

CHAPTER 5
Fire Department
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CHAPTER 5

Fire Department

5.01.000 COMPOSITION OF FIRE DEPARTMENT. The Fire Department of the City of Port Washington shall consist of one company of not more than 50 members.

5.02.000 CHIEF OF FIRE DEPARTMENT. The Chief of the Fire Department shall be appointed by the Police and Fire Commission and shall hold office during good behavior subject to suspension or removal by the Commission for cause.

5.03.000 OTHER OFFICERS. There shall be a 1st Assistant Chief, Deputy Chiefs, Captains, Lieutenants, Engineers, Assistant Engineers, and a Secretary-Treasurer. The 1st Assistant Chief, Deputy Chiefs, Captains, Lieutenants, Engineers, and Assistant Engineers shall be appointed by the Chief, subject to approval by the Police and Fire Commission. The Secretary-Treasurer shall be elected by the members at the annual meeting and their term of offices shall be for one year and shall begin on January 1 succeeding the annual meeting.

5.04.000 ANNUAL MEETING. The annual meeting of the Fire Department shall be held on the first Monday of December in each year.

5.05.000 DUTIES OF THE OFFICERS OF THE DEPARTMENT.

5.05.010 Chief.

1. The Chief shall preside over all meetings of the Department and shall have command of the department at all fires and fire drills.
2. The Chief shall examine the apparatus and buildings of the Department as often as necessary to convince himself that they are having the proper care and are in serviceable condition, and report the same to the Common Council. It shall also be his duty to submit to the Common Council in January of each year a report showing the statistical and financial condition of the Fire Department.

5.05.020 Other Officers. The other officers shall assist the Chief in the discharge of his duties, and in case of the event of absence or disability to act, shall have all the powers of the Chief, in the order rank.

5.05.030 Secretary-Treasurer.

1. The Secretary-Treasurer shall keep a record of the proceedings of the Department, and record the same in a book for such purposes.
2. The Secretary-Treasurer shall keep a list of all the members of the Department. He shall also keep a record of all fires and fire alarms and make an estimate of the fire losses as near as can be ascertained annually.
3. The Secretary-Treasurer shall receive and have custody of all monies of the Department and disburse the same only upon an order or check signed by the Chief and Secretary-Treasurer of the Department and render an itemized account of the same at the annual meeting of the Department, and to give a bond in such sum as may be stipulated at the annual meeting.

5.05.040 Engineers. The Engineers shall keep all of the equipment and apparatus in said Department in good repair. They shall be paid salaries which shall be fixed by the Common Council.

5.05.050 Temporary Deputy Chief. The primary duty of the Temporary Deputy Chief shall be to assist a new Chief during a transitional period following the appointment of the new Chief, and to perform such other duties as may be assigned from time-to-time by the new Chief. The Temporary Deputy Chief shall hold office for a term not to exceed sixty (60) days immediately following the appointment of a new Chief, as determined by the Police and Fire Commission, and shall be paid compensation in such amount or at such rate as shall be fixed by the Common Council.

5.06.000 CONSTITUTION AND BY-LAWS. The Department may adopt a constitution and by-laws as may be necessary for the orderly conduct of its meetings and providing for the conduct of said Department in general.

5.07.000 BYSTANDERS MAY BE CALLED TO ASSIST AT FIRES. The Mayor, or the Chief of the Fire Department, may require any bystander at any fire to render such reasonable aid as shall be necessary.

5.08.000 RESISTANCE TO FIREMAN. No person shall willfully offer any hindrance or resistance to a fireman in the discharge of his duty, nor shall any person willfully injure in any manner, any hose, fire engine, or other fire apparatus belonging to the City.

5.09.000 DESTRUCTION OF PROPERTY. During the progress of any fire, the Chief of the Fire Department, or in case of his absence or disability, the subordinate officer in charge shall have the power to order the removal or destruction of any property necessary to prevent the further spread of fire.

5.10.000 FALSE ALARMS. No person shall knowingly give or cause to be given any false alarm of fire. No person excepting the Chief of the Fire Department and those acting under his express authority in writing, or by express authority of the Common

Council, shall make or cause to be made any key or keys of any fire alarm telegraph box, or use or attempt to use, or cause to be used, any such key or keys.

5.11.000 FIRE INSPECTION.

5.11.010 Entering Buildings. The Chief of the Fire Department and his duly authorized assistants may enter and inspect any building in the City of Port Washington, Wisconsin except the interior of private dwellings, at any reasonable hour, in the performance of their duties under this section.

5.11.020 What Inspection To Cover. The Fire Chief, or his duly authorized assistants, shall inspect all buildings, except the interior of private dwellings, in the City to determine the general character of the premises with respect to the disposition of debris, rubbish, waste paper, rags, oils, waste, explosives, and all kinds of inflammable material, and the means of access from one part of the building to another, and they may inspect any building in said City for the purpose of ascertaining if any danger from fire exists by reason of defective chimneys, flues, stoves, ovens, furnaces, boilers, electric wiring, ash houses, and receptacles, or by reason of any other cause.

5.11.030 Inflammable Material. All parts of business buildings shall be cleaned daily and kept free from all inflammable material, except that combustible material not in actual use may be neatly arranged in a manner to provide passageways and aisleways for the convenient movement of the members of the Fire Department.

5.11.040 Doors And Openings. All doors and openings, external and internal in all business buildings, shall be kept, free from goods of any kind and means of access and free movement shall be provided for the convenient work of the members of the Fire Department.

5.11.050 Storage of Inflammables. There shall be no rubbish, excelsior, shavings, waste paper or other like inflammable materials left in any part of business buildings over one day, except that such materials may be stored within a fire proof room, provided with standard fire doors, and all material of such character shall be destroyed, removed, or placed within such fire proof room at the close of each day.

5.11.060 Business Buildings Defined. The term “business building” as mentioned herein, shall be taken to include hotels, lodging houses, stores, office buildings, warehouses, mills, factories and public buildings.

5.11.070 Notice of Violations. Should the Fire Chief, or his authorized assistants on such inspections discover that any provisions of this section are being violated, said Fire Chief shall give notice thereof in writing to the owner or occupant of such building, requiring him to comply with the provisions of this section within 48 hours.

5.11.080 Notice of Hazardous Conditions. Should the Fire Chief, or his authorized assistants on such inspection, discover any danger from fire by reason of any defective condition set forth in subsection (2) hereof, or from any other cause, said Fire Chief or his authorized assistants shall give notice in writing to the owner or occupants of any such building of such defects, requiring them to make reasonable changes and repairs within a specified time, to render the premises or buildings safe as possible from fire.

5.12.000 RETIREMENT AND DEATH BENEFITS. A member who has served 20 years with the Fire Department and has reached the age of 60 years, may retire as an active member from such Fire Department or may be retired on motion of the Board of Police and Fire Commissioners, after such member has become disabled, or after a medical examination is found physically unable to carry out duties required. Upon such retirement or upon retirement by action of the Board, the retiring member shall exercise by his option to accept one of the following retirement plans:

1. Active members. Any active member of the Fire Department or any active member of the Ambulance Service may elect to be covered under the group life insurance plan maintained by the City of Port Washington. Each member exercising that option shall advise the City Administrator in writing of such election. Such member shall be covered under such policy so long as the policy is in effect and so long as the member maintains those payments required to keep that coverage in effect. Upon the member ceasing to be active, such coverage shall terminate unless maintained under Section 5.12.000 (2).
2. Retirement Benefits. Any member of the Fire Department who has served 20 years and any member of the Ambulance Service who has served 20 years who retires or is retired by action of the Police and Fire Commission may elect to accept one of the following retirement plans:
 - (a) A cash payment of \$750.00 plus \$25.00 for each year of service over 20, but not to exceed a total of \$1,000.00.
 - (b) Continue to be maintained under the group life insurance policy upon payment of the premium required to keep that coverage in effect.

5.13.000 THE FOLLOWING FIRE PREVENTION AND PROTECTION CODE IS ADOPTED:

5.13.010 Intent of Code. It is the intent of this code to prescribe regulations consistent with recognized standard practice for the safeguarding to a responsible 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 and property in the use or occupancy of buildings or premises within the city limits of Port Washington.

5.13.020 Application to New and Existing Conditions. The provisions of this code shall apply equally to new and existing conditions except that existing conditions not in strict compliance with the terms of this code shall be permitted to continue where the exceptions do not constitute a distinct hazard to life or adjoining property.

5.13.030 Exceptions. Nothing contained in this code shall be construed as applying to the transportation of any article of thing shipped in conformity with the regulation prescribed by the Interstate Commerce Commission, nor as applying to the military forces of the United States.

5.13.040 ADOPTION OF CODES.

A. The current issues of the following orders and codes of the Wisconsin Administrative Code, Rules of the Department of Industry, Labor and Human Relations (ILHR), and the National Fire Protection Association (NFPA) are hereby adopted and by reference are made a part of this ordinance as is fully set forth herein. Any act required to be performed or prohibited by any said code incorporated herein by reference is required or prohibited by this ordinance. Sections of the following codes adopted by reference, or as may be altered, amended or recreated in any manner whatsoever, shall include, but not be limited to, the following:

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| 1. | Chapter ILHR | 7 | Explosive Materials |
| 2. | Chapter ILHR | 10 | Flammable and Combustible |
| 3. | Chapter ILHR | 11 | Liquefied Petroleum Gases |
| 4. | Chapter ILHR | 14 | General Hazard-Fire Prevention |
| 5. | Chapter ILHR | 15 | Cleaning and Dyeing |
| 6. | Chapter ILHR | 28 | Smoke Detectors |
| 7. | Chapter ILHR | 30 | Fire Department Health and Safety |
| 8. | Chapter ILHR | 32 | Safety and Health Standards for Public Employees |
| 9. | Chapter ILHR | 50-64 | Building Code (including Heating,
Ventilation and Air Conditioning |
| 10. | Volumes I through XVI inclusive, National Fire Protection Association Codes | | |

B. Whenever the provisions of the aforementioned codes conflict, the stricter interpretations shall apply.

C. Copies of each of said codes are on file in the office of the Chief of the Fire Department of the City of Port Washington, and shall remain so filed, and be, at all reasonable times, open to inspection by any interested persons.

5.13.050 Definitions. Unless otherwise expressly stated, the following terms shall, for the purpose of this code, have the meanings indicated in this chapter.

1. **Approved.** “Approved” means listed or approved by Underwriters Laboratories, Inc., Factory Mutual Research Corp., the National Bureau of Standards, the American Gas Association Laboratories, or other nationally recognized testing authorities, and accepted by the Chief of the Fire Department as a result of this investigation and experience.
2. **Automatic Fire Warning System.** “Automatic fire warning system” means a supervised system which automatically detects a fire location, actuates a fire alarm signal device and indicates the location from which the signal originates.
3. **Dwelling.** “Dwelling” means a building occupied exclusively for residence purposes and having not more than two apartments, or as a boarding or rooming house serving not more than five persons with meals or sleeping accommodations or both.
4. **ICC Container.** “ICC Container” means any container approved by the Interstate Commerce Commission for shipping any liquid, gaseous or solid material of a flammable, toxic, or other hazardous nature.
5. **Institutional Building.** “Institutional Building” means a building in which persons are harbored to receive medical, charitable or other care or treatment, or in which persons are held or detained by reason of public or civic duty, or for correctional purposes.
6. **Multifamily Dwelling.** “Multifamily dwelling” means a building or portion thereof, containing three or more dwelling units, occupied as the home or residence of individuals, families or households living independently of each other, including tenement house, apartment house, flat, town house, row house, condominium, dormitory, boarding, or rooming house serving more than five persons with meals or sleeping accommodations or both.
7. **Persons.** “Persons” means and includes person, persons, firm, corporation or co-partnership.
8. **Public Building.** “Public Building” means a building in which persons congregate for civic, political, educational, religious, social or recreational purposes.
9. **Residence Building.** “Residence Building” except when classed as an institutional building means a building in which sleeping accommodations are provided.

5.13.060 Authority To Enter Premises. The Chief of the Fire Department or any of his subordinates designated by him may, at all reasonable hours, enter any building or premises within his jurisdiction for the purpose of making any inspection, or investigation which under the provisions of this code, he or they may deem necessary to

be made. Private dwellings shall not be entered without the consent or permission of an adult occupant.

5.13.070 Inspection of Building and Premises. A. It shall be the duty of the Chief of the Fire Department to inspect, or cause to be inspected by the fire department officers or members, all buildings and premises, except the interiors of private dwellings, as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or any violations of the provisions of intent of this code and of any other ordinance affecting the fire hazard, and to insure compliance in all places of assembly with all laws, regulation and order dealing with overcrowding, use of decorative materials, maintenance of exit ways, and maintenance of fire alarm and fire detecting systems, and fire extinguishing systems, and appliances.

B. The Chief of the Fire Department or an inspector thereof, upon the complaint of any person, or whenever he or they shall deem it necessary shall inspect any buildings and premises within their jurisdiction.

5.13.080 Investigation of Fires. A. The Chief or acting chief of the fire department shall investigate the source, origin and circumstances of every fire occurring in the city by which property has been destroyed or substantially damaged. Such investigations shall be begun immediately upon the occurrence of such a fire by the fire chief of the fire department and if it appears that such fire is of suspicious origin, the chief shall notify the proper authorities designated by law to pursue the investigation of such matters, and shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case.

B. The city attorney and the police department, upon the request of the chief of the fire department shall assist in the investigation of any fire which, in the opinion of the chief of the fire department is of suspicious origin.

5.13.090 Fire Records. The Chief of the Fire Department shall keep a record of all fires and of all the facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, and whether such losses were covered by insurance, and if so, in what amount. Such record shall be made daily from the reports made by the fire department officers and inspectors. All such records shall be public.

5.13.100 Annual Report. A report of the fire department activities shall be made annually and transmitted in writing to the Police and Fire Commission. It shall contain all proceedings under this code, with such statistics as the chief of the fire department may wish to include therein. The chief of the fire department shall also recommend any amendments to the code which, in his judgement, shall be desirable.

5.13.110 Modifications. The chief of the fire department shall have the power to modify any of the provisions of the fire prevention code upon application in writing by the owner of the lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code 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 furnished the applicant.

5.13.120 Appeals. Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the Police and Fire Commission within thirty days from the date of the decision of the chief. In the event of such appeal, the commission shall set a time and place for hearing thereof and give to the appellant at least ten days notice thereof by mail or personally. Decision must be made within twenty days of receipt of appeals.

5.13.130 New Materials, Processes or Occupancies Which May Require Permits. The mayor, chairman of the Police and Fire Commission, the chief of the fire department and the city engineer shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in this code. The chief of the fire department shall post such a list in a conspicuous place in his office and in the office of the clerk, and may distribute copies thereof to interested persons.

5.13.140 Fire Hydrant Requirements on Private Property. A. Intent: The intent of this section is to insure adequate water supply for fire fighting purposes to existing or new structures, buildings, tank farms, lumberyards, commercial or industrial complexes located at extended distances from city water hydrants on private property.

- A. Where required. At any tank farm, lumber yard, commercial or industrial complex, any structure or building now existing or hereafter erected, or structurally altered to increase the floor area by fifty (50) percent or more, shall provide at the owners expense an approved water hydrant when such building is set back 250 feet or more from any street or highway or is located more than 300 feet from a city water hydrant. Required hydrants shall be free standing and shall be located not more than 50 feet or less than 25 feet from the building. One hydrant shall be located not more than 50 feet or less than 25 feet from the main entrance to such building. Additional hydrants shall be provided around the perimeter of the building so that no water hydrant is more than 300 feet from any other approved hydrant by normal access routes. All water hydrants shall be located within 10 feet of an all weather road and shall be accessible at all times to the fire department. The water pipe serving the hydrant shall be ductile iron and shall not be less than 8 inches in diameter.
- B. Fire Equipment on Private Property. The fire department, through its authorized representative, must approve all fire hydrants, stand-pipes and sprinkler systems for commercial, industrial or institutional buildings or properties. A permit must be issued before such equipment may be installed. Hydrants to be used on such properties shall be on the type approved by the Port Washington Board of Public Works and shall be consistent with the type universally used in the City of Port

Washington. The hydrant must open to the right with a Port Washington, standard operating nut. Hydrants are to be placed with six feet of earth cover and sufficient drainage bedding to allow the hydrant to drain dry. Hose connection for Class 1 stand-pipes and fire department connection for the sprinkler and standpipe connection shall be two and one-half inch diameter and shall have national standard couplings. Connection points shall be between three feet and four feet above the finished property grade. All sprinkler and stand-pipe connections shall be painted red.

5.13.150 Permits.

- A. Permission granted-limitations. A permit shall constitute permission to maintain, store or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such permit does not take the place of any license required by law. It shall be for an indefinite period, not transferable and any change in use or occupancy of premises shall require a new permit.
- B. Approval before issuance. Before a permit may be issued, the chief of the fire department or his assistants shall inspect and approve the receptacles, vehicles, building or storage places to be used. In case where laws or regulations enforceable by departments other than the fire department are applicable, joint approval shall be obtained from all departments concerned.
- C. Application. All applications for a permit required by this code shall be made to the chief of the fire department in such form and detail as he shall prescribe.
- D. To be kept on premises. 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.

5.13.160 Trash Burning.

- A. All trash burning prohibited. No person shall kindle or cause to be kindled any trash fire in or upon any street, alley, public way or private ground within the City of Port Washington.
- B. Trash defined. Trash is defined as rubbish, grass, leaves, branches, construction waste, paper products, industrial waste or any other type of debris.

5.13.170 Open Flame.

- A. Lights and devices. No person shall take an open flame or light into any building, barn, vessel, boat or any other place where highly flammable, combustible or explosive material is kept, unless such light or flame shall be well secured in a glass globe, wire mesh cage or similar approved device.
- B. Place of assembly. No open flame, candles or other open flame fixture, whether equipped with a guard or not shall be used in any place of assembly, except within duly constituted church or lodge buildings. Such open flame candles or other flame fixtures whether equipped with a guard or not, shall not be used in auditoriums of Church or Lodge buildings except when such candles or fixtures are actually held by

persons seated, standing, or in procession in such auditorium. Such candles or fixtures need not be held by persons if they are securely supported on noncombustible bases, the flame is at least seven (7) feet above the floor, are so located as to avoid danger of ignition of combustible material, are under constant observation and supervision by a responsible person designated for each aisle, are kept lighted only when necessary during the ceremony or ritual, and are extinguished before occupants leave the auditorium.

- C. Stages. Open flame devices may be used on stages or church altars where a necessary part of the theatrical or religious performance requires it, provided adequate precautions, satisfactory to the chief of the fire department are taken to prevent ignition of any combustible materials.
- D. Restaurants. Open flame devices used for the warming of food may be used in restaurants and dining areas, provided such devices and their location are approved by the chief of the fire department.
- E. Exceptions. The use of other open flame light and devices not herein regulated may be permitted by the fire department under such restrictions as, in his judgement, are necessary to avoid danger of ignition of combustible material or injury to persons.

5.13.180 Apparatus Capable of Igniting Flammable Material Prohibited. No heating or lighting apparatus or equipment capable of igniting flammable materials of the type stored or handled shall be used in the storage area of any warehouse storing rags, excelsior, hair, or other highly flammable or combustible material; nor in the work area of any shop or factory used for the manufacture, repair, or renovating of mattresses or bedding, nor in the work areas of any establishment used for the upholstering of furniture.

5.13.190 Chimneys and Heating Appliances. All chimneys, smokestacks or, similar devices for conveying smoke or hot gases to the outer air and stoves, furnaces, fire boxes, or boilers to which they are connected shall be constructed and maintained in such a manner as not to create a fire hazard.

5.13.200 Use of Torches or Flame Producing Devices. Any person using a torch or other flame producing device for removing paint from any building or structure shall provide one approved fire extinguisher or water hose connected to the water supply on the premises where such burning is done. In all cases, the person doing the burning shall remain in the premises one hour after the torch or flame producing device has been used.

5.13.210 Combustible Materials.

- A. Hot ashes and other dangerous materials. No person shall deposit hot ashes or cinders, or smoldering coals, or greasy or oily substances liable to spontaneous ignition into any wooden receptacle or place the same within ten feet of any combustible materials, except in metal or other noncombustible receptacles. Such receptacles, unless resting on a noncombustible floor or on the ground outside the building shall be placed on noncombustible stands, and in every case must be kept at least two feet away from any combustible wall or partition.

- B. Accumulations of waste materials. Accumulations of waste paper, hay, grass, straw, weeds, litter, or combustible or flammable waste or rubbish of any kind shall not be permitted to remain upon any roof or in any courtyard, vacant lot or open space. All weeds, grass, vines, or other growth, when same endangers property, or is liable to be fired, shall be cut down and removed by the owner or occupant of the property it is on.
- C. Handling Readily Combustible Materials. No person making, using, storing, or having in charge, or under his control any shavings, excelsior, rubbish sacks, bags, litter, hay, straw, or combustible waste materials shall fail or neglect at the close of each day to cause all such materials which are not compactly baled and stacked in an orderly manner to be removed from the building or stored in suitable vaults or in metal or metal lined, covered receptacles or bins.
- D. Storage of Readily Combustible Materials. Storage in buildings shall be orderly, shall not be within two feet of the ceiling, and not so located as to endanger exit from the building. Storage in the open shall not be more than twenty feet in height, shall be so located, with respect to adjacent buildings, as not to constitute a hazard, and shall be compact and orderly.
- E. Flammable Decorative Materials in Stores. Cotton batting, straw, dry vines, leaves, trees, or other highly flammable materials shall not be used for decorative purposes in show windows or other parts of stores unless flame proofed; provided, however, that nothing in this section shall be held to prohibit the display of saleable goods permitted and offered for sale. Electric bulbs in stores shall not be decorated with paper or other combustible materials unless such materials shall first have been rendered flame proof.

5.13.220 Storage of Petroleum Products With Flash Points Less Than 100°F.

- A. Delivery, etc., Restrictions. No person, firm or corporation shall deliver, place, receive, store on or underground in excess of 10 gallons, any gasoline (or like product of petroleum which has a flash point of less than 100° F when tested in the Tagliabue closed cup tester) upon any premises located in any district of the City of Port Washington zoned as a single Family Residence District, Two Family Residence District, or Multiple Family Residence District.
- B. Device for Drawing, Restrictions. No person, firm, or corporation shall maintain, use, or place any device for drawing, from an underground storage container any gasoline (or like product or petroleum which has a flash point of less than 100° F when tested in the Tagliabue closed cup tester) upon any premises in the City of Port Washington zoned as a Single Family Residence District, Two Family Residence District, or Multiple Family Residence District.

5.13.230 Smoking Prohibited Conditions.

- A. Smoking Defined. “Smoking” means and includes the carrying of lighted pipe, cigar, cigarette or tobacco in any form.
- B. Chief to Designate Areas Where Smoking Shall be Prohibited. Where conditions are such as to make smoking a hazard in any areas of warehouses, stores, industrial plants, institutions, places of assembly, and in open spaces where combustible materials are stored or handled, the chief of the fire department is empowered and authorized to order the owner or occupant in writing to post “No Smoking” signs in each building, structure, room or place in which smoking shall be prohibited. The chief of the fire department shall designate specific safe locations, if necessary in any building, structure or place in which smoking may be permitted.
- C. “No Smoking Signs”. “No Smoking” signs required in accordance with Section 5.23 (2) shall read “by order of the Chief of Port Washington Fire Department”.
- D. Smoking and Removal of “No Smoking” Signs Prohibited. No person shall remove any legally required “No Smoking” sign or smoke in any place where such signs are posted.

5.13.240 Fire Hazards.

- A. Orders to Eliminate. Whenever any of the officers, members, or inspectors of the fire department as mentioned in section 5.07 shall find in any building or upon any premises dangerous or hazardous conditions as follows, he or they shall order such dangerous conditions or materials to be removed or remedied in such manner as may be specified in the order: (a) dangerous or unlawful amounts of combustible or explosive matter. (b) hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive matter, (c) dangerous accumulations of rubbish, waste paper, boxes, shavings or other highly flammable materials, (d) accumulations of dust or waste materials in air conditioning systems or of grease in kitchen exhaust ducts, (e) obstructions to or on fire escapes, stairs, passageways, door or window, liable to interfere with the operations of the fire department or egress of occupants in case of fire and (f) any building or other structure which, for want of automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause, creates a fire hazard or a threat to life and safety.
- B. Service of Orders. (a) the service of such orders as mentioned in Section 5.24 (1) may be made upon the owner, occupant, or other person responsible for the conditions, either by delivering a copy of same personally or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the said premises. Whenever it may be necessary to serve such an order upon the owner of premises such order may be served either by delivering to and leaving with the person a copy of the order, or, if such owner is

absent from the jurisdiction of the officer making the order by mailing such copy to the owner's last known post office address, and (b) if buildings or other premises are owned by one person and occupied by another under lease or otherwise, the orders issued in connection with the enforcing of this code shall apply to the occupant thereof, except where the rules or orders require the making of additions to or changes in the premises themselves, such as would immediately become 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.

5.13.250 Sprinkler Systems Required.

- A. Intent. The intent of this section is to provide a means for the automatic extinguishing of fires in buildings or parts of buildings which because of their size, construction or occupancy or lack of suitable protective equipment constitute a special fire hazard to life or property and an excessive burden upon the fire extinguishing facilities of the Fire Department.
- B. Definitions. For the purposes of this section, the following definitions shall be applicable.
1. Approved. The material, workmanship and installation of the sprinkler system complies with the regulations as set down in Standard 13 of the National Fire Protection Association in effect on the date of installation, and approved by the Fire Department of the City of Port Washington and the Insurance Services of Wisconsin or Factory Mutual System.
 2. Area. Area means the sum total of the original building and any additions, except, that the basement and attic, if there is one, shall not be included.
 3. Automatic Sprinkler Equipment. A system of water supply pipes and orifice to apply water to a fire when activated by an automatic, manual or remote control device.
 4. Institutional Building. Institutional buildings shall include convents, monasteries, children's homes for the aged and infirm, nursing homes, convalescent homes, asylums, hospitals and jails.
 5. Other Terms. Used in this section shall be as defined in Section 51 of Wisconsin Administrative Code.
- C. Where Required. Every building hereinafter 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. Factories, Office and Mercantile Buildings. Throughout every building.

Fire Resistive Building if:

Over 10,000 square feet in area

Over one story in height and exceeding 6,000 square feet in area

Over three stories in height regardless of the area

Where the floor area is not divided by firewalls and exceeds 6,000 square feet regardless of stories

Non-Fire Resistive Buildings if:

Over 8,000 square feet in area

Over one story in height and exceeding 5,000 square feet in area

Over three stories in height regardless of area

Where the floor area is not divided by firewalls and exceeds 5,000 square feet regardless of stories

2. Garages and Service Stations. Fire resistive over 10,000 square feet. Non-fire resistive buildings over 6,000 square feet.
 3. Basements. Throughout all basements and cellars of buildings having an area over 10,000 square feet or more used for the manufacture, storage, or sale of combustible material or merchandise, or for the housing of automobiles.
 4. Hotels and Motels. Throughout every building if over 5,000 square feet in area.
 5. Multi-family Dwellings. In the basements, cellars, storerooms, work rooms, boiler rooms, furnace rooms, hallways, and stairways
 6. Theaters and Assembly halls
 7. Hospitals and Other Institutional Buildings. Throughout every building.
 8. Schools. Throughout every building.
 9. Public Buildings. Throughout buildings if over two stories in height or if over 10,000 square feet regardless of height.
- D. Application to Existing Buildings. Where the Fire Department finds that by reason of construction or highly combustible occupancy, existing buildings constitute a severe fire hazard to its occupants or to adjoining property, the provisions of this section will apply.
- E. Type of System and Approval of Plans. Approved automatic sprinkler equipment shall be installed and connected to an adequate water supply with sprinkler heads, valves and auxiliary equipment of standard types suitable for the individual buildings to be protected as determined by Standard 13 of the National Fire Protection Association in effect on the date of installation. No automatic sprinkler equipment shall be installed or altered in a building until plans have been submitted and approved by the fire department and the Insurance Services Office of Wisconsin or Factory Mutual System. Two copies of the plans and specifications shall be submitted for review. Approved plans must be stamped "Approved by the Fire Department of the City of Port Washington" and the date of such approval. One copy shall be returned to the owner and the other kept on file by the Fire Department.
- F. Building Permit. No building permit for any building covered by this section shall be issued unless the Building Inspector's copy of the plans for the proposed building has been stamped "Approved by the Fire Department of the City of Port Washington."
- G. Construction Inspection. While a covered building is under construction, the Building Inspector, Plumbing Inspector, Electrical Inspector and Fire Department

Inspector will share jointly in the responsibility of conducting inspections to see that all provisions of this code have been carried out.

- H. Occupancy Permit. A final inspection of the building will be made by the Fire Department Inspector after notification by the Building Inspector. The Occupancy Permit required under Section 15.03 of the City Code must be stamped "Approved by the Fire Department" before issuance.
- I. Exemption and Substitution of Other Fire Protection Equipment. Nothing contained herein shall be construed as to require the installation of sprinklers in safe deposit or other vaults or in rooms or buildings devoted to the manufacture or storage of aluminum powder, calcium carbide phosphide, metallic and potassium, quick lime, magnesium powder, sodium peroxide or like materials where the application of water may cause or increase combustion, nor in any other location where the installation of sprinklers may increase the hazard nor shall it be construed in any way to prohibit the substitution of other automatic protective equipment when approved by the Fire Department of the City of Port Washington.
- J. Maintenance. The owner or occupant of a building containing the required automatic sprinkler system shall maintain the system in an operative condition at all times. The occupant of the building shall properly notify the Chief of the Fire Department in case such sprinkler protection is withdrawn, interrupted, curtailed or altered.

5.13.260 Fire Warning Systems Required: Multi-Family Dwellings.

- A. General Provisions. In addition to the requirement for automatic sprinkler systems, as specified in Section 5.25 above heat and smoke detectors shall be installed in each room throughout the remaining area of the building, including attic areas.
- B. Approval. All fire detection devices shall be approved for the purpose for which they are intended, and shall be installed in conformity with N.F.P.A. Standard No. 72E. Three complete sets of information regarding the fire detectors, including specifications and floor plans showing the location of the detectors, shall be submitted for approval of the Fire Department prior to installation of the detectors. Before requesting final approval of the installation, the installing contractor shall furnish a written statement to the chief of the Fire Department to the effect that the detectors have been installed in accordance with approved plans and tested in accordance with the manufacturer's specifications. Upon completion of the installation, a satisfactory test of the fire detectors shall be made in the presence of a representative of the fire department.
- C. Installation. All equipment shall be installed in a workmanlike manner and in accordance with the manufacturer's instructions. Detectors shall be supported, in all cases, independently of their attachment to the circuit conductors. Detectors shall not be recessed in any way into the mounting surface unless they have been tested and listed for such recessed mounting. In the case of solid joist construction detectors shall be mounted at the bottom of the joists.
- D. Power Supply. An AC primary source of electric power shall be utilized. A separate circuit shall be provided for the system and the circuit breaker shall be colored red. The requirements for power limited fire protective signaling circuits as defined in

Article 760 of the National Electrical Code, N.F.P.A. Standard No. 760 shall be met, except where they conflict with the Electrical Code of the City of Port Washington.

In those cases, the City Electrical Code shall be followed. Wire used shall be electrically supervised against both short and open wiring and trouble relay coils. A short or open wiring fault occurring in these circuits shall cause an audible and visual trouble indication at the control panel.

- E. Functioning. The system shall function as follows when any detector operates:
The main and remote alarm devices, including the public alarm system, will sound.
The proper zone and fire indication will appear on the annunciator panel.
- F. Heat Detectors. The location and spacing of heat detectors shall be in accordance with the recommendations contained in N.F.P.A. Standard No. 72E. Detectors of the fixed-temperature or rate-compensated spot-pattern type shall be classified as to the temperature of operation and marked with the appropriate color code. Detectors having fixed temperature or rate compensated elements shall be selected in accordance with paragraph 3-3.1 of Standard No. 72E for the maximum ceiling temperature that can be expected.
- G. Smoke Detectors. Smoke detectors shall be located on the ceiling not less than 6 inches from a sidewall. Spacing of detectors shall result from an evaluation based upon engineering judgement, supplemented, if feasible, by field tests. Ceiling shape and surfaces, ceiling height, configuration of contents, burning characteristics of stored combustibles, and ventilation are some of the parameters that shall be considered. Spacing shall also be in accordance with paragraph 4-4 of Standard No. 72E. The selection and installation of detectors shall take into consideration both the design characteristics of the detector and the areas into which the detectors will be installed so as to prevent false operation or non-operation after installation. Detectors shall be capable of detecting gray smoke having a minimum smoke obscuration of 4 percent per foot (optical density of 0.0177 per foot).
- H. Alarm Sounding Devices. Each detection device shall cause the operation of an alarm which shall be clearly audible over background noise levels. The tests of audibility level shall be conducted with all household equipment, which may be in operation at night. In full operation. Examples of such equipment are window air conditioners and room humidifiers. All alarm sounding devices shall have a minimum rating of 85 at 10 feet.
- I. Maintenance and Testing. Each automatic detector shall be continuously maintained in reliable operating condition at all times, and such periodic inspections and tests shall be made as are necessary to assure proper maintenance as specified in Chapter 7 of Standard No. 72E. Detectors shall be under the supervision of a responsible person who shall cause proper tests to be made at specified intervals and have general charge of all alterations and additions. After installation, a visual inspection of all detectors shall be made to be sure that they are properly located and each detector shall be checked to insure that it is connected and powered in accordance with the manufacturer's commendations. Specifics for initial installation tests, periodic tests, cleaning and maintenance, and tests following an alarm, as contained in Chapter 7 of Standard No. 72E, shall be followed.

5.13.270 Fire Warning Systems Required: One or Two Family Dwelling.

- A. General Provisions. Every one or two family dwelling unit erected, constructed or reconstructed after December 31, 1978 shall have smoke detectors as hereinafter provided.
- B. Equipment Performance. Each smoke detector shall be capable of detecting abnormal quantities of smoke that may occur in a dwelling and shall properly operate in the normal environmental conditions of a household. Smoke detectors shall be capable of detecting gray smoke having a minimum smoke obscuration of 4 percent per floor (optical density of 0.0177 per foot). The failure of any non-reliable or short-life component which renders the detector inoperative shall be readily apparent to the occupant of the dwelling without the need for testing..
- C. Alarm Sounding Devices. Each detection device shall cause the operation of an alarm which shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed. The tests of audibility level shall be conducted with all household equipment, which may be in operation at night, in full operation. Examples of such equipment are window air conditioners and room humidifiers. All alarm sounding devices shall have a minimum rating of 85 DBA at 10 feet.
- D. Level of Protection. A basic smoke detector shall be installed to protect each separate sleeping area and at the head of each stairway leading to an occupied area.
- E. Detector Locations. Smoke detectors in rooms with ceiling slopes greater than one-foot per 8-feet horizontally shall be located at the high side of the room. A smoke detector installed at the head of stairs shall be so located as to assure that smoke rising in the stairwell cannot be prevented from reaching the detector by an intervening door or obstruction. A smoke detector installed to protect a sleeping area shall be located outside of the bedrooms, but in the immediate vicinity of the sleeping area. Detectors shall be located on the ceiling.
- F. Power Supply. An AC primary source of electrical power shall be utilized. The requirements of Article 760 of the National Electrical Code, N.F.P.A. Standard No. 70 shall be met, except where they conflict with the Electrical Code of the City of Port Washington. In those cases, the City Electrical Code shall be followed. A separate circuit shall be utilized and the circuit breaker shall be colored red. Wire used shall be of the solid conductor, non-stranded type. Neither loss nor restoration of primary power shall cause an alarm signal. A visible "power on" indicator shall be provided.
- G. Installation. All equipment shall be installed in a workmanlike manner and in accordance with the manufacturer's instructions. All devices shall be so located and mounted that accidental operation will not be caused by jarring or vibration. Installed equipment shall be mounted so as to be supported independently of its attachment to wires. Upon completion of the system, the installer, in the presence of the householder, shall test each device for proper operation. He shall then instruct the owner of the operation and maintenance of the system. The supplier or installing contractor shall provide the owner with instruction charts describing the operation, testing, and proper maintenance of the smoke detectors and also printed information

for establishing a household emergency evacuation plan. In addition, printed information shall be provided to inform the owner where he may obtain repair or replacement service and where and how parts requiring regular replacement may be obtained within two weeks.

5.13.280 Fire Extinguishing Equipment.

- A. The chief of the Fire Department is hereby empowered to designate the number, type and location of fire extinguishers as may be deemed necessary in addition to those now required by law in all existing buildings and structures and in all buildings and structures hereafter erected.
- B. In buildings where first aid standpipes are not required, standard fire extinguishers shall be provided on each floor including the basement; type, size, location, and number of which shall be approved by the Fire Department.
- C. Fire extinguishers shall be conspicuously located where they will always be readily accessible and so distributed as to be immediately available in the event of fire. They shall be hung on hangers or set in brackets so that the top of the extinguisher is no more than five feet above the floor.
- D. Fire extinguishers must be recharged and maintained according to instructions of the manufacturer.
- E. Fire extinguishers shall require a hydrostatic test as follows: (a) Foam type-every five years; (b) Soda and acid type-every five years; (c) Carbon dioxide type-every twelve years; (d) Dry chemical type-every ten years.

5.13.290 Fire Lanes Required. When required by the fire department, hard surfaced driving lanes shall be provided around facilities which, by their size, location, design or contents warrant access which exceeds that normally provided by the proximity of city streets.

- A. General Provisions. Lanes shall provide a minimum, unobstructed continuous width and height of 12 feet. Lanes shall be identified by a 4-inch wide line and block letters 2 feet high, painted in the lane, at 50-foot intervals stating "FIRE LANE-NO PARKING", color to bright yellow, or by the posting of signs stating "FIRE LANE-NO PARKING". Signs shall be posted on or immediately next to the curb line, or on the buildings. Signs shall be 12" x 18" and shall have letters and background of contrasting colors, readily readable from at least a 50-foot distance. Signs shall be spaced not further than 50 feet apart. Signs shall be mounted a minimum of 4 feet and a maximum of 6 ½ feet from the pavement to the bottom edge of the sign. Fire lanes shall be either asphalt or reinforced concrete, 4 inches thick minimum, or when specifically authorized by the fire chief it may be compacted crushed rock. When fire lanes connect to city streets or parking lots, adequate clearances and turning radii shall be provided. All proposed plans for such lanes must have fire department approval.
- B. Fire Lanes as Park of Driveways and/or Parking Areas. The fire department may require that areas specified for use as driveways or private thoroughfares shall not be

used for parking. These areas when specified, shall be marked or identified by one of the two means in (1) above.

- C. Existing Buildings. When, by his judgement, the chief of the Fire Department determines that a hazard due to inaccessibility of fire apparatus exists around existing buildings, he may require fire lanes to be constructed and maintained as detailed in (1) and (2) above.
- D. Prohibitions. Parking of motor vehicles or otherwise obstructing fire lanes shall be prohibited at all times.

5.13.300 Enforcement.

- A. The Fire Prevention Code shall be enforced by the chief of the Fire Department of the City of Port Washington and such subordinates in said department as the chief shall designate or by the Chief of Police of the City of Port Washington or any police officer of said department. The City Building, Plumbing, and Electrical Inspectors and Health Officer shall cooperate with the Fire Department in enforcing this code and may be delegated such duties as the Fire Chief or the duly designated subordinates that the fire department may assign.
- B. This code shall not be construed to affect the responsibility of any person owning, operating or installing any equipment for damage to persons or property caused by any defect therein, nor shall the municipality be held as assuming any such liability by reason of the inspection or re-inspection authorized herein or the permit issued as herein provided or by reason of the approval or disapproval of any equipment authorized herein.

5.13.310 Police Powers of Fire Department.

- A. The Chief and his assistants or officer in charge at any fire are hereby vested with full and complete authority at such fires. 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 call.
- B. The Fire Chief or officer in charge may prescribe certain limits in the vicinity of any fire within which no persons, excepting firemen and policemen and those admitted by order of any officers of the department, shall be permitted to come. The Chief or officer in charge shall have the power to cause the removal of any person from any building or area when in his opinion their continued presence shall become necessary for the preservation of such property from fire, or to prevent the spreading of fire, or to protect the adjoining property. During the progress of any fire, he shall have the power to order the removal or destruction of any property necessary to prevent the further spread of fire. He shall also have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other utility services where the same impedes the work of the department during the progress of the fire.
- C. It shall be lawful for any fireman, while acting under the direction of the Fire Chief or other officer in charge, to enter upon the premises adjacent to or in the vicinity of any building or other property then on fire, for the purpose of extinguishing such fire. In

the event any person shall hinder, resist or obstruct any firemen in the discharge of his duty as herein before provided, the person so offending shall be deemed guilty of resisting firemen in the discharge of their duty.

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

5.13.320 Penalty.

- A. Any person who shall violate any of the provisions of this chapter or fail to comply therewith or who shall violate or fail to comply with any order may thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, or who shall fail to comply with such an order as affirmed or modified by the Chief of the Fire Department or the City Council or by a court of competent jurisdiction within the time fixed herein, shall be subject to penalty provided in Section 5.32 of this Code.
- B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

5.13.330 Penalty Provisions.

- A. General Penalty. Any person who shall violate any of the provisions of this Code shall upon conviction of such violation be subject to a penalty which shall be as follows:
 - 1. **First Offense-Penalty.** Any person who shall violate any provision of this Code subject to a penalty shall, upon conviction thereof, forfeit not less than \$1.00 or more than \$200.00 together with the cost of prosecution and in default of payment of such forfeiture and cost of prosecution shall be imprisoned in the county jail until said forfeitures and costs are paid, but not exceeding 90 days.
 - 2. **Second Offense-Penalty.** Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within one year shall upon conviction thereof, forfeit not less than \$10.00 nor more than \$200.00 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 until said forfeiture and costs of prosecution are paid, but not to exceed 6 months.

- B. Continued Violations. Each violation and each day a violation continued or occurs shall constitute a separate offense. Nothing in this Code shall preclude the City from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
- C. Execution Against Defendant's Property. Whenever a person fails to pay any forfeiture and costs of prosecution upon the order of the Court for violation of any ordinance of the City, 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 said forfeiture and costs.

5.13.340 Hazardous Spills. Any person, firm or corporation will be charged for the labor and replacement or cost of any extinguishing agent, chemical, neutralizer, or material used in the extinguishment, confinement, neutralizing, or cleanup of any flammable or combustible liquid, gas, solid, or any hazardous material or chemical involved in any fire or accidental spill.