be, at a minimum, the MSDS for all products, a list of responsible parties and emergency contact numbers, the list of hazards and quantities and their location within the facility, and any other information requested by the Fire Chief.
- (h) **Owner's Responsibility.**
 - (1) Building owners are required:
 - a. To purchase an approved key box by contacting the Fire Department and obtaining the necessary authorizations.
 - b. To provide to the Fire Department the proper keys for the required access.
 - c. To notify the Fire Department when the locks or keys have changed.
 - d. To keep the immediate area of the key box free and clear of any obstructions.
 - (2) The owner or occupant of buildings utilizing the key box system shall ensure that the keys and any other information contained within the vault will be kept up to date. The keys and any other contents will be verified and/or tested at the time of installation and also during regular fire inspections. If at any time the keys or information contained with the vault become outdated, or items must be added to the vault, arrangements must be made with the Fire Department to gain access to place the updated items in the vault.
- (i) **Violations.** It shall be unlawful to tamper with or remove any key box without the permission of the building owner and Fire Department.

Sec. 5-3-15 Damage Involving Emergency Vehicles.

- (a) **Damage to Emergency Vehicles.** If any emergency vehicle suffers damage because of insufficient access to any property within the Village of Wheeler, the property owner shall be liable for the amount required to remedy or repair any such damage to the emergency vehicle.
- (b) **Damage to Property.** The Village of Wheeler shall not be liable to any property owner for any damage to the owner's property caused by an emergency vehicle, when such damage occurred because of insufficient access to the property. "Damage" as used in this Section shall include, without limitation, injury to trees or other vegetation, fences, posts, signs, lights or other structures.

- (c) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Insufficient Access.** A driveway or other roadway which provides less than fifteen (15) unobstructed feet in width clearance and less than fourteen (14) unobstructed feet in height clearance.
 - (2) **Emergency Vehicle.** Includes, without limitation, any ambulance or other medical emergency vehicle, fire apparatus or law enforcement vehicle, or any such Village equipment called in to provide assistance to such units.
- (d) **Reimbursement of Village.** Any property owner upon whose property a Village emergency vehicle suffers damage because of insufficient access will be notified, in writing, of the damage(s) sustained and the amount required to repair or remedy the damage. Such property owner shall reimburse the Village of Wheeler the full amount specified within thirty (30) days of receipt of the written notice.