

Chapter 30

FIRE PREVENTION AND PROTECTION*

*Cross reference--Buildings and building regulations, ch. 14.

Article I. In General

Sec. 30-1. Outdoor fires.

Sec. 30-2. Fire district.

Secs. 30-3--30-30. Reserved.

Article II. Fire Prevention Code

Sec. 30-31. Purpose.

Sec. 30-32. State codes adopted.

Sec. 30-33. Application of article.

Sec. 30-34. Definitions.

Sec. 30-35. Enforcement.

Sec. 30-36. Penalties.

Sec. 30-37. Orders to eliminate dangerous or hazardous conditions.

Sec. 30-38. Service orders.

Sec. 30-39. Permits.

Sec. 30-40. Revocation of permit.

Sec. 30-41. Modification of requirements.

Sec. 30-42. Liability for damages.

Sec. 30-43. Fire extinguishers required.

Sec. 30-44. Automatic sprinkler systems.

Sec. 30-45. Regulations for storage, handling and use of flammable or combustible liquid.

Sec. 30-46. Miscellaneous provisions.

Secs. 30-47--30-80. Reserved.

Article III. Fireworks

Sec. 30-81. Penalties.

Sec. 30-82. Discharge of fireworks restricted; state laws adopted.

Sec. 30-83. Permit required.

Sec. 30-84. Permit for the use of fireworks.

Sec. 30-85. Fireworks application.

ARTICLE I.

IN GENERAL

Sec. 30-1. Outdoor fires.

(a) *Use of incinerator required.* No outside burning shall be permitted on any premises used for residential purposes except in an incinerator which shall be a metal container or masonry product built or fabricated to be completely enclosed, except having a top opening for loading, and a lower opening for draft control. Such openings shall be covered with a metal screen of mesh with openings not greater than one-half inch measured across the largest diameter. Such residential incinerator shall be located at a distance of at least 20 feet from any structure, and shall have all grass and other flammable material cleared away from its base for a distance of three feet from all exterior surfaces of the incinerator. Occupants of residential premises using an approved incinerator are excluded from the requirements of obtaining a burning permit as provided in this section.

(b) *Burning of certain material prohibited.* It shall be unlawful for any person to burn in an outdoor residential incinerator any garbage, trash, rubber or rubber products, asphaltic type materials or any other such related materials which create by burning a smoke or odor nuisance. The term "garbage" as used in this section is defined as putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food. The term "trash" as used in this section is defined as human or animal excrement, animal remains or offal, petroleum products, vegetable products, mineral products and metal pressurized containers.

(c) *Grass fires.*

(1) *Regulation of setting of field and grass fires.* No person shall set fire to grass, field, brush or similar combustible material in its natural state without first having secured a permit therefore from the fire chief or an officer of the town fire department.

(2) *Location of fire.* No such fire shall be set within 100 feet of a building or where there is an immediate danger to such building of destruction by fire.

(3) *Issuance of permit.* Application for permits for open burning shall be made on forms furnished by the fire department and permits issued shall be in force for a length of time which shall be determined by the chief or officers of the town fire department. No burning permit shall be required if an approved incinerator is used.

(d) *Responsibility for fires.* Any person who negligently sets a fire on any land or shall fail to properly attend the fire so as to allow the fire to escape to adjoining land or

shall set a fire in violation of any provision of this section or shall set a fire without the use of an incinerator as provided in this section shall upon conviction be subject to the forfeiture provided in subsection (e) of this section, and in addition thereto shall be liable for all expenses incurred in the suppression of any such fire which the town clerk shall certify to such person by itemized statement. If any claim is not paid within 60 days from the date of billing by the town clerk, the town may maintain an action against the person for the collection of such claim in addition to the forfeiture provided. The term "person" as used in this section shall include the owner and any person in possession of any real estate upon which a fire is set.

(e) *Penalties.* Any person who shall violate, neglect, or refuse to comply with the provisions of this section or who shall build any fire for which a permit has not been issued shall, upon conviction thereof, be subject to section 1-8.
(Ord. No. 101, § 4, 6-13-1977)

Sec. 30-2. Fire district.

(a) *Generally.* All that part of the town as shown on the map on file in the chief's office shall be known as the fire district.

(b) *Regulations within fire districts.* Every building erected, enlarged or moved within or into the fire district shall be of fireproof construction, except as otherwise provided by this article. Enclosing walls, division walls and partial walls shall conform to the requirements for standard fire walls as set forth in the Wisconsin State Building Code, requirements of parapet walls in the Wisconsin State Building Code is hereby made a part of this section with respect to all buildings and structures within the fire district. No building of frame construction shall be built within or moved into the fire district.

(c) *Razing old or damaged buildings.* Any existing frame building within the fire limits which may be damaged by fire, or which has deteriorated to an amount greater than one-half of its assessed value, exclusive of the foundation, shall not be repaired or rebuilt, but shall be ordered removed under the provisions of Wis. Stats. § 66.0413 by the building inspector.

(d) *Fireproof roofing.*

(1) Every roof hereafter constructed within the fire district, including buildings listed in section 30-46(b), shall be covered with a roofing having a fire resistive rating equivalent to Class "B" or better of the Underwriters Laboratories, Inc., classification.

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

(Ord. No. 99-2, § 1, 8-11-1999)

Sec. 30-3. Fees for services.

(a) Ambulance and Rescue Services.

1. The Town Board hereby establishes a fee for the provision of ambulance and rescue services by the Mukwonago Fire Department and/or by agents and contractors of the Mukwonago Fire Department. The term “ambulance and rescue services” shall include, but not be limited to, technical rescue services, such as for example, trench rescue, confined space rescue, emergency building shoring, and helicopter rescue, along with ordinary ambulance and rescue services.
2. Fees under this ordinance will be assessed to the responsible individual, corporation, utility, company and/or property owner for whom ambulance and/or rescue services were provided, as determined by the Chief of the Mukwonago Fire Department. The fees assessed shall be as established by the Town Board from time to time by the resolution to recover the actual cost of the service(s) performed and, where applicable, shall include the actual amounts billed to the Town of Mukwonago and/or the Mukwonago Fire Department by contractors and agents called to incident(s) having occurred in the Town of Mukwonago.

(b) Fire/Accident Calls on Roads, Streets, or Highways.

1. The Town Board hereby establishes a fee for responding to a vehicle fire and/or accident call on any road, street, or highway, including, but not limited to any Town road, county trunk highway, state trunk highway, or interstate highway.
2. Fees under this section will be assessed to the insurance company insuring the vehicle(s) involved, as determined by the Fire Chief. Upon failure to collect the applicable fees from such insurance company following reasonable efforts, or if the vehicle owner(s) is/are uninsured, the applicable fees shall be assessed to the vehicle owner(s) for whom services were provided.
3. The fees assessed shall be as established by the Town Board from time to time by the resolution to recover the actual cost of the services(s) performed and, where applicable, shall include the actual amounts billed to the Town of Mukwonago and/or the Mukwonago Fire Department by contractors and agents of the Mukwonago Fire Department having responded to the vehicle fire call.

4. For fire calls on county trunk highways, state trunk highways, and interstate highways, if following reasonable efforts the Town is unable to collect the costs for responding to any motor vehicle fire call from the insurer or thereafter from the vehicle owner as provided above, the Town shall seek reimbursement as follows:
 - a. For vehicles located on any county trunk highway at the time of the fire call, the Town shall seek reimbursement from the county that maintains the portion of the county trunk highway on which the vehicle was located in accordance with and subject to the provisions of Section 60.557(1) of the Wisconsin Statutes; or
 - b. For vehicles located on any state trunk highway of any highway that is part of the national system of interstate highways at the time of the fire call, the Town shall seek reimbursement from the Wisconsin Department of Transportation in accordance with and subject to the provisions of Section 60.557(2) of the Wisconsin Statutes, even if the fire equipment was not used.

(c) Charity Care Policy.

The Town of Mukwonago recognizes that not all patients treated and/or transported by the Mukwonago Fire Department Ambulance Service possess the same financial ability to pay for services received. The following information will be forwarded to any individual formally requesting charity care having been treated and/or transported by the Mukwonago Fire Department:

1. Charity care requests shall be reviewed by the Town Board on a case-by case basis.
2. Any grant of charity care will be based upon the charity care policy of the receiving hospital. If the receiving hospital does not have a charity care policy, the policy used by Waukesha Memorial Hospital, as interpreted and applied by the Mukwonago Fire Department Fire Chief, shall apply.
3. Any person requesting charity care under this section shall be requested to also apply for charity care at the receiving hospital if such a request has not previously been made.

4. Any patient requesting charity care will be requested to sign documents authorizing disclosure of financial and medical information to the Town and the Mukwonago Fire Department. Failure to sign such authorization(s) upon request shall constitute disqualification for charity care. (Ord. 2008-5 § 1 2-2-09)

Secs. 30-4--30-30. Reserved.

ARTICLE II.

FIRE PREVENTION CODE

Sec. 30-31. Purpose.

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

(Ord. No. 99-2, § 1(24.01(1)), 8-11-1999)

Sec. 30-32. State codes adopted.

In addition to the regulations, standards and procedures set forth in this article, compliance shall be made with the provisions of the state administrative code and regulations of the state department of commerce, all of which are made a part of this section by reference; provided, however, that in the event of conflict or ambiguity concerning any of the foregoing, the stricter provision shall apply.

(Ord. No. 99-2, § 1(24.01(2)), 8-11-1999)

Sec. 30-33. Application of article.

(a) The provisions of this article shall apply equally to new and existing conditions except that existing conditions not in strict compliance with the terms of this article shall be permitted to continue where the exceptions do not constitute a clear hazard to life or property.

(b) Nothing contained in this article shall be construed as applying to the transportation of any article or thing shipped under the jurisdiction of and in compliance with the regulations prescribed by the United States Department of Transportation (DOT), nor as applying to the military forces of the United States.

(c) This article shall not apply to one-family and two-family dwellings used solely for the housing of two families or less, except for sections 30-5, 30-36 through 30-41, 30-45 and 30-46(b).

(Ord. No. 99-2, § 1(24.01(3)), 8-11-1999)

Sec. 30-34. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose of this article, have the meaning indicated in this section:

Approval, as applied to a material, device or mode of construction, means approval by the chief of the fire department or building inspector in accordance with the provisions of this article.

Assembly occupancy means the occupancy or use of a building or structure or any portion thereof by a gathering of 100 or more persons.

Automatic fire alarm system means a system which automatically detects a fire condition and actuates a fire alarm signal device.

Business occupancy means the occupancy or use of a building or structure or any portion thereof for the transaction of business or the rendering or receiving of professional services; including offices.

Chief of the fire department means the head of the municipal fire department or a duly authorized deputy.

Combustible liquids means liquids with a flash point at or above 100 degrees Fahrenheit are referred to as combustible liquids and may be subdivided as follows: Class II: Liquids shall include those having flash points as or above 100 degrees Fahrenheit and below 140 degrees Fahrenheit. Class IIIA: Liquids shall include those having flash points at or above 140 degrees Fahrenheit and below 200 degrees Fahrenheit. Class IIIB: Liquids shall include those having flash points at or above 200 degrees Fahrenheit.

Dangerous materials means materials that could cause a lost time injury from exposure to the detrimental effects of highly flammable or highly self reactive materials such as:

- (1) Flammable liquids and solids.
- (2) Highly toxic materials which are likely to cause some injury or illness but not death from a moderate exposure.
- (3) Materials which could cause destruction of tissue, particularly the eyes, if not removed from the body in a very short time.

Dwelling unit means one or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit with cooking, living, sanitary and sleeping facilities.

Educational occupancy means the occupancy or use of a building or structure or any portion thereof by persons assembled for the purpose of learning or of receiving educational instruction.

Extremely dangerous materials means materials that can cause death or disabling injury or brief exposure or are extremely volatile flammable liquids or flammable gases, or detonative materials. A further breakdown is:

- (1) Explosive and explosively unstable materials.
- (2) High level radioactive materials.
- (3) Highly flammable gases and materials which give off extremely flammable vapors.
- (4) Extremely toxic materials which are so poisonous that no bodily exposure should occur, such as parathion and hydrogen cyanide.
- (5) Materials which are extremely corrosive to living tissue such as bromine, which can injure almost instantaneously or hydrochloric acid, which can strike through the skin to the tissues beneath and cause deep, slow healing burns. Also included are materials that could cause severe eye injury.

Fire resistance rating means the time in hours that the material or construction will withstand the standard fire exposure as determined by a fire test made in conformity with the Standard Method of Fire Tests of Building Construction and Materials, ASTM E119, IL Inc. 263, or NFPA No. 251.

Fire resistive construction means the type of construction in which the structural members including walls, partitions, columns, floors and roofs are of noncombustible or limited combustible materials and have fire resistance ratings not less than those specified in Table 6-5A, NFPA Manual Fire Protection Hand Book, 14th Edition.

Fire walls means a wall which has a fire resistance rating of not less than four hours and which subdivides a building or separate building to restrict the spread of fire including a three foot parapet wall.

Flammable liquids means any liquid having a flash point below 100 degrees Fahrenheit and having a vapor pressure not exceeding 40 psi at 100 degrees Fahrenheit.

- (1) *Class I:* Liquids shall include those having flash points below 100 degrees Fahrenheit and may be subdivided as follows:
- (2) *Class IA:* Shall include those having flash points below 73 degrees Fahrenheit and having a boiling point below 100 degrees Fahrenheit.

- (3) *Class IB:* Shall include those having flash points below 73 degrees Fahrenheit and having a boiling point at or above 100 degrees Fahrenheit.
- (4) *Class IC:* Shall include those having flash points at or above 73 degrees Fahrenheit and below 100 degrees Fahrenheit.

Hazardous materials means materials that could cause temporary disability or injury which presumably would heal without permanent effects. Hazardous materials are moderately combustible or self-reactive and they include the following:

- (1) Tear gases.
- (2) Severe irritants.
- (3) Toxic (but not highly or extremely toxic) materials.
- (4) Combustible materials which must be heated before they can be ignited.

Hazardous occupancies mean those occupancies of property described in Table 7-2M, NEG "Hazardous Locations Classification" (1975) as set forth in Section 7-30, NFPA Manual Fire Protection Hand Book, 14th Edition.

High hazard occupancy means the occupancy or use of a building or structure or any portion thereof that involves highly combustible, highly flammable, hazardous chemical or explosive material, or which has inherent characteristics that constitute a special fire hazard as determined by the chief of the fire department.

Industrial occupancy means the occupancy or use of a building or structure or any portion thereof for assembling, fabricating, finishing, manufacturing, packaging or processing operations; except when classified as a high hazard occupancy.

Institutional occupancy means the occupancy or use of a building or structure or any portion thereof by persons harbored or detained to receive medical, charitable or other care or treatment or by persons involuntarily detained.

Mercantile occupancy means the occupancy or use of a building or structure or any portion thereof for the displaying, selling or buying of goods, wares or merchandise; except when classified as high hazard occupancy.

Multifamily house means the occupancy or use of a building or portion thereof containing three or more dwelling units.

NFPA means the National Fire Protection Association.

Nuisance hazards means temporary irritation or discomfort that would clear up when the exposure is ended or materials which are only slightly combustible such as Class B liquids.

Ordinary construction means the type of construction in which exterior bearing walls or bearing portions of exterior walls are of noncombustible or limited combustible materials and have minimum hourly fire resistance ratings and stability under fire conditions; nonbearing exterior walls are of noncombustible or limited combustible materials, and roofs, floors and interior framing are wholly partially of wood of smaller dimensions than required for heavy timbered construction.

Owner means the owner and includes the owner's duly authorized agent or attorney, a purchaser, devisee, fiduciary, or a person having a vested or contingent interest in the property in question.

Storage occupancy means the occupancy or use of a building or structure or any portion thereof for the storage of goods, wares, merchandise, raw materials, agricultural or manufactured products, including parking garages, or the commercial sheltering of live stock and other animals; except when classified as a high hazard occupancy.

Wood frame construction means the type of construction in which exterior walls, bearing walls and partitions, floors and roofs and their supports are wholly or partly of wood or other combustible material, when the construction does not qualify as heavy timbered construction or ordinary construction.

(Ord. No. 99-2, § 1(24.01(4)), 8-11-1999)

Cross reference--Definitions generally, § 1-2.

Sec. 30-35. Enforcement.

The chief of the fire department is authorized and it shall be his duty to enforce the provisions of this article.

(Ord. No. 99-2, § 1(24.06(5)), 8-11-1999)

Sec. 30-36. Penalties.

(a) *Adult penalties.*

(1) *First violation.* Any adult violating the provisions of this article shall be subject to a forfeiture of not less than \$10.00 nor more than \$500.00 plus costs per each offense. Failure to pay any forfeiture under this article shall subject any violator to be sentenced to the county jail and/or revocation or suspension of driving privileges.

(2) *Second and subsequent violations.* Any person found guilty of violating this article who shall previously have been convicted of a violation of the same provision of this article within one year shall upon conviction

thereof, forfeit not less than \$10.00 nor more than \$1,000.00 for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail and/or revocation or suspension of driving privileges.

(b) *Youth penalties.*

(1) For any juvenile adjudged to have violated this article the court is authorized to impose any of the dispositions listed in Wis. Stats. §§ 938.17(2), 938.343 and 938.344, in accordance with the provisions of those statutes, and such statutes are hereby adopted and incorporated in this section. The court is also authorized to require payment for alcohol and other drug abuse services in accordance with Wis. Stats. § 938.361, and such statute is hereby adopted and incorporated in this section. Any future amendments, revisions or modifications of the current or future statutes incorporated in this section, are intended to be made part of this section in order to secure uniform statewide regulation of peace and good order of the state.

(2) For any juvenile adjudged to have violated this article who violates a condition of a dispositional order of the court imposed under Wis. Stats. §§ 938.343 or 938.344, the court is authorized to impose any of the sanctions listed in Wis. Stats. §§ 938.355(6)(d), and 895.035, in accordance with the provisions of those statutes, and such statutes are adopted and incorporated in this section. Any future amendments, revisions or modifications of the current statutes incorporated in this section, are intended to be made part of this section in order to secure uniform statewide regulation of peace and good order of the state.

(Ord. No. 99-2, § 1(24.07), 8-11-1999)

Sec. 30-37. Orders to eliminate dangerous or hazardous conditions.

Whenever any of the officers or inspectors of the fire department shall find in any building or upon any premises dangerous or hazardous conditions or materials, he or they shall order such dangerous conditions or materials to be removed or remedied. The following shall be deemed hazardous conditions but the enumeration hereof shall not exclude other conditions from being deemed hazardous:

- (1) Dangerous or unlawful amounts of combustible or explosive or otherwise hazardous materials; as defined in Section 3, Chapter 10 "Identification of Hazardous Materials of NFPA, Fire Protection Hand Book."
- (2) Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive or otherwise hazardous materials; as defined in Section 3, Chapter 10, "Identification of Hazardous Materials" and Section 7, Chapter 6 of "Refuse Handling

Systems and Equipment" of the NFPA Fire Protection Hand Book.

- (3) Dangerous accumulations of rubbish, wastepaper, boxes, shavings or other highly combustible materials; as defined in Section 4, Chapter 14 "Waste Controls" and Section 5, Chapter 1 of "Indoor Storage Practices: and Section 5, Chapter 2 of "Outdoor Storage Practices," of NFPA Fire Protection Hand Book.
- (4) Accumulations of dust or waste material in air conditioning or ventilating systems or of grease in kitchen or other exhaust ducts or inadequate clearances to unprotected material from hoods, grease, extractors, and ducts; as defined in Section 3 Chapter 8 "Dust," Section 7, Chapter 5 of "Air Moving Equipment," and Section 16, Chapter 4 of "Inspection and Maintenance of Fire Extinguisher Systems," of NFPA, Fire Protection Hand Book.
- (5) Obstructions to or on fire escapes, designated openings in exterior walls for fire department use, stairs, passageways, doors, or windows, liable to interfere with the operations of the fire department or egress of occupants in case of fire; as defined in Section 6, Chapter 9 of "Concepts of Egress Design" of NFPA, Fire Protection Hand Book.
- (6) Any building or other structure covered by this code which for want of repairs, lack of adequate exit facilities automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or dilapidated conditions, or from any other cause, created a hazardous condition, as defined in Section 6, Chapter 9 of "Concepts of Egress Design" and Section 16, Chapter I of "Extinguishers in Fire Protection" and Section 12, Chapters 1 through 5, of "Sprinkler Systems" and Section 12, Chapters 1 through 5 of "Detection Systems" of NFPA Fire Protection Hand Book.

(Ord. No. 99-2, § 1(24.01(5)), 8-11-1999)

Sec. 30-38. Service orders.

(a) *Generally.* The service or orders for corrections of violations of this article shall be made, in writing, upon the owners, occupant or other person responsible for the conditions, either by delivering the service or orders to and leaving it with any person in charge of the premises, or in the case no such person is found on the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of such premises. Thereafter a copy of such order shall be mailed to the owner and occupant addressed to their last known post office address. No person shall remove such affixed notice without the written consent of the fire chief.

(b) *Compliance.* Any such order shall forthwith be complied with by the owner and occupant of such building, structure or premises. The owner and occupant

may within 24 hours appeal to the chief of the fire department for a review of such order who shall thereafter as soon as possible file his decision. Unless such order is revoked or modified by the chief of the fire department, it shall remain in full force and be complied with within the time affixed in such order.

- (c) *Exceptions.* This section shall apply to all buildings except:
 - (1) Private residences and accessory buildings in connection therewith.
 - (2) Temporary buildings or sheds used for construction purposes only.

Provided, if any building or structure, whether exempted or not, is especially liable to fire, and is situated to endanger other buildings or property, or contains any combustible or explosive material dangerous to the safety of any building or premises or the occupants thereof, or endangering or hindering firefighters in case of fire, such building or structure shall be subject to these orders so far as may be necessary to protect adjoining or other buildings and their occupants and firefighters.

(Ord. No. 99-2, § 1(24.01(6)), 8-11-1999)

Sec. 30-39. Permits.

(a) A permit shall be required in order to maintain, store or handle materials, or to conduct processes, which produce conditions hazardous to life and property, or to install equipment used in connection with such activities. Such permit, when approved as described in this section, may be issued by the chief of the fire department and does not take the place of any license required by law. It shall not be transferable, and any change in use or occupancy of premises shall require a new permit.

(b) Before a permit may be issued, the chief of the fire department, or his assistants, shall inspect and approve the receptacles, vehicles, buildings or storage places to be used. In cases where laws and regulations enforceable by departments other than the fire department are applicable, joint approval shall be obtained from all departments concerned.

(c) All applications for a permit required by this article shall be made to the chief of the fire department in such form and detail as he shall prescribe.

(d) Permits shall at all times be kept on the premises designated therein, and shall at all times be subject to inspection by any officer of the fire department.

(e) One permit only shall be required by establishments dealing in or using, two or more flammable, combustible or explosive materials to be kept in the establishment at any one time, but each of the materials shall be listed in the permit.

(Ord. No. 99-2, § 1(24.01(7)), 8-11-1999)

Sec. 30-40. Revocation of permit.

The chief of the fire department may revoke a permit or approval issued if any violation of this article is found upon inspection or in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

(Ord. No. 99-2, § 1(24.01(8)), 8-11-1999)

Sec. 30-41. Modification of requirements.

(a) The chief of the fire department shall have the same power to modify any of the provisions of this article upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of this article, provided that the spirit of this article shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the chief of the fire department thereon shall be entered upon the records of the department and a signed copy of such application and decision shall be filed with the clerk.

(b) If the chief of the fire department disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of this article do not apply or that the true intent and meaning of this article have been misconstrued or wrongly interpreted, the applicant may appeal within 30 days from the date of any such decision or interpretation of this article to the building inspection department and the planning commission of the town.

(Ord. No. 99-2, § 1(24.01(9)), 8-11-1999)

Sec. 30-42. Liability for damages.

This article shall not be construed to hold the town responsible for any damage to persons or property by reason of the inspection or reinspection authorized in this article or failure to inspect or reinspect or by reason of the approval or disapproval of any equipment authorized in this article.

(Ord. No. 99-2, § 1(24.01(9)), 8-11-1999)

Sec. 30-43. Fire extinguishers required.

(a) Every building exclusive of one and two-family residences, shall have at least one ten-pound fire extinguisher equipment on the premises at all times. In multi-occupancy buildings each occupancy shall have at least one five-pound extinguisher on the premises at all times. All extinguishers shall be in view and shall not be hung more than five feet above the floor to the hanger.

(b) At least one ten-pound extinguisher is required for the first 1,500 square feet of floor area and an additional extinguisher for each additional 2,500 square feet of

floor area. In addition, one additional extinguisher shall be located in any area determined to be hazardous or high hazard area as defined in this article.

(c) In any occupancy determined to be hazardous or a high hazard occupancy, there shall be at least two extinguishers of at least five pounds each.

(d) All extinguishers shall be of an A-B-C type unless otherwise recommended by the fire chief after review of the specific hazard or occupancy. (Ord. No. 99-2, § 1(24.02), 8-11-1999)

Sec. 30-44. Automatic sprinkler systems.

(a) *Definitions.* Unless otherwise expressly stated, the following terms shall, for the purpose of this section, have the meaning indicated in this section.

Approved, as applied to automatic fire sprinkler systems, means approved by the authority charged with the enforcement of this section.

Approved, as applied to automatic fire sprinklers and devices, means approval by a recognized testing laboratory.

Area means ground area of buildings or of sections of buildings divided by approved fire walls, each section being considered a separate area.

Automatic fire sprinkler equipment means an integrated system of underground and overhead piping designed in accordance with fire engineering standards. The system includes a suitable water supply such as a gravity tank, fire pump, reservoir or pressure tank and/or connection by underground piping to a municipal water main. The portion of the sprinkler system above ground is a network of specially sized or hydraulically designed piping installed in a building, structure area, generally overhead, and to which sprinklers are connected in a systematic pattern. The system includes a controlling valve and a device for actuating an alarm when the system is in operation. The system is usually activated by heat from a fire and discharges water over the fire area. Automatic Fire Water Sprinkler Systems are further described in Section 14, Chapter 1 through 6, of the NFPA Fire Protection Hand Book.

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

Story means that part of a building comprised between a floor and the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

(b) *Where installed.* Every building constructed or structurally altered shall

have an approved automatic sprinkler system installed and maintained when occupied in whole or in part for the following purposes:

- (1) *Generally.* The manufacture, storage or sale of combustible goods or merchandise in:
 - a. Fire resistive buildings if over 10,000 square feet in area, or over one story in height and exceeding 5,000 square feet in area, or over four stories in height, regardless of area; or
 - b. Throughout every building, regardless of the number of stories where the floor area is undivided by fire walls and exceeds 10,000 square feet and where any point within the building is more than 50 feet, measured in a straight line, from any exterior accessible opening of the building.
 - c. Throughout every building of nonfire resistive construction over 5,000 square feet in area and over two stories in height regardless of area.
- (2) *Garages.* Throughout public garages as follows: Fire resistive buildings over 5,000 square feet in area.
- (3) *Basements.* Throughout all basements and cellars of buildings having an area of 3,000 square feet or more used for the manufacture or storage of combustible material or merchandise, or the housing of automobiles.
- (4) *Hotels, motels.* Throughout hotel and motel buildings of nonfire resistive construction more than three stories in height, and more than two stories in height if over 5,000 square feet total floor area.
- (5) *Multifamily dwellings and dormitories.* In the basements, cellars, storerooms, workrooms, hallways and stairways of multifamily buildings and dormitories of nonfire resistive construction, two or more stories in height, or over 5,000 square feet in area.
- (6) *Theaters and halls.* Throughout buildings occupied or used as places of public assembly having a stage arranged for theatrical, operatic, or similar performances, excepting only the auditorium, foyers, and lobbies; and throughout all such buildings of nonfire resistive construction if such places of assembly are located above the first floor, whether or not there is a stage.
- (7) *Institutional building and hospitals.* Throughout all hospitals, nursing, convalescent, old age and other institutional buildings.

- (8) *Educational occupancies.* Throughout all buildings of nonfire resistive construction. In such buildings of fire resistive construction, throughout basements, workshops, laboratories, stairways and corridors, stage areas of auditoriums. Janitor closets, kitchens, cafeterias, storage areas, throughout all other areas where combustible materials are handled and stored.
 - (9) *Hazardous occupancies.* Throughout every building which by reason of its construction or highly combustible occupancy involves a severe life hazard to its occupants or, in the judgment of the chief of the fire department, constitutes a fire menace.
- (c) *Exceptions.* The following classes of buildings shall be exempt from the requirement of automatic sprinkler systems:
- (1) Any portion of a building housing a process or material which would interact with water to create a greater fire hazard than without water, provided an alternate fire suppression system is used.
 - (2) Dwellings with a capacity of fewer than two families and individual dwelling units.
- (d) *Fire department hose connections.* Every automatic sprinkler system installed in new or existing buildings shall be equipped with at least one fire department hose connection at a location approved by the chief of the fire department.
- (e) *How installed.*
- (1) Approved automatic fire sprinkler equipment shall be installed in accordance with the current edition of Pamphlet #13, "Standards for the Installation of Sprinkler Systems" and other applicable standards of the NFPA.
 - (2) No automatic sprinkler equipment shall be installed or altered in a building until plans have been submitted to and approved by the chief of the fire department. Three copies of the plans and specifications shall be submitted for review; the approved plan shall be stamped "Approved Fire Department," the date of such approval and one copy returned to the owner, the others kept on file by the fire department.
 - (3) Underground water mains, hydrants and valves shall conform to current specifications of the town or as approved by the town engineers.
 - (4) The fire department requires all tests as may be required by the National Fire Protection Association's Standards. Such tests shall be conducted under the supervision of a fire department representative who shall certify acceptance or rejection of the system or by a recognized testing laboratory

whom shall certify the results.

(f) *Interim installations.*

(1) Unless, or until such time as a municipal water supply is available to service a building in which installation of an automatic sprinkler system is required, connection of the system to a water supply shall not be required; however, all design characteristics of systems installed under this section shall include provisions for eventual connection to a municipal water supply. In addition, such interim installations shall also include:

- a. One or more fire department connections with two female couplings with National Standard Threads attached to a header of adequate size in accordance with fire protection engineering standards, but not less than four inches to supply the system; and
- b. An automatic fire detection and alarm system of a type approved by the state department of commerce.

(2) All fire sprinkler systems installed under the requirements of this section shall be connected to a municipal water system within six months after water mains to serve the building are available for use.

(Ord. No. 99-2, § 1(24.03), 8-11-1999)

Sec. 30-45. Regulations for storage, handling and use of flammable or combustible liquid.

(a) *Application.* The provisions of this section shall apply to all persons, firms, corporations, co-partnerships and governmental agencies, except federal, storing, handling or using flammable or combustible liquids, and to the owner or lessee of any building, premises or equipment in or on which flammable or combustible liquids are stored, handled or used.

(b) *Restricted locations.*

(1) The storage of Class I liquids in aboveground tanks outside of buildings is prohibited within the town, except a permit may be issued for temporary installations in those areas designated as industrial districts or parcels of land in excess of one acre used for single-family residences.

(2) No new bulk plants shall be constructed within the town except within those areas designated as industrial districts and approval of the fire department has been given for the proposed location with respect to topography, nearness to places of public assembly and adequacy of water supply for fire control.

- (3) No permit shall be issued for the construction of a refinery or plant storing or handling crude petroleum within that part of the town zoned solely for residential occupancies or for mercantile establishments predominantly retail in character; or until approval has been given for the proposed location after consideration of topography, nearness to places of public assembly and adequacy of water supply for fire control.

(c) *Retroactivity.* Existing plants, stores, equipment, building, structures and installations for the storage, handling, or use of flammable or combustible liquids which are not in strict compliance with the terms of this section may be continued in use provided these do not constitute a distinct hazard to life and property. When the chief of the fire department deems that the continued use will constitute a clear hazard to life and adjoining property, he shall issue an order for correction as provided in section 30-37.

(d) *Permits for the storage, handling and use of flammable or combustible liquids.* A permit issued pursuant, to this section shall be obtained from the fire department for any of the following:

- (1) Storage, handling, or use of Class I liquids in excess of 12 gallons in a dwelling or other place of human habitation; or in excess of 12 gallons in any other building or other occupancy; or in excess of 20 gallons outside of any building; except that no approval shall be required for the following:
 - a. For the storage or use of flammable or combustible liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant, mobile heating plant, or domestic heating appliance.
 - b. For the storage or use of paints, oils, varnishes, or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.
- (2) Storage, handling, or use of Class II or Class III flammable liquids in excess of 25 gallons in a building; or in excess of 60 gallons outside a building.
- (3) For the manufacture, processing, blending, or refining of flammable or combustible liquids.
- (4) For the storage of flammable or combustible liquids in stationary tanks, whether above ground or below.
- (5) For the abandonment or removal of underground tanks which have contained flammable or combustible liquids.

(e) *Inspection and approval.*

- (1) Application for approval to construct or erect facilities for the storage, handling or use of flammable liquids or combustible liquids as required in this article shall be made in writing to the fire department. The fire department shall then cause to be made an inspection of the premises and equipment proposed to be used. If they are found to be in compliance with this article, a statement to that effect shall be made on the application and the application signed by the person making the inspection. The fire department shall thereupon grant a permit as applied for.
- (2) Before operating any equipment or storing any flammable or combustible liquid, or covering the underground portions of any such equipment for which a permit is required, notification shall be given to the fire department and such department shall, within 24 hours, cause such premises or equipment to be inspected.
- (3) The fire department may at any reasonable time inspect premises, buildings, installations or equipment for the storage, handling or use of flammable or combustible liquids. If a violation of this article is found to exist, written notice shall be filed with the owner, occupant or operator citing the violation and ordering its correction. If such order is not complied with within five days, the fire department may revoke the permit granted for such facility.
- (4) Containers, tanks, equipment and apparatus meeting the standards of nationally recognized inspection or test laboratories shall be considered as meeting the requirements of this article.

(Ord. No. 99-2, § 1(24.04), 8-11-1999)

Sec. 30-46. Miscellaneous provisions.

(a) *Decorative material.* Decorative material such as flammable window draperies, curtains, streamers, surface coverings applied over the building interior finish for decorative acoustical or other effect, and also cloth, cotton batting, straw vines, leaves, trees and plastics used for decorative effect, except floor coverings and ordinary window shades, shall not be permitted in the following occupancies:

- (1) Assembly.
- (2) Educational.
- (3) Institutional.

In such buildings, fabric decorations where used shall be flame proofed and so maintained by the owner or occupant of the building.

(b) *Waste materials.*

(1) No owner, agent or occupant of any building situated within the town shall allow to accumulate any waste materials such as paper, hay, straw, rags or other waste material of a combustible nature in any building or on any premises more than 24 hours. The fire chief shall order the immediate removal of such accumulated combustible waste material from any building or premises when in his opinion such storage would create a fire hazard. Ashes, when kept in basements of buildings shall be placed in fireproof bins.

(2) Combustible cuttings, waste cloth, paper or other waste shall be cleaned up and removed from the building at the close of each day's work, and shall be stored in a separate fireproof storage building, or in a metal container with cover or in a metal lined box with cover or in a fireproof vault or room.

(c) *No smoking.*

(1) It shall be unlawful to light a match or other flame producing device, or to smoke, carry a lighted cigar, cigarette or pipe in any retail mercantile establishment, except in areas approved for such purposes by the fire chief. It shall be the duty of the person in charge of such establishment for the enforcement of the regulations of this section.

(2) Smoking is prohibited in all rooms or parts of buildings which contain flammable liquids in open containers or in which the vapors from flammable liquids are present, or in which flammable liquids are used in any manufacturing process.

(3) In all areas where smoking is prohibited, suitable signs lettered "NO SMOKING" shall be displayed.

(4) Any person who by smoking or attempting to light or to smoke cigarettes, cigars, pipes or tobacco in which a lighter or matches are employed, who shall in a careless, reckless or negligent manner, whether willfully or wantonly or not, set fire to any bedding furniture, curtains, draperies, house or any household furnishing, or any part of any building shall be guilty of violating this article.

(d) *Commercial and institutional kitchens.* All commercial and institutional kitchens shall have a UL approved hood and duct extinguishment systems as approved by the insurance services office of the state. The system shall also be provided with an automatic fuel cutoff.

(e) *Use of oxyacetylene torches.* Any person desiring to use oxyacetylene

torches for cutting any metal on any premises and in/or on any building, shall obtain permission to do so of the fire chief. The request for such permission shall include the location of the premises where the work is to be done and a description of the work to be done. Before such oxyacetylene torches are used, proper protection of surroundings shall be made by the use of asbestos blankets or other fire resistive materials. Ashes or sand shall be used for the absorption of oil. A fire extinguisher, pails of water, or small hose attached to a water supply shall be conveniently located close to the cutting operations. Such other precautions shall be taken as may be ordered by the fire chief. This section shall not apply to business establishments when such oxyacetylene torch is used in connection with regular business operations. Such establishments shall use the same precautions to prevent fires as required of persons who must obtain permission. (Ord. No. 99-2, § 1(24.05), 8-11-1999)

Secs. 30-47--30-80. Reserved.

ARTICLE III.

FIREWORKS

Sec. 30-81. Penalties.

(a) *Adult penalties.* Any person over the age of 17 years violating the provisions of this article shall be subject to a forfeiture of not less than \$10.00 nor more than \$500.00 plus allowable statutory costs per each offense. Failure to pay any forfeiture hereunder shall subject any violator over the age of 17 years to be sentenced to the county jail and/or revocation or suspension of driving privileges.

(b) *Youth penalties.*

(1) Any person between the ages of 12 and 17 years shall be subject to a forfeiture of not less than \$10.00 nor more than \$500.00 plus allowable statutory costs per each offense, or referred to the proper authorities as provided in Wis. Stats. ch. 48. Failure to pay any forfeiture hereunder shall subject any violator to the provisions of Wis. Stats. § 48.17(2).

(2) Any person under the age of 12 years shall be referred to the proper authorities, as provided in Wis. Stats. ch. 48.

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

(d) *Execution against defendant's property.* Whenever any person fails to pay

any forfeiture and costs of prosecution upon the order of the court for violation of this article, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

(Ord. No. 94-11, § 2, 9-12-1994)

Sec. 30-82. Discharge of fireworks restricted; state laws adopted.

The current and future statutory provisions of Wis. Stats. § 167.10, regulating the use of fireworks, exclusive of any provision therein relating to penalties, are adopted by reference and made a part of this section as though fully set forth in this section. Any act required to be performed or prohibited by any current or future statute incorporated in this section by reference is required or prohibited by this section. Any future addition, amendment, revision or modification of Wis. Stats. § 167.10, incorporated in this section is intended to be made a part of this section.

(Ord. No. 94-11, § 1(A), 9-12-1994)

Sec. 30-83. Permit required.

(a) The use of fireworks, as that term is defined in Wis. Stats. § 167.10(1), is prohibited in the town unless the fireworks are used pursuant to a permit issued by the town according to the provisions of Wis. Stats. § 167.10(3), and this article. A permit according to law may be issued only to the following:

- (1) A public authority;
- (2) A fair association;
- (3) An amusement park;
- (4) A park board;
- (5) A civic organization; or
- (6) A group of resident or nonresident individuals.

(b) The fee for a permit issued under this article shall be a \$100.00 daily fee to compensate for investigating, monitoring and enforcing the provisions of this article.

(b) Any fireworks use shall be subject to the following requirements:

- (1) Wind velocity shall not be more than 15 miles per hour as recorded by the U.S. Weather Bureau, Milwaukee, Wisconsin.
- (2) Wind direction at the time of use shall be away from buildings or other combustible materials and structures and shall not carry fireworks onto

any adjoining buildings or so as to cause annoyance or danger to other persons or property.

- (3) Sufficient firefighting implements and personnel shall be available at the scene to control any fire which may be caused by the fireworks use.
- (4) No fireworks may be used between 11:00 p.m. and 8:00 a.m.
- (5) Only the permit holder or permit holder's agent may discharge fireworks.
- (6) No fireworks may be used other than from July 1 through July 7 of each year unless all neighbors within 200 feet from the point of discharge have granted permission in writing to the permit holder, and this written permission is on file with the town.

(c) Upon the issuance of a citation to any permit holder for the violation of any of the provisions of this article, the person's permit to use fireworks in the town shall be suspended. Upon conviction of any citation issued under this article, a person's permit to use fireworks shall be revoked.

(d) No person in the possession of fireworks pursuant to this article may resell those fireworks in the town.

(Ord. No. 94-11, § 1(B), 9-12-1994)

Sec. 30-84. Permit for the use of fireworks.

(a) *Application for permit.* Each person, corporation or organization desiring to use fireworks within the town shall make application to the clerk. The application shall include:

- (1) The name of the applicant.
- (2) The address of the applicant.
- (3) The residential and business telephone numbers of the applicant, if any.
- (4) The date of birth of the applicant.
- (5) The date requested for the fireworks use.
- (6) The time and location for the requested use.
- (7) The kind or quantity of fireworks and where purchased.
- (8) The classification of the application as noted in Wis. Stats. § 167.10(3)(c).

- (9) The proposed location for the storage of the fireworks in the town.
- (10) A description of the safety protection to be provided during the permitted use.
- (11) A description of the fire safety equipment to be provided during the permitted use.
- (12) A diagram of the ground demonstrating fireworks ignition area, areas where persons will be located and areas where persons will not be located.
- (13) The type and amount of security and sanitation personnel to be provided during the permitted use.
- (14) Purpose of display, identifying group involved.
- (15) Proof of insurance in the form of a standard company rider issued by an insurance company satisfactory to the town for the duration of the permit with a minimal limit of comprehensive general liability coverage in the amount of \$2,000,000.00 with an insurance company licensed to do business within the state, naming the town and its officers and employees as additional insureds.

(b) *Investigation of permit.* Upon receipt of a permit application under the provisions of this article, the chief of police shall conduct an investigation to determine whether the application complies with all applicable regulations, ordinances and laws. Upon completion of the investigation, the chief of police shall make a recommendation as to whether or not, in his opinion, the permit shall be issued and advise the town board of the recommendation.

(c) *Issuance of permit.* No person, corporation or organization shall be issued or reissued a fireworks permit in the town until the following requirements have been satisfied:

- (1) The town board has determined that the permit is in compliance with all applicable regulations, ordinances and laws.
- (2) The town board has determined that all requirements for the application have been satisfied.
- (3) The appropriate fees have been paid to the clerk.
- (4) The town board has determined that the permittee has not been charged and/or convicted of any violations of regulations, ordinances or laws regulating the use of fireworks.

- (5) The town board has determined that the permittee will provide adequate safety protection during the requested use.
 - (6) The town board has determined that the permittee will provide adequate fire safety equipment during the requested use.
 - (7) The town board has determined that the permittee has provided adequate insurance and indemnity.
 - (8) The town board has determined that the permittee will provide adequate security personnel.
 - (9) The town board has determined that the permittee will prevent open fires being ignited at the permitted location during the requested use.
 - (10) The town board has determined that the permittee will provide sanitary facilities at the permitted location during the requested use.
- (Ord. No. 94-11, § 1(C), 9-12-1994)

Sec. 30-85. Fireworks application.

The application for fireworks use shall be as follows:

TOWN OF MUKWONAGO

W320 S8315 Beulah Road

Mukwonago, WI 53149

APPLICATION FOR FIREWORKS USE

I (we), the undersigned, have reviewed the attached copy of Ordinance No. _____ of the General Ordinances for the Town of Mukwonago, as well as all other ordinances and/or State Statutes applicable to the permit and meet all terms and conditions of the same.

I (we), the undersigned, fully and completely filled out the necessary application forms and answered all questions to the best of my (our) ability.

I (we), the undersigned, will abide by all terms and conditions set by the Town of Mukwonago and will fulfill all necessary requirements.

I (we), the undersigned, do swear to or affirm that all statements contained herein are true and correct to the best of my (our) knowledge.

(Please print clearly.) (*Attach additional information, if necessary.)

Name: _____ Date of Birth: _____

Address: _____

Home Telephone No. _____ Business Telephone No. _____

Date of Use: _____ Time of Use: _____

Length of Time of Use: _____

Location of Discharge: _____

Type and Quantity of Fireworks * _____

Where Purchased: _____

Classification of Application (Per Wis. Stats. § 167.10(3)(c)) _____

Proposed Location for Storage in Town: _____

Description of Safety Protection to be Provided: _____

Type and amount of Security and Sanitation Personnel to be Provided: _____

Who will Discharge Fireworks: _____

Purpose of Display/Identify Group(s) Involved (4th of July, Private Party, Wedding, Etc.): _____

Has applicant ever been charged and/or convicted of any violations of regulations, ordinances or laws regulating the use of fireworks: _____

Please attach the following to this completed application:

1. A diagram of the ground demonstrating fireworks ignition area, areas where persons will be located and areas where persons will not be located.

2. Proof of insurance in the form of a standard company rider issued by an insurance company satisfactory to the town for the duration of the permit with a minimal limit of comprehensive general liability coverage in the amount of \$2,000,000.00 with an insurance company licensed to do business within the State of Wisconsin, naming the Town of Mukwonago and its officers and employees as additional insured's.

3. If necessary, written permission must be attached from neighbors within 200 feet from the point of discharge for fireworks used from July 7th through June 30th.

Title

Subscribed and sworn to before me this _____ day of _____, 20_____.

Notary Public, State of Wisconsin

My Commission Expires: _____

-----Office Use Only-----

Application Requirements Satisfied:

\$100.00 Fee Paid Per Receipt No.:

Police Check RE: Use of Fireworks:

(Ord. No. 94-11, 9-12-1994)