

## CHAPTER 5

### FIRE PREVENTION and EMERGENCY SERVICES

#### FIRE DEPARTMENT

- 5.01 Fire Department Recognized
- 5.02 Organization
- 5.03 Powers and Duties of Chief
- 5.04 Equipment
- 5.05 Police Power of Department
- 5.06 Fees for Emergency Calls
- 5.08 Fire Inspection Fees

#### PURPOSE AND SCOPE

- 5.10 Intent
- 5.11 Applicability
- 5.12 Other Provisions a Part of this Chapter

#### ADMINISTRATION

- 5.20 The Chief of the Fire Department May Delegate Authority
- 5.21 Orders to Eliminate Dangerous or Hazardous Conditions
- 5.22 Definition: "Approved"

#### GENERAL PRECAUTIONS AGAINST FIRE

- 5.30 Compliance with Department of Safety and Professional Services Rules and applicable Department of Natural Resources, Dept. of Military Affairs and Division of Rules.
- 5.31 Smoking
- 5.32 Open Flames
- 5.33 Smoke Detectors
- 5.34 Open Burning and Emergency Powers of Fire Chief

#### HANDLING OF HAZARDOUS MATERIAL AND DEVICES

- 5.40 Handling Readily Combustible Materials
- 5.41 Explosives
- 5.42 Hazardous Chemicals
- 5.43 Flammable and Combustible Liquids
- 5.44 Liquefied Petroleum Gases
- 5.45 Cutting and Welding; Torches and Metal-Cutting Devices
- 5.46 Flammable Finishes, Application of
- 5.47 Combustible Drapes and Decorative Materials

## PRACTICES AND FIRE PREVENTION IN BUILDINGS

- 5.50 Bowling Establishments
- 5.51 Dry Cleaning and Dry Dyeing
- 5.52 Exits, Maintenance and Lighting of
- 5.53 Building Construction and Demolition Operations
- 5.54 Fire and Tornado Drills in Schools, CBRF's, Day Care Facilities

## FIRE PROTECTION EQUIPMENT

- 5.60 Fire Extinguishing Equipment
- 5.61 Maintenance of Equipment
- 5.62 False Fire Alarms, and Destroying, Removing, Injuring, or Meddling with Fire Alarm Systems
- 5.63 Special Penalties for destroying, removing, injuring fire alarm systems

## MISCELLANEOUS PROVISIONS

- 5.70 Restrictions on Sales and Use of Fireworks
- 5.71 Removal of Buildings Damaged by Fire
- 5.72 Maintenance of Private Fire Hydrants and Systems
- 5.73 Rapid Entry System / Knox Box System
- 5.74 Building Capacities and Posting / Limitations on Occupancies
- 5.75 Parapet Walls
- 5.76 Notification on use of Floor System (Dimensional Lumber, I-Joist, Truss Joist and Finger Joist)

## FIRE COMMISSION

- 5.80 Village Fire Commission Recognized
- 5.81 Employeeeship and Organization
- 5.82 Powers and Duties

## VALIDITY AND PENALTIES

- 5.90 Validity
- 5.91 Penalties
- 5.92 Obstruction of Fire Exits, Fire Lanes, Hydrants and Fire Department Connections
- 5.93 Charges for other services and fees
- 5.94 Other Codes Incorporated by Reference

## FIRE DEPARTMENT

### **5.01 FIRE DEPARTMENT RECOGNIZED.**

(1) The employees of the Fire Department are hereby officially recognized as the Fire Department of the Village and the duty of fire fighting, rescue, emergency medical, natural disaster emergency services, responding to non-emergency requests for services such as Carbon Monoxide and Services Calls, and ancillary incident management such as Haz Mat, Special Operations, and all National Incident Management (NIMS) coordination as well as the prevention of fires and administrative duties such as inspection and code enforcement in the Village is delegated to such Department. Its organization and internal regulation shall be governed by the provisions of this chapter and by such regulations proposed by the Fire Chief as are approved by the Village Board and Fire Commission (Where Applicable), except as is otherwise provided by law and ordinance (Amended Oct. 10, 2007).

(2) The Fire Chief is hereby authorized and directed to adopt regulations within the chief statutory powers granted by the state or as directed and approved by the Village of Bellevue Board of Trustees for the control, management, and the regulation of business and proceedings of the Department, which regulations shall not become effective and operative until presented to and approved by the Village Board. Amendments shall be adopted in the same manner (Amended Oct. 10, 2007).

(3) The Chief or designee shall have full authority to intercede in emergency situations performing such actions consistent with the National Incident Management System (NIMS) and the Village of Bellevue NIMS Emergency Operations Plan. He / She along with Bellevue's Emergency Gov. Coordinator ( Village Administrator ) shall have the authority to expend funds, use village resources and equipment, implement action plans using Village and or contractor staff, and otherwise make decisions necessary to protect human health, environment and property from any emergency (Haz Mat,, Fire, Natural Disaster or other situation as may present themselves). (Amended March 11, 2009) (Amended January 2012).

(4) The Village Board shall appropriate funds to provide for operation and for such apparatus and equipment for the use of the Fire Department as it may deem expedient and necessary to maintain efficiency and properly protect life and property from fire.

### **5.02 ORGANIZATION** (Amended Oct. 10, 2007 (Amended 2/23/11) (Amended 1/25/12).

(1) The Fire Chief shall appoint the officers and personnel of the Fire Department subject to approval by the Fire Commission.

(2) **CHIEF AND ASSISTANT CHIEFS – RESIDENCY REQUIRED.** No person shall be eligible for the office of Chief, Assistant Chief, or Division Chief who does not live in the Village. The chief, assistant chief, and Division chief must continue to maintain residency as a condition of holding said office. Any person holding these positions must be a Wisconsin Certified Firefighter Level 2 and hold additional certifications per the job description and standard operating guidelines and policies that the fire department operates under.

(2) ORGANIZATION.

- (a) The Department shall organize into two (2) or more companies as is necessary to provide adequate protection to all territory within the Village. The Chief may at any time make transfers which he deems necessary between companies.
- (b) Each of the companies of the Department shall be in the charge of a station captain or lieutenant who shall be responsible to the Chief and his or her assistant and deputy. (Amended March 11, 2009).
- (c) Each employee of the Fire Department shall live within a specified geographical limit

There will be restrictions as to where any employee of the Fire Department may establish residence outside Bellevue and still be eligible for Fire Department Employment. The Fire Department shall be kept informed of each employee's current address and phone number. Any changes in address and/or phone number shall be reported to the department. Fire Department employees are required to maintain a telephone at their place of residence, and the department shall be kept informed of the employee's current phone number.

Any staff employee who wishes to maintain employment with Bellevue Fire must live within the Village Limits of Bellevue or extra territorial limits as follows:

*No farther West than Webster Avenue north to McCormick Ave east to Libal north to Mason street easterly to County QQ then south to state highway 29 west to county MM to county G to Webster.*

The Fire Chief on a case by case basis, may wave the residency requirement for part-time staff whom as an example live within a short distance from the Villages geographical line, or are a paid on call firefighter and work within the Village during the day but may reside elsewhere, and have the ability to leave work for fire calls during the work shift. All Fulltime staff firefighters must live within the boundaries noted above. It shall be at the Chiefs discretion to approve non-suppression staff residency locations such as administrative secretarial staff.

**5.03 POWERS AND DUTIES OF CHIEF** (Amended 04/08/98, Amended 10/10/07, Amended 2/23/11).

(1) The Chief shall have general supervision of the Fire Department, subject to this chapter and the regulations and policies of the Department, and shall be responsible for the personnel and general efficiency of the Department. The Chief shall report to the Village Board for general policy functions and matters otherwise subject to direct Village Board Authority over appointed officials, and all operational activities of the Fire Chief and Fire Department. Regarding day to day administrative functions such as Fiscal, Purchasing, Employee Compensation and Benefits, and use of Village Administrative Services and staff, the Chief shall report to the Village Administrator. The Village Administrator shall mediate and resolve disputes between the fire department and other Village departments. The Administrator may not act as a designated Fire Chief under the duties designated to such appointed official under state statutes, and shall have no authority over operational activities. The Village Administrator and Village President shall conduct an annual performance evaluation of the Chief related to the Village Administrator's portion of oversight, and provide a completed copy to the Village Board. The Fire Commission shall have disciplinary oversight of the Chief and all officers and firefighters per Wisconsin Statutes. (Amended 1/25/12).

(2) The Chief shall be present at all fires if possible, have complete command of and entire responsibility for all fire fighting and emergency operations, plan the control of the same, direct the action of the companies when they arrive at a fire or emergency, observe that every company does its duty, grant leaves of absence at a fire or emergency when he or she may deem it proper and see that the fire apparatus is kept in proper condition at all times.

The Chief may delegate duty to Assistant Chief, Division Chief and other officers as well as have the authority to utilize staff of other Fire Departments in Mutual Aid or when operating under the National Incident Management System (NIMS) and the Mutual Aid Box Alarm System (MABAS).

(3) The Chief shall have the power to suspend or to recommend demotion or explanation (Village Fire Commission Duties see herein) of any officer or employee of the Department for neglect or refusal to perform his departmental duties.

(4) Not later than September 1 of each year, the Chief shall file with the Village Administrator a detailed estimate of the appropriations needed for the conduct of the Department during the ensuing fiscal year. Such budget shall be approved by the Village Board of Trustees per state statutes.

(5) The Chief shall submit a written report to the Village Board each year relating to the conditions of the various pieces of apparatus and appurtenances, the number of fires occurring since the previous report, the date of same and loss occasioned thereby, the number of employees of each company, the total number of active employees in the Department and resignations and expulsions from the Department. He/She shall also report upon the drill and training program of the Department, together with other pertinent information, including recommendations of such improvements as he deems proper and necessary for the operation of the Department.

(6) He/She shall enforce all fire prevention ordinances of the Village, as well as State and Federal laws per statute and regulations pertaining to fire prevention; and shall keep citizens informed on fire prevention methods and on the activities of the Department.

(7) He/She shall keep a record of every fire or other emergency to which any company was called and shall enter in such the locality of fire or emergency, time alarm was received, cause of fire, where fire started, cause of delay (if any) in responding, method of extinguishment and equipment used, amount of insurance carried on building and contents, estimated fire loss, time fire was extinguished, names of staff responding and general remarks.

(8) He/She shall keep an inventory of all apparatus and equipment and an inventory of all hose showing dates and results of tests on each length, which shall be individually identified.

(9) He/She shall perform such other duties as are incumbent on the commanding officer of the Fire Department in compliance with Federal, State and Local directives including Presidential and State Directives associated with the compliance with the National Incident Management System (NIMS).

#### **5.04 EQUIPMENT (Amended Oct. 10, 2007).**

(1) The Chief shall have control of all apparatus used by the Department and shall be responsible for its proper maintenance. Emergency repairs may be authorized by the Chief.

(2) No apparatus shall be used for any purpose except for fire fighting and response to emergencies within the Village limits or for mutual aid as prescribed within mutual aid agreements, or in training therefore, except pursuant to an agreement approved by the Village Board except when the Chief

has given his recommendations on such use. With the approval of the Chief, such apparatus may be used for emergency purposes other than fire fighting within the Village, and may be used for special non-emergency events such as parades and public fire prevention education and public relations.

(3) No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the Village, and no vehicle shall be driven over any unprotected hose of a 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. Such actions of any individual shall subject them to a violation of this ordinance and subject such individuals to a municipal citation in the amount of \$150 and complete restitution associated with repair or replacement of such damaged or destroyed equipment. Nothing in this section however shall preclude the chief from seeking criminal charges as available under Wisconsin law for such violations.

#### **5.05 POLICE POWER OF DEPARTMENT (Amended 10-10-07).**

(1) The Chief and assistants or officers in command at any fire shall have full and complete police authority at fires or other emergencies. Any officer of the Department may cause the arrest of any person failing to give the right-of-way to the Fire Department in responding to a fire. The Chief shall also have such authority in times of declared emergencies within the municipality, and for enforcement of fire prevention ordinances as described herein and Wisconsin Administrative code and state statute.

(2) The Fire Chief may prescribe certain limits in the vicinity of any fire, Hazardous Materials, Natural Disaster, or rescue scene within which no persons, excepting firefighters, designated responders and policemen and those admitted by order of any officer of the Department, shall be permitted to come. The Chief shall have the power to cause the removal of any property whenever it becomes necessary for the preservation of such property from fire or to prevent the spreading of fire or to protect adjoining property, and during the progress of any fire or other emergency situation. He / She shall have the power to order the removal or destruction of any property necessary to prevent the further spread of fire or to secure the safety of any scene such as removing collapsed dwellings. He/She shall also 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 Department during the progress of a fire or other emergency.

(3) Any firefighter, while acting under the direction of the Fire Chief or other officer in command, may enter upon premises adjacent to or in the vicinity of any building or other property on fire for the purpose of extinguishing such fire or to cause rescue, and if any person shall hinder, resist or obstruct any firefighter in the discharge of his duty as herein provided, the person so offending shall be deemed guilty of resisting a firefighter in the discharge of his duties.

(4) Every person present at a fire or emergency shall be subject to the orders of the Fire Chief or officer in command and may be required to render assistance in fighting the fire or in removing or guarding property. Such officer may cause the arrest of any person refusing to obey such orders.

#### **5.06 FEES CHARGED FOR EMERGENCY CALLS (Repealed and Recreated 02/14/01).**

(Amended 10-10-2007, Amended 2/23/11)

(1) Definitions. For purposes of this ordinance, the term "emergency call" is defined as the Village of Bellevue Fire Department responding with Department personnel and apparatus to a reported or suspected fire, vehicle accident, hazardous material incident, or other similar emergency situation.

(2) Schedule of Fees. Within sixty (60) days following the adoption of this ordinance, the Fire Chief shall establish a schedule of fees which reflect the Fire Department's operating and maintenance costs for response by its personnel and apparatus to emergency calls. Said schedule of fees shall be subject to review and approval by the Village Board, which shall adopt the same by resolution, and which may be amended from time to time in the same manner.

(3) Applicability. In accordance with the schedule of fees established under para. (2) above, the Village may charge a property owner, company, or responsible individual for the Fire Department's cost to respond to an emergency call under any of the following circumstances:

- (a) In the event that the emergency call is for an incident occurring on a state trunk highway or any highway that is part of the national system of interstate highways maintained by the State Department of Transportation.
- (b) In the event that the Fire Chief determines that the emergency call was caused by the intentional or negligent act of any person or company. Such intentional or negligent acts may include, but are not limited to; fire setting, causing a false alarm, and failure to comply with burning regulations.
- (c) In the event that the Fire Department is caused by the malfunction of an alarm system to respond to the same building or facility in excess of three (3) times in a 12 month period.
- (d) For certain Special Rescue situations and hazardous material responses where the Chief determines that sufficient Village supplies and materials and or manpower require the recover from the responsible party. All invoices for hazardous materials response will go through the Local Emergency Planning Committee (LEPC) per state guidelines.
- (e) For auto accidents and rescue extrications where rescue assistance is supplied. This may include ambulance services, transport, and associated costs such as medications and mileage.
- (f) For disposal of sorbent and hazardous materials residues
- (g) For production of records, and other administrative costs.

**5.08 FEES CHARGED FOR FIRE INSPECTIONS** (Adopted 1-26-06) (Amended 10-10-07, Amended 2/23/11).

- (1) Intent. An annual fire prevention inspection fee shall be charged to the business owner for required inspections and any re-inspections under the current Wisconsin Statutes and Administrative Codes and Regulations. Typically, inspections are required at least annually, and for most occupancies (inspectable units) twice annually under Wisconsin Statutes, Codes and local ordinances.

Additional inspections for compliance with Federal rules such as special storage provisions under the Bureau of Alcohol Tobacco and Firearms rules may also constitute additional inspections.

(2) Definition. An “inspection” as defined in this ordinance is considered mandatory for each business on a property which requires an inspection under state statutes, administrative code, or regulations. Individual buildings that have multiple businesses will require multiple inspection. Each business is considered an inspectable unit under state of Wisconsin administrative codes.

(3) Applicability. Fee(s) for required fire inspections and any necessary re-inspections shall be annually charged to the property owner on their individual property tax statements. For those non-profit taxable entities, or for those requiring inspections under state law that do not receive a tax bill, the costs of such inspections shall be charged via standard invoicing from the Village of Bellevue Clerk Treasurer.

- a. All fees shall be entered on the annual tax roll as a special charge against said lot or parcel of land pursuant to the inspectable units.
- b. The Village shall only bill the building owner(s), or property owner as indicated by the tax roll.
- c. It is the building owner’s sole legal and financial responsibility to pay said fees.
- d. For non-profits or those without tax bills, inspections will be invoiced.

(4) Schedule of Fees. Fee(s)

Refer to the Village of Bellevue Fire Rescue Fee Schedule for Associated Fees

(5) Re-inspections. Any person who shall fail or neglect to comply with any lawful order of the Fire Chief or deputies issued pursuant to annual fire inspections, may be assessed a re-inspection fee as noted on the fee schedule per re-inspection (each time a re-inspection is required) until compliance with the order is corrected or obtained. In no way does this section (5) relieve or replace any other action for failure to comply that is located anywhere else in the Village of Bellevue Ordinances, State of Wisconsin statutes, or other applicable administrative codes.

(6) Exemptions. All buildings owned by the United States, the State of Wisconsin, , and the Village of Bellevue shall be exempt from this ordinance as is associated with fees. All buildings regardless of ownership require inspection per federal and state laws, statutes, administrative codes and regulations.

(7) Other Fees. Separate from annual required or federally required inspections described above, the Fire Prevention and Inspection Division is obligated under state rules to inspect initial sprinkler tests, hydraulic flow tests and other fire protection system tests. Fees for this service shall be at the discretion of the inspector.



## **FIRE PREVENTION**

### **PURPOSE AND SCOPE**

**5.10 INTENT.** It is the intent of this chapter to safeguard life and property from the hazards of fire and explosion arising from the storage, handling, and use of hazardous substances, materials, and devices and from conditions hazardous to life or property in the use or occupancy of buildings or premises.

#### **5.11 APPLICABILITY.**

(1) This chapter shall apply to both new and existing conditions, provided existing conditions not in strict compliance with the terms of this chapter may be permitted to continue where such continuation does not constitute a substantial hazard to life or property.

(2) Nothing contained in this chapter shall be construed as applying to the transportation of anything shipped under the jurisdiction of and in compliance with the regulations prescribed by the United States Department of Transportation nor as applying to the military forces of the United States.

(3) Violations of Village ordinances or State codes that are unrelated to fire prevention or life safety but are under the jurisdiction of another Village department shall be referred to that department for disposition.

**5.12 OTHER PROVISIONS A PART OF THIS CHAPTER.** This chapter shall consist of the following:

(1) The express provisions set forth herein.

(2) All ordinances and lawful orders of the Village now or hereafter in effect relating to fire prevention or the safeguarding of life and property from the hazards of fire and explosion, the handling, storage, sale and use of hazardous substances, materials and devices, conditions hazardous to life and property in the use or occupancy of buildings, structures, or premises, and the safety of firemen in the performance of their duties.

(3) All laws and lawful orders of the State relating to conditions as described in sub. (2) now or hereafter in effect. They shall have the same force and effect as though fully set forth herein.

(4) Where the requirements of the State Code and the express provisions of this chapter conflict, the stricter requirements shall govern.

## **ADMINISTRATION**

**5.20 THE CHIEF OF THE FIRE DEPARTMENT MAY DELEGATE AUTHORITY.** The Chief may delegate authority to subordinates in the Fire Department, and the actions of such authorized subordinates shall be construed as valid actions of the Chief.

**5.21 ORDERS TO ELIMINATE DANGEROUS OR HAZARDOUS CONDITIONS.** (amended 10-10-07)

(1) **WHEN TO BE ISSUED.** Whenever the Chief finds in any building or upon any premises any of the following dangerous or hazardous conditions or materials which present a clear and present danger due to likelihood of fire or explosion, such materials shall be removed or conditions remedied in a reasonable manner:

- (a) Dangerous or unlawful amounts of combustible or explosive materials.
- (b) Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive materials.
- (c) Dangerous or unlawful accumulations of rubbish, waste, paper boxes, shavings, or other flammable materials.
- (d) Accumulations of dust or waste material in air conditioning or ventilation system or of grease in kitchen or other exhaust ducts.
- (e) Obstructions or unsafe conditions of fire escapes, stairs, passageways, doors, or windows which are liable to interfere with the operations of the Fire Department or egress of occupants in case of fire.
- (f) Excessive brush or vegetative growth such to create a hazard for grass, brush or forest fire.
- (g) Failure to install fire prevention or alarm equipment or maintain such, and failure to provide state required equipment such as ventilation or exhaust systems.

(2) **SERVICE OF ORDERS.**

- (a) The service of written orders for the corrections of violations of this chapter shall be made upon the owner, occupant, or other person responsible for the conditions, either by delivering a copy of same to any person in charge of the premises or by mailing such orders to the owner or other responsible person. This subsection shall not preclude the Chief from issuing orders orally or in such other manner as deemed appropriate under the circumstances.
- (b) If buildings or other premises are owned by one person and occupied by another, the orders issued in connection with the enforcing of this chapter shall apply to the occupant thereof as well as to the owner, except where the rules or orders require the making of additions to or changes in the premises themselves, such as would immediately become fixtures upon real estate or real estate and be the property of the owner of the premises. In such cases, the rules or orders shall affect the owner and not the occupant unless it is otherwise agreed between the owner and the occupant.
- (c) Receipt of such orders by the owner or occupant shall be sufficient notice to effect compliance with the order.

**5.22 DEFINITION: "APPROVED".** (amended 10-10-07) (Amended 1/25/12).

(1) The term "approved", as used in this chapter, means approval granted by the Fire Chief or the Division Chief of the Fire Prevention bureau of the Fire Department under the regulations of this chapter.

(2) FIRE DEPARTMENT. Fire Prevention bureau, a section of the Bellevue Fire Department, which is responsible for fire prevention duties including, but not limited to, code enforcement, conduct of fire inspections, public information work, fire investigation, and other activity which may have as its purpose the prevention of fire and the reduction of life and property losses from fire.

**GENERAL PRECAUTIONS AGAINST FIRE** (Amended 10-10-07, Amended 2/23/11) (Amended 1/25/12).

**5.30 COMPLIANCE WITH Departments of SAFETY AND PROFESSIONAL SERVICES DEPARTMENT, Natural Resources, Military Affairs and Division of Emergency Management RULES.** Every person shall comply with the provisions of the Wisconsin Administrative Code, the Department of Safety and Professional Services Department, applicable Wisconsin Dept. of Natural Resources rules and administrative codes, applicable rules codes and directives of the Wisconsin Department of Military Affairs and its Division of Emergency Management and those provisions of this chapter.

**5.31 SMOKING.**

(1) DEFINITION. "Smoking" means and includes the carrying of a lighted pipe, cigar, cigarette, or tobacco in any form.

(2) WHERE PROHIBITED.

(a) If Conditions Warrant.

1. Where conditions are such as to make smoking a hazard in any area of warehouses, stores, industrial plants, institutions, places of assembly, or open spaces where combustible materials are stored or handled, the Fire Department may order, in writing, the owner or occupant to post "NO SMOKING" signs in each building, structure, room, or place in which smoking shall be prohibited.

2. The Fire Department may designate specific safe locations, if necessary, in any building, structure, or place in which smoking may be permitted.

(b) In Establishments Handling Combustible Materials. No person shall smoke in retail establishments where combustible materials are handled, distributed, or sold. Approved signs bearing, in plainly legible letters, the words "NO SMOKING" shall be erected.

(c) In Theaters.

1. No person shall smoke or light any matches or other flame-producing devices in any theater or auditorium except in areas approved by the Building Inspection Superintendent and the Fire Department, provided such areas are free from all flammable and combustible floors, walls, furniture, and decorations. Before the beginning of each performance, the operator of such theater or auditorium shall

announce from the stage or by projection on the screen that smoking is prohibited by ordinance except in the approved area, if there be any; and further, shall erect approved signs as directed by the Fire Department stating smoking is prohibited by ordinance except in approved areas. Whenever a patron is observed smoking in violation of this paragraph, the operator or employee shall notify such person of the violation.

2. This paragraph shall not be construed to prohibit the use of cigars, cigarettes, or pipes upon the stage of such theater when used in connection with any theatrical performance.

- (d) In Service Stations. No person shall smoke on the driveway of any service station in the areas used for fueling motor vehicles, dispensing flammable liquids or the receipt of products by tank vehicles or in those portions of the building used for servicing automobiles, tractors, or internal combustion engines. Conspicuous signs prohibiting smoking shall be posted within sight of the customers being served. The motors of all vehicles being fueled shall be shut off during fueling operations.

### (3) SIGNS.

- (a) Specifications. "NO SMOKING" signs shall be approved sized lettering and shall contain the wording "BY ORDER OF THE FIRE DEPARTMENT."
- (b) Not to be Tampered With. No person shall remove, deface, or destroy any legally required "NO SMOKING" sign or smoke in any place where any such sign is posted.

### (4) NEGLIGENCE OF SMOKERS.

- (a) Any person who shall, by smoking or attempting to light or to smoke cigars, cigarettes, pipes, or tobacco in a careless, reckless, or negligent manner, whether willfully or wantonly or not, set fire to any bedding, furniture, curtains, drapes, house or household fittings, or to any part of any building, so as to endanger life or property in any way or to any extent, shall be guilty of violating this section and shall, upon conviction, forfeit not less than \$100 nor more than \$500, together with the costs of the prosecution and in default of payment thereof shall be imprisoned until such forfeiture and cost are paid, but not to exceed 15 days.
- (b) In each sleeping room of all hotels, rooming houses, lodging houses, and other places of public abode, a plainly printed notice shall be kept posted in a conspicuous place advising tenants of the provisions of this subsection.

### **5.32 OPEN FLAMES.** (amended 10-10-07)

(1) IN ANY COMMERCIAL BUILDINGS, GENERALLY. No person shall use any open flame candles or other open flame fixtures in any building or structure, except within duly constituted church or lodge buildings or structure. Unattended open flame candles or other open flame fixtures shall not be used in seated areas of any public assembly rooms or buildings. Certain open flames used in manufacturing must be listed devices by Factory Mutual, Underwriters Laboratory or other recognized institution. All open flame devices and hot work can be precluded at the order of the Fire Chief or any Fire Inspector if he or she determines them to present an unacceptable danger.

(2) FOR LIGHTING OR DECORATION IN PUBLIC BUILDINGS. No person shall use any open flame candles or open flame fixtures, unless guarded, for lighting or decorative purposes in any buildings or structures used for public amusement, recreation, or dining purposes.

(3) IN PLACES OF ASSEMBLY; EXCEPTIONS. No person shall use any open flame device in any place of assembly, except the Chief may permit the following where proper precautions are taken to prevent the ignition of combustible materials or injury to occupants:

- (a) Open flame devices for ceremonial or religious purposes.
- (b) Open flame devices on stages where a necessary part of theatrical performances. (the use of pyrotechnics will require a permit)
- (c) Gas lighting.
- (d) Portable cooking equipment fueled by small heat sources which can be readily extinguished by water, such as candles or alcohol burning equipment.
- (e) "Flaming sword" or other equipment involving open flames and flamed dishes.
- (f) Candles, with flames protected, on tables for the service of food or beverage.

**5.33 SMOKE DETECTORS and Detection Equip.** (Adopted March, 1988) (Amended 10-10-07)

(1) GENERAL REQUIREMENTS. All required smoke detectors shall comply with the provisions of NFPA No. 72-Standard on Automatic Fire Detectors of NFPA No. 74Household Fire Warning Equipment.

(2) INSTALLATIONS (Residential and Multi-Family). Each living unit (residential and multi-family) shall be provided with an approved, listed, and labeled smoke detector sensing visible or invisible particles of combustion, installed in the basement of the dwelling unit, and on each floor level except the attic or storage are of each dwelling unit. "Basement" means that portion of a dwelling between floor and ceiling which is below or partly below and partly above grade but so located that the vertical distance from the grade to the floor below is more than the vertical distance from grade to ceiling. A smoke detector will be required in a basement only if the ceiling height is 6' or more and only if that portion of the structure is used for storage, heating, air conditioning, or living spaces. Multi-Family residents including all Community based Residential facilities with three or more living units will be required to install and maintain a monitored alarm system designed and installed by a competent installation company generally recognized for such work. For the purpose of this sub-section "monitored" means an alarm system capable of sending a remote signal to a third party monitoring company or other party whom in the absence of an attendant person can initiate a response of emergency assistance if the detection equipment senses a fire or other dangerous condition.

(3) INSTALLATIONS (Commercial and Industrial)  
All commercial, industrial and specialty facilities such as nursing homes, hotels, motels, and high risk structures including all Community Based Residential facilities will be required to install and maintain a monitored alarm system designed and installed by a competent installation company generally recognized for such work. For the purpose of this sub-section "monitored" means an alarm system capable of sending a remote signal to a third party monitoring company or other party whom in the absence of an attendant person can initiate a response of emergency assistance if the detection equipment senses a fire or other dangerous condition. The Fire and Building Department within the

Village of Bellevue may require approval of designs associated with commercial, industrial and special alarm system installations.

All alarm system installations will require a permit through the Village of Bellevue

Prior to installation of any new fire alarm or detection system, or the alteration of an existing system, the plans approved by the State for such systems shall be submitted to the fire department or its designee for Review. In the event no state approval is required the Department will require local approval.

(a) Standards. All fire alarm or detection systems, shall apply with that of NFPA 72, "National Fire Alarm Code", and any of its referenced standards, (most current state of Wisconsin adopted edition at time of modification or installation). All Systems must be monitored by an outside monitoring Service unless twenty four hour operations are conducted and then only if approved in writing by the Fire Chief.

(b) Submittals. Four copies of the plans, specifications and calculations shall be submitted for review. Approved plans shall be stamped "Conditionally Approved", with the date and signature of the approving person. One copy will be kept on file by the fire department, while the other three copies will be returned to the contractor. Full responsibility for the accuracy of the plans and calculations is the sole responsibility of the contractor.

(c) Fees. A plan review fee of seventy five dollars (\$75) shall be submitted with each plan prior to review.

(d) Notification. No work may begin on the installation of fire alarm or detection system until plans have been submitted and reviewed by the fire department. The fire department shall be contacted no less than 48 hours in advance for any tests required by code either during installation or inspection, testing, or maintenance of the system.

(e) Documentation. Copies of all inspection, testing, and maintenance of alarm detection systems shall be forwarded to the Fire Department. In addition, the most current test/maintenance record shall be posted at the system control panel.

(f) Runner Service. The Fire Department requires that a person arrive within one hour to restore the system or notify the fire department that the system is considered out of order. In such case, notification must be made to all occupants of the building that the fire alarm, detection systems is out of order. The fire department shall be notified when the system is restored.

(g) Alarm Restoration. The Village of Bellevue Fire Department shall make every effort to reset accidentally tripped systems. This is a service call situation however and emergency calls will take precedence. The Bellevue Fire Department is not responsible for restoring fire or detection alarms beyond a best effort basis

Systems in place at the time of the creation of this ordinance that are not monitored must come into compliance within 90 days of ordinance adoption.

#### (4) OPERATION AND MAINTENANCE.

- (a) The owner of any rental unit or commercial facility shall be responsible for the installation of a smoke detector system in compliance with the above. It shall be the responsibility of the owner to assure that the system is operational prior to initial occupancy and upon change of tenants. The owner will be responsible for maintenance of detectors in all common areas.
- (b) The tenant shall be responsible for day-to-day maintenance and testing of the smoke detector system, including replacement of batteries where applicable. In the event of malfunction, other than that which can be remedied by day-to-day maintenance, the tenant must notify the owner in writing of any such malfunction.
- (c) The owner shall have five days upon receipt of written notice from the tenant to repair or replace the smoke detector for smoke detection system.

**5.34 OPEN BURNING AND EMERGENCY POWERS OF FIRE CHIEF.** (Amended 10-10-07)

(1) OPEN BURNING. All open burning is prohibited within the Village of Bellevue, except for:

(a) Outdoor-Cooking Fires. Open or closed cooking grills (charcoal, clean wood, propane, or natural gas) are exempt from the open-fire restriction described above, except as follows:

1. For all multi-family dwellings of three or more separate occupancies, the use of an open or closed outdoor cooking fire, cooking device or any open-flame device is prohibited within 15 feet of the structure or above-the-ground floor. Smoke from cooking grills shall not create a nuisance for neighboring property owners.

2. For Single Family Residences, cooking fires including grills must be 15 feet from any combustible material such as a house, deck, wood pile, petroleum storage, or other combustible debris / material, except that a gas grill may be allowed on a deck when 15 feet from any structure, and when placed on a fire retardant grill matt or other non-combustible surface. No open flame or charcoal grilling shall be permitted on any second floor deck.

3. For all residences, and businesses (single or multi family) grilling using outdoor designed grills, cooking over open fire, using a deep fryer, or other open flame cooking device such as a turkey fryer inside any structure such as a garage, shed, or tent, is expressly not allowed. This does not include indoor cooking appliances such as gas stoves or electric griddles expressly designed for indoor cooking and so marked as approved by Underwriters Laboratory, Factory Mutual or another recognized testing company or agency.

(b) Church, Tavern, or Other Group Gatherings Where Outdoor-Cooking Devices are Utilized. The following restrictions shall apply:

1. Written permission from the Fire Department will be required for all public social events where food is to be sold and where open-flame cooking devices are utilized. Inspection of these facilities is required per State of Wisconsin rules. Outdoor sales may require a permit from the Village of Bellevue Zoning and Building Inspection Department.

2. All open-flame cooking devices shall be a minimum of 25 feet from any combustible material and at least 25 feet from any growing vegetation and shall be placed upon the ground or other non-combustible surface.

3. Fire extinguishing equipment, such as portable fire extinguishers, charged water hoses, or an amount of water sufficient to extinguish the fire, will be provided within 50 feet of any open-flame cooking device.

4. All open-flame cooking devices shall be attended at all times by the person possessing the Fire Department permit or a designee.

- (c) Recreational Fires. Recreational fires are defined as any fire such as a campfire or cooking fire located at a single or multi-family residence for the purpose of recreation and personal enjoyment. All recreational fires shall comply with the following requirements:
1. No recreational fire (camp fire) shall be closer than 25 feet from any building, structure, shed, garage, tree, deck, shrub, bush, fence, or any other combustible material. With the exception of outdoor permanently built masonry fireplaces that are approved through a design submitted to the Village Building and Zoning Departments.
  2. All recreational fires except those noted above in outdoor fireplaces shall be in a below-ground fire pit with a minimum depth of 4 inches and a maximum diameter of 5 feet; or in a portable (Weber-type) device that is placed upon a non-combustible surface and secured. The fire may not extend more than 4 feet above the ground at any time. Burning materials must be contained within the fire pit enclosure at all times. All below-ground fire pits shall be surrounded on the outside, above ground, by a non-combustible material such as concrete block, rock or metal.
  3. No recreational fire shall be started unless there are favorable conditions for burning with regard to wind direction and speed. No recreational fire shall be started at a time when the wind speed exceeds seven miles per hour.
  4. No recreational fire shall be started when the wind will cause smoke, combustibles, or other materials to be carried by the wind toward any building or other combustible or flammable materials. Smoke from any recreational fire shall not create a nuisance for neighboring property owners. Any On Duty Firefighter, Inspector or Law Enforcement Officer shall have the authority to restrict recreational fires if such fire is causing health concerns, fire danger, or nuisance.
  5. Materials for recreational fires shall not include rubbish; garbage; recyclable items; trash; yard waste; any materials made of or coated with rubber plastic, leather, or petroleum based materials; and shall not contain any flammable or combustible liquids. Any persons caught burning such materials will be subject to citations and fines as well as reporting to the Wisconsin Dept. of Natural Resources as required under current state administrative codes. Those persons initiating a recreational fire are responsible for all damages such out of control fire may cause including costs for fire suppression.
  6. Adequate fire-suppression equipment shall be present to extinguish or control the recreational fire at all times. Adequate fire suppression equipment may consist of shovels, fire extinguishers, water hoses, or other like equipment sufficient to extinguish the fire if necessary.
  7. All recreational fires shall be attended at all times by at least one responsible person of age 18 or older until the fire is completely extinguished.
  8. It shall be the duty of any renter or lessee at a multi-family dwelling to notify and obtain written permission from the property owner prior to initiating any recreational fire. There shall be no recreational fires with the Mobile Home communities known as Perret and Parkview mobile home parks.



9. Citations may be issued for failure to comply with the above regulations in an amount not less than \$50, and not more than \$500 per offense.

10. The property owner, renter, or lessee shall be held liable for any damage caused by any recreational fire, including the cost of any citations.

(d) Fires Exempt from Open-Burning Restrictions. The following-described fires shall be exempt from the open-burning recreational fire requirements described above. All of the below will require a burning permit from the Village of Bellevue Fire Chief or designated person:

1. Approved training for fire protection purposes, wildlife rehabilitation purposes, and other specific conditions such as brush removal, burning associated with road construction and clearing, and agricultural burning and other burning as approved by the Fire Chief.

2. EMERGENCY POWER OF FIRE CHIEF. When the Fire Chief determines there are environmental conditions likely to produce a serious threat of fire to life and property, the Chief of the Fire Department may impose a burning ban and burning restrictions in accordance with the provisions of Wisconsin Administrative Code, and require that no person may:

(a) Set, build, or maintain any open fire, except charcoal or propane grills when in the immediate vicinity of a residential dwelling and when placed on a non-combustible surface.

(b) Throw, discard, or drop matches, ashes, or other burning material while outdoors in the immediate vicinity of combustible natural vegetation.

(c) Light or use any fireworks, as defined by Wisconsin Statutes, or caps, toy snakes, sparklers, smoke bombs, or cylindrical or cone fountains that emit sparks and smoke, except in displays or use authorized by the Fire Department where adequate fire prevention measures have been taken.

(d) This ban shall be lifted when the environmental conditions change so that a serious threat of fire is not longer present.

## **HANDLING OF HAZARDOUS MATERIALS AND DEVICES**

### **5.40 HANDLING READILY COMBUSTIBLE MATERIALS**

(1) STORAGE. Every person making, using, storing, or having in charge of or under control any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw, or combustible waste materials shall, at the close of each day, cause all such material which is not compactly baled and stacked in an orderly manner to be removed from the building or stored in suitable vaults or in metal-covered receptacles or bins, provided this subsection shall not apply to the handling of hay, straw, and other agricultural materials in farm buildings.

(2) **HOT ASHES AND OTHER DANGEROUS MATERIALS.** No person shall deposit hot ashes or cinders, smoldering coals, or greasy or oily substances liable to spontaneous ignition in any combustible receptacle. Metal receptacles for such materials, unless resting on a noncombustible floor or on the ground outside the building, shall be placed on a noncombustible stand and in every case shall be kept at least 15' way from any combustible wall or partition or exterior window opening.

(3) **ACCUMULATIONS OF WASTE MATERIAL.** Roofs, courts, yards, vacant lots, and open spaces shall be kept free and clear of deposits or accumulations of waste paper, hay, grass, straw, weeds, litter, or combustible waste or rubbish of any kind. Any weeds, grass, vines, or other growth which, due to dehydration or profusion, prevent a fire hazard shall be cut down and removed by the owner or occupant of the property.

#### **5.41 EXPLOSIVES.**

1) **STATE CODE TO APPLY.** Except as otherwise provided, the provisions of the Wisconsin Administrative Code, §§Ch. 7, shall apply to the storage, use, handling, and transportation of explosives within the corporate limits of the Village; and such provisions shall have the same force and effect as though fully set forth herein. In any event where State Admin. Code is not applicable, Federal Alcohol Tobacco and Firearms rules and regulations will apply.

#### **(2) PERMITS.**

- (a) **Required.** No person shall transport, store, sell, deliver, use, or possess any explosive without first obtaining all permits therefore from the Fire Department, State, and or Federal ATF.
- (b) **Application.** Any person desiring a permit as required by this section shall file with the Fire Department a written application for such permit upon a form furnished for such purpose. Every application shall state the name of the person who desires to transport, store, sell, deliver, use, or possess such explosives or who desires to do any work for which a permit is required by this section, the location and manner of storage or sale or the location where blasting is to be done, the method of detonating the explosive, and any other pertinent information required by the Fire Prevention division of the Fire Department.
- (c) **To be Displayed.** Permits for the storage or use of any explosive, when issued, shall at all times be kept on the premises in a readily accessible place for inspection.

(3) **REVOCAION OF PERMIT.** If, after a permit has been granted, an inspection by the Fire Department discloses that any person attempting to store or use such explosives are operating contrary to the regulations of this section, the Fire Department shall immediately stop all operations and revoke the permit. When such operations are stopped and the permit is revoked, such explosives shall immediately be removed from the premises and the Village, subject to the regulations of this section relative to transportation of explosives. The holder of such revoked permit shall be granted an opportunity to be heard before the Board of Appeals under procedures which it shall provide.

(4) **LIMITING AMOUNT OF EXPLOSIVE.** In all cases involving the use of any amount of explosive, the Fire Department may refuse a permit as required by subsection (2) of this section, if, in its discretion, the use of such explosive is likely to endanger or cause damage to life, health, or property; or it may limit by permit the use of such explosive to 25 pounds if it deems a greater amount of such explosive to be dangerous. Larger amounts shall be qualified in the application for the permit.

(5) EXCEPTIONS. Nothing contained in this section shall be construed as applying to the regular military or naval forces of the United States or to the militia of any state thereof, nor to the Police or Fire Department, provided they are acting within their official capacity and in the performance of their duties.

(6) LOCATION OF MAGAZINES.

- (a) To be Approved. The location of all magazines in which explosives are to be kept or stored shall be approved by the Fire Department in addition to other regulating authorities of the State and Federal Governments.
- (b) To be Free of Rubbish. The area surrounding the magazine for a distance of at least 25' shall be kept free from rubbish, weeds, shrubbery, dead grass, and other combustible materials.

(7) BLASTING RECORDS. Every person using explosives or responsible for the use thereof shall keep a "Blasting Record" which shall show the date of blasting, time, location of shots, number of holes for explosive, depth of holes, and amount of explosive used, in pounds or other applicable measurement if other explosives are used.

(8) ADDITIONAL RULES AND REGULATIONS. In addition to the regulations of this section, the Fire Department may establish such additional rules and regulations as may be deemed necessary to protect life and property at any site.

(9) PENALTIES.

- (a) First Offense. Any person violating any provision of this section shall be punished, upon conviction, by a forfeiture of not less than \$50 nor more than \$500, together with the costs of the prosecution, and in default of payment thereof shall be imprisoned until such forfeiture and cost are paid, but not to exceed 90 days.
- (b) Repeated Offenses. Any person violating any provision of this section who has previously been convicted of violating any provision of this section, such prior conviction not having been reversed, shall upon conviction forfeit not less than \$100 nor more than \$1000, together with the costs of the prosecution, for each offense; and in default of payment thereof shall be imprisoned until such forfeiture and cost are paid, but not to exceed six months for each offense.

**5.42 HAZARDOUS CHEMICALS.**

(1) GENERAL REQUIREMENTS.

- (a) The manufacture, storage, handling, and use of hazardous chemicals shall be safeguarded with such protective facilities as public safety requires. The Village of Bellevue incorporates into this chapter all portions of Wisconsin Administrative Code SPS 310 (previously SPS3 10).
- (b) The Fire Chief may require the separation or isolation of any chemical that in combination with other substances may bring about a fire or explosion or may liberate a flammable or poisonous gas. The Chief may require separation from other storage facilities, dwellings, places of assembly, educational occupancies, railroads, and public highways when the quantity stored constitutes a material

hazard. Limitations on storage quantities shall be considered with regard to proximity of these exposures and congested commercial and industrial districts.

- (c) The Fire Chief shall be guided in decisions by the provisions of Article 10 of the American Insurance Association, the Wisconsin Administrative Code, and other nationally-recognized protective services.

**5.43 FLAMMABLE AND COMBUSTIBLE LIQUIDS.** The Wis. Admin. Code, SPS 310 and the National Fire Protection Association Code (NFPA) 30 and 30A 30 B, are adopted by reference as if fully set forth herein.

**5.44 LIQUIFIED PETROLEUM GASES.** The Wis. Admin. Code, SPS 311, and NFPA 58 are adopted by reference as if fully set forth herein.

**5.45 CUTTING AND WELDING; TORCHES AND METAL-CUTTING DEVICES.**

(1) **RESTRICTED TO FIRE-SAFE AREAS.** Cutting and welding shall be conducted only in areas that are or have been made fire safe. Protection measures shall follow NFPA 51B Standard for Fire Protection During Welding, Cutting and Hot Work.

(2) **SAFE OPERATION OF EQUIPMENT.** The cutter or welder shall use equipment safely and so as not to endanger lives and property.

(3) **LOCATION AND PROTECTION OF COMBUSTIBLES.** Where practicable, all combustibles shall be relocated at least 25' from the work site. Where relocation is impracticable, combustibles shall be protected with flame proofed covers or otherwise shielded with metal or asbestos guards or curtains. Edges of covers at the floor shall be tight to prevent sparks from going under them. This precaution is also important at overlaps where several covers are used to protect a large pile.

(4) **PRECAUTIONS TO PREVENT IGNITION BY SPARKS OR COMBUSTION.**

- (a) Wall or floor openings or cracks within 35' of the site shall be tightly covered to prevent the passage of sparks to adjacent areas.
- (b) Ducts and conveyor systems that might carry sparks to distant combustibles shall be suitably protected or shut down.
- (c) Cutting or welding on pipes or other metal in contact with combustible walls, partitions, ceilings, or roofs shall not be undertaken if the work is close enough to cause ignition by conduction.

(5) **FIRE EXTINGUISHERS.** Portable fire extinguishers, appropriate for the type of possible fire, shall be concentrated at the work area. Where hose lines are available, they shall be connected and ready for service.

(6) **FIRE WATCHERS.**

- (a) **When Required.** Fire watchers shall be required by the individual responsible for authorizing cutting and welding whenever cutting or welding is performed in locations where other than a minor fire might develop or where any of the following conditions exist:

1. Appreciable combustible materials in building construction or contents are closer than 25' to the point of operation.
  2. Appreciable combustibles are more than 25' away but are easily ignited by sparks.
  3. Wall or floor openings within a 25' radius expose combustible material in adjacent areas, including concealed spaces in walls or floors.
  4. Combustible materials are adjacent to the opposite side of metal partitions, walls, ceilings, or roofs and are likely to be ignited by conduction or radiation.
- (b) Extinguishing Equipment. Fire watchers shall have fire extinguishing equipment readily available and be trained in its use.
  - (c) Alarms. Fire watchers shall be familiar with facilities for sounding an alarm in the event of a fire.
  - (d) Duties. Fire watchers shall watch for fires in all exposed areas and shall try to extinguish them first only when obviously within the capacity of the equipment available; otherwise, they shall sound the alarm.
  - (e) Duration of Fire Watch. A fire watch shall be maintained for at least half an hour after completion of cutting or welding operations to detect and extinguish possible smoldering fires.

(7) APPLICATION OF THIS SECTION RESTRICTED. This section shall not apply to business or manufacturing establishments when flame or arc producing devices are used in connection with regular business or manufacturing operations or for maintenance or repair work performed by their employees on their own premises, provided the same precautions to prevent fire shall be taken by them as are required on other premises.

#### **5.46 FLAMMABLE FINISHES, APPLICATION OF.**

(1) SCOPE. This section shall apply to locations or areas where the following activities are regularly conducted:

- (a) The application of flammable or combustible paint, varnish, lacquer, stain, or other flammable or combustible liquid applied as spray by whatever means, in continuous or intermittent processes.
- (b) Dip tank operations in which articles or materials are passed through contents of tanks, vats, or containers of flammable or combustible liquids, including coating, finishing, treating, and similar processes.

(2) SPRAY COATING. All spray coating or finishing operations using flammable or combustible liquid finishes applied under either air or other pressure, except electrostatic spraying and automobile undercoating, shall be in accordance with the Wisconsin Administrative Code; and the storage and

handling of flammable liquids therefore shall also be in accordance with such code. Where required spray booths shall be installed, and properly maintained and kept clean.

(3) DIP TANKS. All finishing processes utilizing dip tanks of flammable liquids, flow coat work, roll coating and hardening and tempering operations shall be conducted in accordance with NFPA 34.

(4) SMOKING PROHIBITED. Smoking shall be prohibited in any spray finishing area and in the vicinity of dip tanks. "NO SMOKING" signs with lettering of approved size shall be conspicuously posted in such area and shall read: "BY ORDER OF THE CHIEF OF THE FIRE DEPARTMENT."

(5) WELDING WARNING SIGNS. Signs shall be conspicuously posted in the vicinity of all spraying areas, dipping operations, and paint storage rooms conveying the following warning:

*NO WELDING*

*The use of welding or cutting equipment in or near this area is dangerous because of fire and explosion. Welding and cutting shall be done only under the supervision of the foreman in charge.*

(6) ELECTRIC WIRING AND EQUIPMENT. All electrical installations shall be in accordance with the provisions of the Wisconsin Administrative Code, with the Wisconsin State Electrical Code, and applicable Municipal Codes.

(7) ELECTROSTATIC EQUIPMENT. All electrostatic equipment used in connection with paint spraying and dipping operations shall be suitably safeguarded to avoid danger to persons or ignition of flammable liquids in accordance with the National Fire Protection Association Code Standard, Volume I.

(8) AUTOMOBILE UNDERCOATING. Automobile undercoating spray operations shall be conducted in areas having adequate natural or mechanical ventilation, and only undercoating materials and solvents having a flashpoint in excess of 100 degrees Fahrenheit shall be used.

(9) EXTINGUISHERS REQUIRED. Fire extinguishers or extinguishing systems shall be provided.

(10) PENALTIES. Any person violating any provision of this section shall be punished, upon conviction, by a forfeiture of not less than \$50 nor more than \$500, together with the costs of the prosecution, and in default of payment thereof shall be imprisoned until such forfeiture and cost are paid, but not to exceed 90 days.

#### **5.47 COMBUSTIBLE DRAPES AND DECORATIVE MATERIALS.**

(1) DEFINITION. In this section, "decorative materials" includes curtains, draperies, streamers, surface coverings applied over the building interior finish for decorative or other effect and cloth, cotton batting, straw, vines, leaves, trees, moss, and other similar materials used for decorative effect, but does not include floor or table coverings, paint or wallpaper applied to the interior surfaces of the building or window shades.

#### **(2) WHEN FLAMEPROOFING REQUIRED.**

(a) In Buildings for Public Assembly.

1. No person shall have combustible window draperies, curtains, or other decorative materials within any building used for public assembly unless they are flame proofed in an approved manner and are so maintained by the owner or operator.

2. The use of paper decorations, confetti, or other combustible materials in buildings used for public assembly is prohibited, other than approved flame – retardant materials.

(b) In Display Windows. Highly flammable materials such as cotton batting, straw, dry vines, leaves, trees, artificial flowers or shrubbery, and foam plastic materials shall not be used for decorative purposes in display windows or other parts of mercantile and institutional occupancies unless flame proofed. Electric light bulbs in a mercantile and institutional occupancy shall not be decorated with paper or other combustible materials.

### **PRACTICES AND FIRE PREVENTION IN BUILDINGS**

#### **5.50 BOWLING ESTABLISHMENTS.**

(1) LANE RESURFACING OPERATIONS. Approval from the Chief shall be required by the proprietors of bowling establishments before any person conducts resurfacing or recoating operations upon the bowling lanes of such establishment. Such resurfacing operations shall not be carried on while other establishment is open for business. The Chief shall be notified when bowling lanes are to be resurfaced or recoated. Proper ventilation shall be provided during resurfacing. Heating, ventilating, or cooling systems employing recirculation of air shall not be operated during resurfacing operations or within one hour following the application of flammable finishes. All electric motors or other equipment in the area which might be a source of ignition shall be shut down, and all smoking and use of open flames shall be prohibited during the application of flammable finishes an for one hour thereafter.

(2) PIN REFINISHING.

- (a) Pin refinishing involving the application of flammable finishes shall be done only in a special room meeting the provisions of the applicable Wisconsin Administrative Code. Such room shall not be located below grade nor shall it have communication with any pits, wells, pockets, or basements.
- (b) All power tools in such special rooms shall have an effective electrical ground. A substantial metal box or other receptacle approved by the Chief shall be provided for lathes and sanding or buffing machines for catching dust thrown off during operations. Contents shall be removed daily and disposed of safely. A collector system meeting Wisconsin Administrative Code requirements will be acceptable.
- (c) Storage of flammable or combustible liquids in such special rooms shall not exceed a total of 60 gallons in original metal containers or in approved safety containers not exceeding five gallons individual capacity. A metal waste can with a self-closing cover shall be provided for all waste materials and rags. Contents shall be removed daily. Smoking shall be prohibited at all times in refinishing rooms.

**5.51 DRY CLEANING AND DRY DYEING.**

(1) COMPLIANCE WITH WISCONSIN INDUSTRIAL CODE. All dry cleaning and dry dyeing plants, as defined in Ch. SPS315, Wis. Admin. Code, and placed in operation subsequent to March 25, 1948, shall be in complete accordance with the provisions of such Code and shall display the permits therein required. No carbon tetrachloride fire extinguishers shall be permitted in any dry cleaning or dry dyeing plant.

(2) OPERATIONS EXISTING PRIOR TO MARCH 25, 1948. (Amd. GO 44-93) Dry cleaning and dry dyeing operations existing prior to March 25, 1948, shall be operated in accordance with sub. (1) or shall be approved by the Chief as reasonably safe according to measures provided to offset deficiencies in construction and arrangement from the provisions of Wis. Admin. Code.

**5.52 EXITS, MAINTENANCE, AND LIGHTING OF** (Amended 10-10-07)

(1) MAINTENANCE.

- (a) Statutory Requirements. The exit requirements of the Wisconsin Administrative Code, SPS361 through 366, and Bellevue Ordinance shall be complied with.
- (b) Automatic and Self-Closing Doors. All automatic or self-closing doors in exits shall be maintained in an operative condition.
- (c) Obstructions to Means of Egress.
  - 1. No person shall at any time or place leave an obstruction or encumbrance of any kind so as to constitute an actual or potential obstruction of any fire escape, exit stairway, exit door or door leading to a means of exit, or any other exit facility.



2. All exit doors leading to the outside of the building and all doors used to reach exits shall be in operable condition at all times but may be constructed or secured in such a manner as to prevent unauthorized entrance. This subparagraph shall not apply to doors in penal and mental institutions, provided that personnel with keys are continuously on duty and available to unlock doors in case of fire or other emergency.

- (d) Notification of Building Inspection Superintendent. The Chief shall notify the Building Inspection Department where exit facilities not in accordance with the provisions of the Wisconsin Administrative Code or this Municipal Code are found by department personnel.

## (2) LIGHTING OF EXIT WAYS.

- (a) Stairways, Hallways, Etc., to be Adequately Lighted. Required stairways, hallways, and other means of egress, including exterior open spaces to or through which exit ways lead, shall be kept adequately lighted at all times that the building served thereby is occupied.
- (b) Apartment Buildings, Hotels, Etc.
1. In every building which accommodates more than four families or 20 persons and in every building which accommodates transients, the public passageway, stairways, and exit ways shall be adequately illuminated at all times. This illumination shall include lights at all intersections of passageways, at all exits, and at the head, foot, and on each landing of every stairway.
  2. The lights at emergency exit ways shall be red lights accompanied by a sign bearing the word "EXIT" in plainly legible lettering at least 5" in height.
- (c) Theaters, Assembly Halls, Etc.
1. In every theater, assembly hall, and place of public entertainment, exit lights shall be provided over all exit doorways, and in such other places as may be necessary to direct the occupants to exit doorways and to a street, alley, or exit court. Every light over an exit doorway shall be a red illuminated sign bearing the word "EXIT" in plainly legible letters not less than 5" in height. Exit Lights will be required at floor level in addition to over doors in all school facilities, and hotel / motel buildings.
  2. All exit lights shall remain lighted during each occupancy and until the occupants have left the building.
  3. Whenever any inspector finds in any existing building or structure that additional exits are required or repairs to existing exits are necessary because of its occupancy or use or where it appears that any building or structure or part thereof is unsafe or unsanitary or is occupied or used in violation of State Code or Village ordinances, the inspector shall notify the Building Inspection Department, as the circumstances may require, of such conditions.

**5.53 BUILDING CONSTRUCTION AND DEMOLITION OPERATIONS.**

**(1) COMBUSTIBLE MATERIALS.**

- (a) All combustible materials stored on the site awaiting use in construction operations shall be piled in an orderly manner with suitable separation between piles.
- (b) No combustible scraps of building materials, wrappings, or packing materials shall be burned on the construction site. Violation of this section shall subject the offender to fines as described herein, but not to exceed \$100 per offense.

**(2) ACCESS.**

- (a) All construction and demolition operations shall be so conducted as to maintain at all times convenient routes of access to make all parts of the structure accessible to the Fire Department for firefighting operations.
- (b) In all buildings three stories and over, or 50' in height which are being constructed or demolished, at least one stairway shall be maintained in usable condition at all times. This stairway shall be extended upward as each floor is installed in construction operations as required by the Wisconsin Administration Code; and in demolition operations, such stairway shall be maintained in usable condition at least to the floor level next below the topmost remaining parts of the building.

**(3) INTERNAL COMBUSTION ENGINES.** Internal combustion engine-powered construction and demolition equipment shall be refueled outdoors away from any combustible materials or in a well-ventilated, isolated area of the building with the engine turned off, such area to be free from sources of ignition and to have an approved fire extinguisher within 20'. The storage and handling of fuel thereof shall be in accordance with the Wisconsin Administrative Code.

**(4) TEMPORARY HEATING EQUIPMENT.**

- (a) Salamanders and other temporary heating equipment shall be of types approved by the Chief. No solid fuel-burning devices shall be used unless connected to a smoke pipe venting to the exterior of the building. Outside ventilation of combustion by-products may be required, and is at the discretion of the Fire Chief or designee.
- (b) Refueling operations for gas and liquid fuel-burning devices shall be conducted by moving the heater to a safe location, if necessary, before refueling and waiting for it to cool prior to refueling.
- (c) All temporary heating equipment shall be substantially supported to minimize the danger of overturning and shall be located away from combustible materials and major paths of traffic.

**(5) ELECTRICAL INSTALLATION.** Temporary electrical installations shall be in accordance with the Wisconsin Administrative Code and the Electrical Code of the Village.

(6) WELDING AND CUTTING. All welding and cutting operations shall be in accordance with Bellevue Village Ordinance.

**5.54 Fire and Tornado Drill Documentation Day Cares, Primary and Secondary**

(Adopted 10-10-07) Amended Jan 2012)

**Schools, CBRF's and other Adult Care Facilities**

Fire drills shall be conducted monthly except for winter months. Winter month drills can be held due to weather and conducted in fair weather months. In all cases twelve fire drills annually must be completed. For Schools at least two shall be witnessed by fire prevention staff.

Tornado drills shall be conducted at minimum of twice annually and shall be held once during tornado awareness week and once in the fall of the year (date for fall drill variable)

All records for drills shall be dated and timed stamped and the time for total building evacuation documented. Drill documentation shall be submitted to the Village of Bellevue Fire Department Attention Fire Prevention Education Bureau at 3100 Eaton Rd, Green Bay, WI 54311.

Failure to provide for adequate drills shall subject the party to fines of \$600 per day for each day of violation.

Failure to provide adequate documentation of drills shall subject the party to fines of \$150 for each failed or incomplete documentation.

**FIRE PROTECTION EQUIPMENT**

**5.60 FIRE EXTINGUISHING EQUIPMENT.** (Amended 10-10-07) (Amended Jan 2012)

(1) The Fire Chief may designate the number, type, and location of fire extinguishers and other fire protection equipment deemed necessary in any building or structure, including those under construction. The installation, maintenance, selection, and distribution of portable fire extinguishers shall be in accordance with, NFPA 10 Standard for Portable Fire Extinguishers, except otherwise provided hereinafter.

(a) The owner, designation 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:

(aa.) A new fire extinguisher must be purchased annually

(bb.) The dated store purchase receipt for the new extinguisher must be kept on file for inspection, and presented to the inspector for review and copying upon request

(cc.) 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 code and standard referred to in (cc) above and the manufacturer's recommendations relative to said fire extinguisher, the authority having jurisdiction shall apply and enforce the more restrictive provision.

(2) The owner, agent, or manager of every theater or place of public entertainment shall employ a competent person satisfactory to the Fire Chief who, during every performance or public

assemblage within such building or structure, shall be on duty to take charge of the fire extinguishing equipment required.

- (3) **SPRINKLER SYSTEMS.** 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 or its designee for review, when not already required by the state.
- (a) **Submittals.** Three copies of the plans, specifications and calculations shall be submitted for review. Approved plans shall be stamped "Conditionally Approved", with the date and signature of the approving person. One copy will be kept on file by the fire department, while the other three copies will be returned to the contractor. Full responsibility for the accuracy of the plans and calculations is the sole responsibility of the contractor.
  - (b) **Fees.** A Three Hundred Fifty Dollar Review Fee will be required at the time of plan submittal. The fee is set and regardless of system size.
  - (c) **Fire Department Connections.** Fire Department connections, (FDC) on all systems shall be a 5" Storz Connection. The location of the (FDC) shall be approved by the fire department prior to work being commenced. Notification: No work may begin on the installation of sprinkler system until plans have been submitted and reviewed by the fire department as well as the state. The fire department shall be contacted no less than 48 hours in advance for any tests required by code either during installation or inspection, testing, or maintenance of the system. Any shorter notification may result in the contractor reimbursing the fire department for costs associated with overtime or special scheduling.
  - (c) **Documentation.** Copies of all inspection, testing, and maintenance of sprinkler systems shall be forwarded to the fire department as well as posted at the main riser panel area. In addition, the most current test/maintenance record shall be posted at the system control panel.
- (4) **OTHER FIRE SUPPRESSION SYSTEMS.** 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 stated.
- (a) **Standards.** All fire suppression systems, other than water base sprinkler systems, shall comply with the applicable NFPA standards, (most current edition at the time of modification or installation).
  - (b) **Submittals.** Four copies of the plans, specifications and calculations shall be submitted for review. Approved plans shall be stamped "Conditionally Approved", with a date and signature of the approving person. One copy will be kept on file by the fire department, while the other three copies will be returned to the contractor. Full responsibility for the accuracy of the plans and calculations is the sole responsibility of the contractor.
  - (c) **Fees.** A Three Hundred Fifty Dollar base plan review fee will be required at the time of plan submittal
  - (d) **Notification.** 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 48 hours in advance for any tests required by code either during installation or inspection, testing, or maintenance of the system. Any shorter notification may result in the contractor reimbursing the fire department for costs associated with overtime or special scheduling.
  - (e) **Documentation.** Copies of all inspection, testing, and maintenance of fire suppression systems shall be forwarded to the Fire Department. In addition, the most current test/maintenance record shall be posted at the system control panel.

**5.61 MAINTENANCE OF EQUIPMENT.** Sprinkler systems, standpipes systems, fire alarm systems, and other fire protective or extinguishing systems or appliances which have been installed in compliance with any permit or order, or because of any law or ordinance, shall be maintained in operative condition at all times; no owner or occupant shall reduce the effectiveness of the protection so required, provided this section shall not prohibit the owner or occupant from temporarily reducing or discontinuing such protection where necessary to make tests, repairs, alterations, or additions. The Fire Chief shall be notified before such tests, repairs, alterations, or additions are started unless the work is to be continuous until completion.

**5.62 FALSE FIRE ALARMS AND DESTROYING, REMOVING, INJURING, OR MEDDLING WITH FIRE ALARM SYSTEMS.**

(1) PROHIBITED. NO person shall give or cause to be given a false fire alarm with intent to deceive any public official or employee, nor shall any person tamper, meddle, or interfere in any way with any fire alarm system or device, or any part thereof, or make any connection therewith so as to interfere with the proper working of such system, or injure, break, or destroy any machinery or fixtures connected with such system.

**5.63 SPECIAL CIVIL PENALTIES FOR DESTROYING, REMOVING, INJURING FIRE ALARM SYSTEMS.**

(1) FIRST OFFENSE. Any person violating any provision of this subchapter shall, upon conviction of such violation, be punished by a forfeiture of not less than \$500 nor more than \$1500, together, with the costs of the prosecution; and in default of payment thereof shall be imprisoned until such forfeiture and cost are paid, but not to exceed 90 days.

(2) REPEATED OFFENSES. Any person violating any provision of this subchapter who has been previously convicted of violating this subchapter, and such prior conviction has not been reversed, shall upon conviction forfeit not less than \$1000 nor more than \$1500, together with the costs of prosecution, and in default of payment thereof shall be imprisoned until such forfeiture and cost are paid, but not to exceed six months.

**MISCELLANEOUS PROVISIONS**

**5.70 RESTRICTIONS ON SALES AND USE OF FIREWORKS RESTRICTED.**

(1) REGULATION OF FIREWORKS.

- (a) State Law Adopted. Sec. 167.10, Wis. Stats., and any future amendments thereto are hereby adopted and incorporated herein by reference insofar as they are not in conflict with the remainder of the ordinance below. In the event of any conflict between the ordinance and this statute, whichever provision is stricter shall apply.
  
- (b) Definitions. Pursuant to §167.10(5)(a)1., Wis. Stats., “fireworks” shall be defined, for the purpose of sub. (1)(c) below, as including all items under §167.10(1)(e) through (n), excepting only sub. (g) and (h). “Fireworks” shall be defined for the purpose of sub. (1)(d) below, as defined in the introduction paragraph of §167.10(1), Wis. Stats., as anything manufactured, processed or packaged for

exploding, emitting sparks or combustion which does not have another common use.

- c) Sale Prohibited. No person, firm or corporation shall sell, offer to sell, possess with the intent to sell, or give away fireworks within the Village of Bellevue without first obtaining a permit for fireworks sale. Exhibiting fireworks on premises shall be conclusively presumed to represent an offer to sell and possession with intent to sell. As with sale, display of fireworks also requires a permit.
- d) Use Regulated. Except as provided in §167.10(3), Wis. Stats., no person shall possess, offer to sell or use fireworks as defined in sub. (1)(b) above without a permit issued pursuant to sub. (e) below.
- e) Sellers and Display Permits. Amended 4-9-08/Amended 11-11-09. As provided in §167.10(3), Wis. Stats., permits may be issued for displays at festivals and public or private celebrations, or for the sale of fireworks; after proper application to the Fire Chief on forms provided by the Village. Notwithstanding §167.10(3)(c), a permit may not be issued to an individual. The fee for a Seller's permit shall be \$1000.00. The permit application must be received by the Village Clerk, Fire Chief, or designee not less than 15 days prior to the requested date of sale. A display permit for fireworks is available. The display permit application must be received by the Village Clerk, Fire Chief or designee not less than 30 days prior to the requested date of display. The fee for a display permit shall be \$500. Display and seller's permits requires proof of insurance with limits noted below. Insurance has to specifically cover the display of pyrotechnics. All displays shall comply with NFPA 1123 Code for Fireworks Display. Certain Displays used in certain venues must also comply with NFPA 1126 Standard for the use of Pyrotechnics before a proximate audience.

All applications shall be referred to the Fire Chief for investigation, and no permit shall be granted unless the Fire Chief or designee determines that the applicant will use the fireworks in a public or private exhibition and that all reasonable precautions will be exercised with regard to the protection of the lives and property of all persons and that the display will be handled by a competent operator and conducted in a suitable, safe place and manner. Before granting any fireworks permit, the applicant shall file with the Village Clerk a certificate of liability insurance issued by an insurance company authorized to write such policies in the State of Wisconsin in the amount of \$1,000,000.00 for bodily injury to any one person, in the amount of \$2,000,000.00 for injury to more than one person, and in the amount of \$1,000,000.00 for damage to property that may arise by reason of use or discharge of fireworks under the permit. The Village of Bellevue shall be named as one of the insured in said policy of insurance.

A permit under this subsection shall specify all of the following:

1. The name and address of the permit holder.
2. The date on and after which fireworks may be purchased.
3. The kind and quantity of fireworks which may be purchased.
4. The date, time and location of permitted use.
5. Other special conditions prescribed by ordinance.
6. Such other information as the Village may require from time to time.

A notice of such permit under this subsection shall be given to the municipal fire and law enforcement official at least seven days before the date of authorized use.

A permit under this subsection may not be issued to a person under 18 years of age.

- (f) Use of Fireworks and Devices Regulated. No person may use fireworks or a device listed under Sub. (e) to (g) or (i) to (n) of §167.10(1) , Wis. Stats., while attending a fireworks display for which a permit has been issued to a person listed under Sub. (c)1. to 5. or under Sub. (c)6. of §167.10(3), Wis. Stats. if the display is open to the general public.
- (g) Storage of Fireworks. Storage and handling of fireworks shall be pursuant to the provisions of §167.10(6) and municipal ordinance of the Village of Bellevue.

#### **5.71 REMOVAL OF BUILDINGS DAMAGED BY FIRE OR STORM DAMAGE.**

(Amended 10-10-07) (Amended 2/23/11)

If the Fire Chief finds that any building or its contents or both are damaged by fire or storm damage to a point where the structure and its contents or both present a health or life safety hazard to the public, the Chief may issue orders to the owner of the property on which the building is located to abate such hazard through repair or removal of the building and/or its contents. Such orders shall be served personally or by certified mail, return receipt requested on the owner and each lien holder of record in the office of the Brown County Register of Deeds whose address is known or can be ascertained with reasonable diligence and include a time period to complete abatement of such hazard to extend no more than 60 days. After 60 days (or sooner if dictated by an immediate health and safety threat) the Fire Chief may order the building and contents removed. The owner of the property will be held responsible for any expenses incurred, and any expenses incurred by the Village not paid within 30 days of billing shall be levied against the premises on which the building was located pursuant to Wis. Stats. 66.60(16) as a special charge for current services. Written request for extension of the time permitted to complete ordered repairs or removal shall be submitted to the Fire Chief within 45 days after the service of the notice. The written request must contain the following information: 1) the reason compliance cannot be completed within the 60 day limit; 2) the projected date the repairs are to start; 3) the type of repairs to be conducted; and 4) the projected date repairs are to be completed.

#### **5.72 MAINTENANCE AND USE OF PRIVATE FIRE HYDRANTS AND SYSTEMS**

(Amended 10-10-07)

From time to time it is necessary for the installation of private fire hydrants to satisfy the various state and federal requirements, as well as to ensure adequate water supply to fire apparatus. Private hydrants are to be maintained in accordance with the Insurance Services Office Guidelines or similar guidelines. All private hydrants are to be maintained to the condition established by the Village of Bellevue, by the Village, or an approved contractor of the Village. Maintenance records must be available to any requesting Village employee including Building and Fire Inspectors, and Water Department employees. Fees for inspection, testing and maintenance of private hydrant systems will be established by the Village Water Department if the Village is providing the maintenance service. In the event a third party maintains the private hydrant systems, the private party or contractor must obtain permission to flow water from the Village of Bellevue water utility so water usage can be recorded. Failure to provide maintenance will subject the private hydrant owner to fines or payment of maintenance expenses.

Private Hydrants are for the explicit use of the Fire Department in the event of emergencies. Private Hydrants are not metered and therefore cannot be used by the property owner without written permission of and metering of the water by the Village of Bellevue Water Utility. Any use of private hydrants without water use metering and permission will result in a fine of \$600 for each day of use, and billing for estimated water usage from such hydrant.

The Fire Department shall have the authority to clear an obstacles in front of or blocking access to private hydrants.

### **5.73 RAPID ENTRY SYSTEM / KNOX BOX SYSTEM** (Adopted 10-10-07)

- (a) **RAPID ENTRY KEY BOXES REQUIRED.** The Village of Bellevue elects to require the use of rapid entry lock box devices and associated equipment as provided by The Knox Company and currently in use by the fire department, for all commercial, industrial, and governmental buildings; and for those residential buildings of single and two family that have a fire sprinkler system with enunciator panel.
- (b) **RAPID ENTRY KEY BOXES REQUIRED.** The Village requires use of rapid entry lock box devices and associated equipment as described in (a) above in the following types of buildings; building owners must provide such rapid entry lock box devices to facilitate access by the fire department, such devices and associated equipment shall be provided by The Knox Company and of the type currently in use by the fire department:
  - (1) In all commercial and/or industrial buildings.
  - (2) In all multi-family residential structures containing three or more living units,
  - (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, occupant load, exposures, building construction, age of building, and storage or use of hazardous materials. (Single and two family dwellings are exempt from this requirement unless they have a sprinkler system with enunciator panel )
- (c) **LOCATION.** 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 that seven (7) feet, above ground level immediately below the installation.
- (d) **CONTENTS.** The key box shall contain keys for the following:
  - (1) Locked points of ingress or egress whether on the interior or exterior of such buildings.
  - (2) Any locked mechanical equipment rooms.
  - (3) Any locked electrical rooms.
  - (4) Any locked elevator controls.
  - (5) Any alarm control room/panel.
  - (6) Any other areas as required by the Fire Department.
  - (7) For multi-tenant buildings a key for each tenant / business suite
  - (8) For Buildings over 20,000 Square Feet, a Minimum of Two Sets of Keys
- (e) **OWNERS RESPONSIBILITY.** Owners are required:
  - (1) To purchase an approved key box by contacting the fire department and obtaining the necessary authorization form.
  - (2) To provide to the Fire Department the proper keys for the required access.
  - (3) To notify the Fire Department when the locks or keys have changed.
  - (4) To keep the immediate area of the key box free and clear of any obstructions.



(f) VIOLATION. It is unlawful to tamper with or remove any key box without the permission of the fire department.

**5.74 Building Capacities / Posting and Limitations on Occupancy** (Adopted May 15<sup>th</sup>, 2007)

Purpose.

The Village of Bellevue finds that the overcrowding of establishments that provide services and access to the public constitutes a serious risk of harm, injury and death and that these risks are increased for each person over the established occupancy limits. The purpose of this subsection is to require the clear and accurate posting of occupancy limitations and to enforce occupancy limitations so as to assure the health, safety and welfare of the public and of persons employed by establishments.

Posting Required.

Any of the following establishments in the Village of Bellevue shall securely post and maintain official placards indicating the maximum permitted number of persons on the premises. If required by the Fire Department, individual placards may be necessary in various individual rooms or locations within a structure. Placards must be at a minimum of 8 by 10 inches in size and of a construction that will last for numerous years. Paper or Cardboard signs are not sufficient. Signs must be white in color with Black Lettering. Lettering must be two inches in size or larger.. Signs must display the wording:

“CAPACITY OF THIS FACILITY – “

with the actual calculated capacity following thereafter in 2 inch or larger numbers. Placards shall posted at the main entrance of the business and in plain view.

Facilities Which Require Posting:

*All Restaurants, Taverns, Supper Clubs, Night Clubs, Churches, Gathering Halls, Meeting Halls, Hotel Lounges, Day Care Centers, Adult Care Centers, Training Rooms, Government Meeting and Conference Rooms, Cafeterias, Theaters, Pool and Spa Facilities, Gymnasiums, and other recreational facilities such as racquets ball courts.*

Capacities shall be determined following Department of Safety and Professional Services Rules for such calculations. Neither the Fire, Police or Building department's will calculate occupancies for the tenant or building owner. Calculations should be available for review. The Fire Inspectors during normal twice annual inspections will not assist with these calculations.

Police and or Fire Department Orders.

If, in the determination of the Fire or Police department, the number of persons on the premises exceeds the limitations set on the official placard, the Fire and or Police department shall order the number reduced to the permitted number. The Fire and or Police department may also order the establishment closed until it complies with this section.

Prohibitions.

P.1. No greater number of persons than the number indicated on the official placard shall be permitted on the licensed premises by any person responsible for operations or activities conducted on the premises.

P.2. Tampering with, obscuring, or otherwise changing the official placard is prohibited.

P.3. Refusal by a patron to comply with a Fire or Police Department order to leave an establishment that has been determined by the Fire or Police department to exceed posted occupancy limitations is prohibited.

Citations.

The citation detail for a violation of P.1 above shall state the occupancy limitation contained upon the official placard and shall further state the number of persons determined to be present in excess of the permitted limitation.

Penalties.

Any person convicted of a violation of this section shall be subject to the following forfeitures and penalties:

f-1. For conviction of a violation of pars. , 2 and 3 above, not less than \$200 nor more than \$1000.

f-2. For conviction of a violation of par. 1, above not less than \$600 nor more than \$10,000.

f-3. For conviction of a second violation of par. 1 above within 12 months, not less than \$600 nor more than \$15,000.

f-4. For a third or subsequent violation of par. 1 above all within 12 months, not less than \$1200 nor more than \$25,000.

f-5. For purposes of determining the amount of a forfeiture for violation of par. 1 above, the court may treat each person found to have been on the premises in excess of the permitted limit as a separate violation.

f-6. Any person convicted of a violation of this section shall, in default of payment of the prescribed forfeiture, be imprisoned in the county jail or house of correction for a period of not less than 8 days nor more than 90 days.

Establishments with Liquor, and sales Licenses may for considerations of multiple offenses have such licenses revoked or suspended.

This shall be a retro-active ordinance, and all occupancies must be in compliance no longer than 30 days following adoption of this ordinance.

Nothing in this Village of Bellevue Ordinance shall prohibit Fire Department staff as Deputies of the State, Department of Safety and Professional Services , or other state inspectors from issuing state fines or penalties under state jurisdiction.

Nothing in this Village of Bellevue Ordinance shall preclude criminal charges from also being filed in the event such over capacity leads to injury or death of an individual or individuals.

#### **5.75 Parapet Walls (Amended 8/12/11)**

Where parapet walls or screen walls are constructed to shield or hide roof mounted equipment, such walls shall not exceed four feet in height unless constructed as follows: Parapet and screen walls exceeding four feet in height shall have permanently installed and maintained inside access escape ladders in number and location as approved by the Fire Department.

**5.76 Notification on use of Floor System (Dimensional Lumber, I-Joist, Truss Joist and Finger Joist)** (Amended 3-11-09)

In compliance with August 2007 NIOSH recommendations on Firefighter Safety, where I-Joist, Truss Joist and finger joist or glued joist flooring systems are used in both commercial and residential structures; the following shall be required:

- (a) Notification must be made by the Building Inspection Department to the Fire Department in writing indicating the type of floor system used at the time a building permit is issued by the Village.
- (b) Nothing in this section shall preclude the state of Wisconsin from adopting stricter rules, if any rule conflicts with this subsection the stricter shall prevail.

**FIRE COMMISSION** (Adopted 3-10-04) (Revised 10-10-07)

**5.80 VILLAGE FIRE COMMISSION RECOGNIZED**

With the incorporation of the Village of Bellevue from Village status, per §61.65(2)(b)1 and in conjunction with §62.13, Wis. Stats., the Village of Bellevue herewith establishes a Village Fire Commission.

**5.81 EMPLOYEESHIP AND ORGANIZATION**

(1) The Village Fire Commission shall consist of five employees and one alternate. Each commissioner shall serve a staggered five-year term, except at the inception of the Commission, at which time each employee shall be appointed to terms between one and five years. The alternate is appointed annually.

(2) Terms of commissioners shall be annually from April of each year.

(3) Appointments to the Commission shall come from the Village President and with the consent of the Village Board of Trustees.

**5.82 POWERS AND DUTIES**

(1) The Fire Commission shall have the powers and duties as prescribed in Section 62.13, Wis. Stats.,

**VALIDITY AND PENALTIES**

**5.90 VALIDITY.** The provisions of this chapter are severable; and if any provision, sentence, clause, section, or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of the chapter or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this chapter would have been adopted if such illegal, invalid, unconstitutional, or inapplicable provisions, sentences, clauses, sections or parts thereof had not been included therein or if the person or circumstances to which the chapter or any part thereof is inapplicable had been specifically exempted there from.

**5.91 PENALTIES** (Amended 3-10-04)

(1) Failure to comply with any orders issued pursuant to the provisions of this chapter by the Chief or the Fire Inspectors shall constitute a violation of this chapter; and any person found guilty of such violation shall, upon the conviction thereof, forfeit not less than \$50 nor more than \$1500 (except as provided in sections listing special citation amounts), together with the cost of the prosecution, and in default of payment thereof shall be imprisoned until such forfeiture and cost are paid, but not to exceed 30 days. Except as otherwise provided in this chapter, each day such violation continues shall constitute a separate offense.

(2) Any person found guilty of a violation of any provision of this chapter for which a specific penalty is not provided shall, upon conviction thereof, forfeit not less than \$50 nor more than \$25,000, together with the costs of the prosecution, and in default of payment thereof shall be imprisoned until such forfeiture and cost are paid, but not to exceed 30 days. Each day such violation continues, except as otherwise provided in this chapter, shall constitute a separate offense. Court and processing costs are not included in the penalty, and shall be added to the penalty as the entire forfeiture.

**5.92 Obstruction of Fire Exits, Fire Lanes, Hydrants and Fire Department Connections**  
(Amended 2/23/11)

It shall be illegal consistent with State Law and Administrative Code to obstruct any hydrant, fire department connection, parking lane, fire exit, fire extinguishment equipment. Those found in violation can be given Parking Tickets not to exceed \$50, or receive a citation not to exceed \$200 if such obstruction is not on a Public Street.

It shall be illegal consistent with State Law and Administrative code to knowingly cause damage to any such fire equipment, exits, hydrants, fire department connections and extinguishing equipment. Those found in violation shall receive a citation not to exceed \$600 for the First Offense, and \$1,200 for the second and further offenses.

**5.93 Charges for other services and fees** (Amended 2/23/11)

The Board of Trustees shall adopt by resolution a schedule of fees to be charged for other miscellaneous items administered by the Bellevue Fire and Rescue Department. These fees shall be enforceable under this ordinance. Fee charges (not including fines which are under the jurisdiction of the Courts or State of Wisconsin) that are disputed shall follow the following process:

Fee disputes shall be directed in writing to the Village of Bellevue Fire Chief with a copy to the Village of Bellevue Clerk Treasurer. They shall evaluate the dispute and decide if the fee was justified, or if a credit for such fee may be due. They will within 30 days render such decision and issue in writing a letter to the party disputing such fee. In the event such fee is not credited or waived, the responsible party must render payment to the Village within 30 days. Failure to render payment to the Village, or to enter into a jointly agreed upon payment plan will result in either the invoice going to collections; or the responsible party to receive citations in the amount of \$100 for each day the fees are not paid beyond the terms.

### **5.94 Other Codes Incorporated by Reference**

The Village of Bellevue shall incorporate all of the codes of the state of Wisconsin as referenced in various SPS, and NR state code sections as may be applicable for the prevention of Fire or the protection of life safety.

In addition, the Village by reference adopts the following in their entirety:

NFPA 45	Standards on Fire Protection in Laboratories Using Chemicals
NFPA 102	Standards on Grandstands, Folding & Telescopic Seating, Tents, Membrane Structures
NFPA 231D	Standard for Storage of Rubber Tires
NFPA 501A	Standard for Safety Criteria for Manufactured Home Installations, Sites, and Communities
SBS 60-64	Comm 62.1200 and 66.0500, Requirements for carbon monoxide alarms
SBS 16, SBS 14	
SS	State Statute 165.55 and 101

All ordinances and lawful orders of the Village of Bellevue, now or hereafter in effect, relating to fire prevention; the safeguarding of life and property from the hazards of fire and explosion; the handling, storage, sale and use of hazardous substances, materials and devices; conditions hazardous to life and property in the use of occupancy of buildings, structures or premises; and the safety of firemen in the performance of their duties;

All laws and lawful orders of the State of Wisconsin, hereinafter referred to as the State Code, relating to conditions as described in the Paragraph above now or hereafter in effect; which provisions are hereby adopted and incorporated herein by reference;

Acts 1, 13, 25, 30, 58, 72 and 96 of the National Fire Code, 2006 Edition, and future amendments thereto.

**Conflict.** Where the requirements of the State Code and the express provisions of this Chapter conflict, the stricter requirements shall govern. Should any section, subsection, paragraph, sentence, clause, phrase or word of this Chapter be declared for any reason to be invalid or unconstitutional, the remainder of this Chapter shall not be affected thereby and shall continue in full force and effect.