

Ordinance No. 2020-20

AN ORDINANCE TO AMEND IN PART AND CREATE IN PART TITLE 5 CHAPTER 2, CHAPTER 3, CHAPTER 5, CHAPTER 8, AND CHAPTER 9 OF THE CODE OF ORDINANCES, OF THE VILLAGE OF CALEDONIA, RACINE COUNTY, WISCONSIN, RELATING TO THE FIRE PREVENTION AND SAFETY CODE

The Village Board of the Village of Caledonia, Racine County, Wisconsin, do ordain as follows:

1. That Title 5 Chapter 2 of the Code of Ordinances for the Village of Caledonia be, and hereby is, amended in part and created in part to read as follows:

“CHAPTER 2

Fire Prevention and Safety Codes

Article	General Provisions	Ordinance Number	Date of Ordinance
5-2-1	Intent of Code		
5-2-2	Adoption of State and Nation Codes		
5-2-3	Application to New and Existing Conditions		
5-2-4	Definitions		
5-2-5	Orders to Eliminate Fire Hazards		
5-2-6	Service of Orders		
5-2-7	Investigation of Fires		
5-2-8	Fire Records		
5-2-9	Inspections		
5-2-10	Third-Party Inspections and Reporting Systems		
5-2-11	Annual Report		
5-2-12	Exceptions		
5-2-13	Permits		
5-2-14	Smoke Alarms and/or Heat Detectors Required in Dwelling Units		
5-2-15 through 5-2-19	Reserved for Future Use		
Article B	General Precautions Against Fire	Ordinance Number	Date of Ordinance
5-2-20	Open Burning	2004-02	4/6/04
5-2-21	Depositing or Accumulating Combustible Material		
5-2-22	Chimneys, Heating Appliances, Etc.		
5-2-23	Use of Torches or Flame-Producing Devices		

5-2-24	Tents
5-2-25	Smoking Prohibited Under Certain Conditions
5-2-26	Administration
5-2-27	Penalty and Costs

ARTICLE A

General Provisions

SEC. 5-2-1 INTENT OF CODE.

It is the intent of this Chapter to prescribe regulations consistent with recognized standard practice for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling, and use of hazardous substances, materials, and devices, and from conditions hazardous to life and property in the use or occupancy of buildings or premises, and the safeguarding of firefighting personnel as it relates to job requirements, duties, medical and physical conditions.

SEC. 5-2-2 ADOPTION OF STATE AND NATIONAL CODES.

- (a) The following orders, rules, and regulations of the Wisconsin Administrative Code as from time to time amended, and the Codes and Standards and Recommended Guides as set forth by the National Fire Prevention Association ("NFPA") as from time to time amended, as they apply to the fire service and prevention, are incorporated herein by reference and adopted as part of this Fire Prevention Chapter:
 - (1) Wis. Adm. Code Ch. SPS 301 to 399; Safety, Buildings, and Environment.
 - (2) Wis. Adm. Code Ch. ATCP 92; Weights and Measures.
 - (3) Wis. Adm. Code Ch. ATCP 93; Flammable, Combustible, and Hazardous Liquids.
 - (4) Wis. Adm. Code Ch NR 422; Control Of Organic Compound Emissions From Surface Coating, Printing And Asphalt Surfacing Operations.
 - (5) Wis. Adm. Code Ch. DCF 250; Family Child Care Centers.
 - (6) Wis. Adm. Code Ch. DHS 83; CBRF.
 - (7) NFPA Codes and Standards; the latest edition being in 2018, unless found to be in conflict with superseding state or local codes and standards.
- (b) Whenever the provisions of the aforementioned codes conflict, the stricter interpretation shall apply.
- (c) Official copies of each of said codes are now on file in the office of the Village Clerk and the Chief of the Fire Department of the Village of Caledonia and shall remain so filed and be, at all reasonable times, open to inspection by any interested persons.

SEC. 5-2-3 APPLICATION TO NEW AND EXISTING CONDITIONS.

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

SEC. 5-2-4 DEFINITIONS.

Unless otherwise expressly stated, the following terms shall, for the purpose of this Chapter, have the meanings indicated in this Section:

- (a) "Approved" shall mean accepted by the Chief of the Fire Department or designee as a result of his investigation and experience or by reason of test, listing, or approval by Underwriters Laboratories, Inc., the National Bureau of Standards, the American Gas Association Laboratories or other nationally recognized testing authorities.
- (b) "Automatic Fire Alarm System" shall mean a system which automatically detects a fire condition and actuates a fire alarm signal device.
- (c) "Combustible Material" shall mean material or structure which can burn. Combustible is a relative term; many materials which will burn under one set of conditions will not burn under others, e.g., structural steel is noncombustible, but fine steel wool is combustible. The term "combustible" does not usually indicate ease of ignition, burning intensity or rate of burning, except when modified by a word as "highly" as in "highly combustible interior finish."
- (d) "Dwelling" shall mean a building occupied exclusively for residence purposes and having not more than two (2) apartments, or a boarding or rooming house serving not more than fifteen (15) persons with meals or sleeping accommodations or both.
- (e) "Dwelling unit" shall mean a group of rooms constituting all or part of a dwelling which are arranged, designed, used, or intended for use exclusively as living quarters.
- (f) "Firewatcher" shall mean A person who looks for the onset of fires, normally from a high vantage point.
- (g) "Garbage" shall mean waste refuse, including, but not limited to, tin, cans, used lumber, glass, metals, ashes, junk, crockery, and similar waste products, refuse, and debris.
- (h) "I.C.C. Container" shall mean any container approved by the Interstate Commerce Commission for shipping any liquid, gaseous, or solid material of a flammable, toxic, or other hazardous nature.
- (i) "Institutional Building" shall mean 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.
- (j) "Multifamily House" shall mean a building occupied as the home or residence of individuals, families, or households living independently of each other, of which three (3) or more are doing cooking within their apartments, including tenement house, apartment house, flat.
- (k) "Open Burning" shall mean any fire from which the products of combustion are emitted directly into the open air without passing through a chimney or stack.
- (l) "Person" shall mean and include person, persons, firm, corporation, or co-partnership.
- (m) "Public Building" shall mean a building in which persons congregate for civic, political, educational, religious, social, or recreational purposes.

- (o) "Recreational or Ceremonial Fire" shall mean a small camp-type charcoal or wood burning fire with the base of the fire being no more than three (3) feet in diameter and producing flame no more than five (5) feet in height.
- (p) "Residence Building," except when classed as an Institutional Building shall mean a building in which sleeping accommodations are provided.
- (q) "Yard Waste" shall mean refuse, such as dry leaves and dry plant clippings, from a plant, tree or shrub, not including firewood.

SEC. 5-2-5 ORDERS TO ELIMINATE FIRE HAZARDS.

Whenever any of the officers, members, or inspectors of the Fire Department shall find 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 said 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, wastepaper, boxes, shavings, or other highly flammable materials.
- (d) Accumulations of dust or waste material in air conditioning systems or of grease in kitchen exhaust ducts.
- (e) Obstructions to or on fire escapes, stairs, passageways, door, or windows liable to interfere with the operation of the Fire Department or egress of occupants in case of fire.
- (f) Any building or other structure which, for want of repairs, lack of sufficient fire escapes or other exit facilities, 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.

SEC. 5-2-6 SERVICE OF ORDERS.

- (a) The service of such orders as mentioned in Section 5-2-5 may be made upon the owner, occupant, or other person responsible for the conditions, either by delivering a copy of the 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 said person a copy of the said order or, if the 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.
- (b) If buildings or other premises are owned by one (1) person and occupied by another under lease or otherwise, the orders issued in connection with the enforcing of the Chapter shall apply to the occupant thereof, except where the rules or orders require the making of such 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.

SEC. 5-2-7 INVESTIGATION OF FIRE.

- (a) The Chief of the Fire Department shall investigate the cause, origin, and circumstances of every fire occurring in the Village which is of suspicious nature or which involves loss of life or injury to persons or by which property has been destroyed substantially damaged. Such investigations shall be begun immediately upon the occurrence of such a fire by the fire officer in whose district the fire occurs, and if it appears that such fire is of suspicious origin, the Chief of the Fire Department shall take charge immediately of the physical evidence, 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 Police Department, upon 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.

SEC. 5-2-8 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.

SECTION 5-2-9 INSPECTIONS.

The Chief of the Fire Department or designee shall be responsible for having all public buildings and places of employment within the Village inspected for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of any law or ordinance relating to fire hazards or to the prevention of fires. The inspections shall be conducted at least once per calendar year, provided that the interval between those inspections does not exceed fifteen (15) months.

SEC. 5-2-10 THIRD-PARTY INSPECTIONS AND REPORTING SYSTEMS.

- (a) **Inspections and Maintenance required.** The owner of a property where any device, equipment, alarm, system, and any other feature is required for compliance of the provisions of this Chapter or is otherwise installed on the property shall cause maintenance, testing, and inspections of all such devices, equipment, alarms, systems, and features in accordance with this Chapter and applicable referenced standards and specified intervals. If following inspection and testing, any device, equipment, alarm system, and any other feature does not meet manufacturer's specifications or fails to perform as intended, then it shall be repaired or replaced in accordance with subsection (e), below.

(b) **Third-Party Inspectors.** The Chief of the Fire Department is authorized to contract with a third-party person or entity to perform any and all maintenance, testing, and inspections in this Chapter.

(c) **Maintenance, Testing, and Inspections.** Maintenance, testing, and inspections shall include, without limitation, the following:

<u>Fire Protection Measure</u>	<u>NFPA Code</u>
(1) Automatic Fire Sprinkler System	25
(2) Commercial Hood Cleaning	96
(3) Commercial Kitchen Hood System	17A
(4) Emergency Generator	110 & 111
(5) Fire Alarm System	72
(6) Fire Doors	80
(7) Fire Pumps	25
(8) Foam System (including 5 yr test)	25
(9) Private Hydrant System	25
(10) Smoke Control System	90 & 92B
(11) Special Suppression System	12 & 12A & 750 & 2001
(12) Spray Booth	33
(13) Standpipe (including 5 yr hydrostatic test)	25
(14) Testing of all backflow prevention assemblies installed and maintained	25

(b) **Qualifications of Inspectors.** Only qualified personnel shall make inspections or perform testing required by the Wisconsin Administrative Code, the NFPA Code, and the Fire Department. Qualified personnel shall include, but not limited to:

- (1) Personnel who are factory-trained and certified for the type and brand of device, equipment, alarm, system, or feature being inspected or tested;
- (2) Personnel who are certified by a nationally recognized certification organization approved by the Chief of the Fire Department;
- (3) Personnel who are registered, licensed or certified by the State of Wisconsin or the Chief of the Fire Department to perform the required inspections and testing;
- (4) Personnel of the Fire Department.

(c) **Reporting of Inspections and Tests.**

- (1) **Third-Party Retention.** The Village may retain a third-party person or entity to gather inspections records and to act as a repository for inspection and testing records (“designated electronic reporting system”), which the Village shall be able to access at any time. The gathering and storage of said records shall be in the same manner as the Village otherwise would act and be consistent with the Village’s authority to require the submission of inspection and testing records. Records of all installations, inspections, tests, and maintenance required by this Chapter shall be provided electronically to the Village’s designated electronic reporting system.
- (2) **Record Submission to Designated Electronic Reporting System.** Completed records shall be submitted no later than fifteen (15) days following the applicable

- installation, inspection, test, and maintenance. The submitted report shall contain all information required by the Village's designated electronic reporting system.
- (3) **Fees.** The third-party person or entity may directly charge the owner of property for these services a reasonable fee for these services. This fee shall be paid by the property owner in the same manner as would be required if the Village was performing these services itself.
 - (d) **Retention of Records.** Records of any device, equipment, alarm, and system inspections, tests, and maintenance required by the current editions of the Wisconsin Administrative Code, the NFPA Code, and the Fire Department and the adopted provisions of technical codes shall be maintained by the third-party for a minimum of three (3) years following the date of any inspection, test, and maintenance, and shall be copied to the Fire Department and its contractors pursuant to either the provisions of the Village Code or upon the request of the Chief of the Fire Department or designee.
 - (e) **Repairs.**
 - (1) **Repairs, generally.** If any device, equipment, alarm, system, or any other feature fails its inspection or operational test, repairs shall be made immediately. If repairs cannot be made immediately, the Fire Department shall be notified. The property owner shall make all necessary repairs to make the item fully operational. Defective parts must be replaced with manufacturer approved parts. If repair is not possible, the item must be replaced with devices, equipment, alarms, systems, and features in accordance with all applicable Codes and applicable referenced standards. Completed records shall be submitted no later than fifteen (15) days following the applicable maintenance, repair, or replacement. The submitted report shall contain all information required by the Village's designated electronic reporting system.
 - (2) **Additional Inspections.** Additional inspections and testing may be required of the repaired or replaced device, equipment, alarm, system, or other feature upon the request of the Chief of the Fire Department or designee.

SEC. 5-2-11 ANNUAL REPORT.

A report of the Fire Department shall be made annually and transmitted to the Village Board. It shall contain all proceedings under this Chapter, 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 judgment, shall be desirable.

SEC. 5-2-12 EXCEPTIONS.

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

SEC. 5-2-13 PERMITS.

- (a) 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 the 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, building, or storage places to be used. In cases where laws or 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 Code shall be made to the Chief of the Fire Department in such form and detail as it 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 or Police Departments.

SEC. 5-2-14 SMOKE ALARMS AND/OR HEAT DETECTORS REQUIRED IN DWELLING UNITS.

- (a) **Smoke Detector Devices Required.** The owner of every premises on which is located one (1) or more dwelling units within the Village shall install a smoke detection device so located as to protect the sleeping areas of each dwelling unit. If sleeping areas are separated, the number of detection devices installed shall be that deemed sufficient by the Fire Inspector to protect each sleeping area.
- (b) **Exemption.** This Section shall not apply to owner-occupied single-family dwelling units constructed prior to this Code of Ordinances adoption date.
- (c) **Installation and Design Standards.**
 - (1) The Chief of the Fire Department or designee shall advise the owner of the premises of the types of detectors and points of installation within the dwelling which meet the requirements of this Section.
 - (2) All smoke and heat detection devices shall be installed in locations approved by the Fire Inspector as meeting the installation standards of the National Fire Protection Association (NFPA) 72, 2018 edition.
 - (3) All smoke and heat detection devices shall bear the Underwriters' Laboratory seal of approval or Factory Mutual approval. All smoke detection devices shall meet the Underwriters Laboratory standard 217. At least one (1) smoke or heat detection device shall be installed for every dwelling unit located so as to protect sleeping areas.
 - (4) In multiple-family dwellings, additional devices connected to the building alarm system, if any, shall be installed in every public corridor serving one (1) or more dwelling units and on every separate level of the building, regardless of whether a sleeping area is located on such level. If a local fire alarm system is not provided or required, detection devices shall be connected to a signal outside of the enclosure which will be audible throughout the entire building. Smoke alarms in multi-family dwellings shall be hard wire systems, with battery back-up.
 - (5) In multi-building dwellings, in addition to smoke detectors in every living unit, all storage areas shall be protected with heat-sensing devices. These devices shall be connected to the building fire alarm system. If a local fire alarm system is not

required, such device shall be connected to a signal outside of the enclosure which will be audible through the entire building. Heat-sensing devices shall be installed in space according to good engineering practice, but in no case shall detectors be spaced more than thirty (30) feet on center and fifteen (15) feet from any wall.

- (6) Smoke detector or heat-sensing devices shall be installed in all furnace, boiler, and incinerator rooms in a multi-family dwelling.
- (d) **Owner Responsible for Installation and Maintenance.** The owner of the dwelling unit shall be responsible for the installation and/or maintenance of smoke and heat detection devices required by this Section unless the Chief of the Fire Department is notified in writing by registered mail of the designation of some other authorized qualified individual to assume that responsibility.

SEC. 5-2-15 THROUGH SEC. 5-2-19 RESERVED FOR FUTURE USE

ARTICLE B

General Precautions Against Fire

Sec. 5-2-20 OPEN BURNING

- (a) **Intent.** It is the intent of the Section that all allowed Open Burning is conducted in a safe pollution free manner, when wind and weather conditions are such as to minimize adverse effects of the Open Burning and with conditions that protect life and property.
- (b) **General Prohibitions.**
 - (1) **Nuisance Prohibited.** No person shall burn any material that creates dense smoke or causes a public nuisance.
 - (2) **Public Nuisance Declared.** The burning of any wet combustible rubbish, flammable or combustible liquids, leather, petroleum based materials, oily substances, asphalt, plastic, rubber products, insulation, Garbage or any material which creates a dense smoke is hereby declared a public nuisance.
 - (3) **Burning by Business Prohibited.** Where a business is operated from any structure, home or an attached structure, or the land is zoned business or commercial, no Open Burning is permitted under any condition.
 - (4) **Burning of Construction Debris Prohibited.** The burning of construction debris, such as wood scraps, shingles, insulation, etc. is prohibited, regardless of whether such burning is done by the property owner, contractor, worker or other person responsible for the site.
 - (5) **Atmospheric Conditions.** No Open Burning shall occur on days when atmospheric conditions are unacceptable for burning as determined by the Department of Natural Resources ("DNR") or the Chief of the Fire Department; or when the DNR issues an air-pollution or ozone advisory; or when the wind speeds exceed ten (10) miles per hour; or when extremely dry conditions are observed as may be determined by the Chief of the Fire Department.
 - (6) No person under the age of sixteen (16) years is allowed to ignite any fire without the supervision of an adult 21 years of age or older.

- (c) **Restrictions on Open Burning.** Open Burning is hereby prohibited in the Village of Caledonia except for:
- (1) Outdoor fires for cooking.
 - (2) Recreational or Ceremonial Fires.
 - (3) Back fires to control forest fires or fires set for forest and wildlife habitat management as prescribed by and carried out under the supervision of government agencies and where no reasonable alternative is available.
 - (4) Fires burning clean, dry combustible materials used to thaw the ground for street, sewer or rail repairs.
 - (5) Fires set for the practice and instruction of firefighters or the testing of firefighting equipment.
 - (6) Burning of brush or weeds on zoned agricultural lands including fires for cropland management, insect and rodent control, provided dense smoke is not created and no nuisance occurs.
 - (7) Burning of explosives or dangerous material for which no other safe disposal method exists.
 - (8) Burning of brush, grasses and weeds for the management of established prairies, prairies under restoration or residential green-spaces, for which a Stewardship Plan has been prepared and approved by the Village pursuant to Sec. 14-3-5(h) or Natural Lawn Management Plan has been prepared and approved pursuant to Sec. 8-1-3, provided dense smoke is not created and no nuisance occurs.
 - (9) Burning for the disposal of a small amount of clean, dry, combustible Yard Waste on one (1) or two (2) family residential properties shall comply with the following conditions:
 - a. The fires must be at least ten (10) feet from the property line and not on any public right of way, including but not limited to easements, ditches, curbs or road shoulders.
 - b. The fire must be at least fifty (50) feet from any structure on or off of the property, unless the fire is contained in a metal, brick, stone, earthen, or concrete container or pit and then such fire shall be at least ten (10) feet from any structure on or off of the property.
 - c. The base of the fire shall be no more than six (6) feet in diameter and the fire shall be no more than five (5) feet in height.
 - d. Fires must be kept manageable and under control at all times.
 - e. Fires must be immediately extinguishable upon request of the Chief of the Fire Department or designee.
 - f. Fires must be attended at all times until it is extinguished or burns out.
- (d) **Additional Regulations.**
- (1) Exceptions contained in Subsection (c)(1) through (3) have no time limit and do not require prior notification or the approval of the Chief of the Fire Department under Subsection (e) below.
 - (2) Exceptions contained in Subsection (c)(4) through (6) have no time limit, but do require prior notification and approval of the Chief of the Fire Department under Subsection (e) below.

- (3) Exceptions contained in Subsection (c)(7) and (9) are permitted only between the hours of 12:00 noon and 7:00 p.m. prevailing time and require prior notification and approval of the Chief of the Fire Department under Subsection (e) below.
 - (4) The exception contained under Subsection (c)(8) is permitted only between the hours of 12:00 noon and 7:00 p.m. prevailing time and requires prior notification and the submittal of a burn plan at the time of notification in a form acceptable to the Chief of the Fire Department. Approval of the Chief of the Fire Department must be received prior to commencing with the Open Burning. The Chief of the Fire Department may require reasonable fire prevention measures and conditions in his discretion, including but not limited to having a water tanker on-site or stand-by. Any cost incurred by the Village in taking any fire prevention measures shall be paid by the person conducting the Open Burning prior to commencing said burn.
 - (5) A competent person shall constantly attend all Open Burning until such fire is extinguished.
 - (6) Open Burning on Village of Caledonia properties are prohibited except as authorized by the Village Administrator and Chief of the Fire Department or the Village Board and as allowed in the Village's park regulations under Title 12 of the Code of Ordinances.
 - (7) Upon written request, the Chief of the Fire Department may consider and grant other exceptions to the Open Burning regulations set forth in this Chapter if such exception would be consistent with the intent and purposes of this Chapter.
- (e) **Notification and Approval.**
- (1) **Notification.** When required, the Chief of the Fire Department shall be notified, in writing, of any Open Burning and notification must be prior to the time that the Open Burning is to commence. Notification by a person proposing an Open Burn does not waive any requirements of this ordinance and the Village reserves the right to impose a penalty for violations as provided in this Chapter.
 - (2) **Conditions.** The Chief of the Fire Department may impose any conditions on an allowed Open Burning that are necessary for the protection of life or property.
 - (3) **Approval.** If upon notification, the Chief of the Fire Department determines in his discretion that the proposed Open Burning is contrary to any provision of the Code of Ordinances, is a hazard of life or property, or constitutes a public nuisance, the Chief of the Fire Department shall immediately notify the person proposing the Open Burning and to take any action authorized by this Chapter or the Code of Ordinances.

SEC. 5-2-21 DEPOSITING OR ACCUMULATING COMBUSTIBLE MATERIAL

- (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 combustible receptacle or place the same within ten (10) feet of any combustible materials, 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 (2) feet away from any combustible wall or partition.

- (b) **Accumulations of Waste Materials.** Accumulations of wastepaper, 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 court or yard. All weeds, grass, vines, or other growth, when the 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) **Storage of Readily Combustible Materials.**
 - (1) Storage in buildings shall be orderly, shall not be within two (2) feet of the ceiling, and not so located as to endanger exit from the building.
 - (2) Storage in the open shall not be more than twenty (20) feet in height, shall be so located with respect to adjacent buildings as not to constitute a hazard, and shall be compact and orderly.
- (d) **Flammable Decorative Materials in Stores and Public Buildings.**
 - (1) Cotton batting, straw, dry vines, leaves, trees, or other highly flammable or combustible materials shall not be used for decorative purpose in show windows or other parts of stores unless flameproofed,
 - (2) Subsection (d)(2) above shall not prohibit the display of Saleable goods permitted and offered for sale.
 - (3) Electric light bulbs in stores shall not be decorated with paper or other combustible materials unless such materials shall first have been made flameproof.

SEC. 5-2-22 CHIMNEYS, HEATING APPLIANCES, ETC.

- (a) **General.** All chimneys, smokestacks, or similar devices for conveying smoke or hot gases to the outer air and the 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. Clearance around such devices shall remain unobstructed.
- (b) **Maintenance.** Cleaning of all chimneys, smokestacks, or similar devices, and fuel-burning appliance vents, needs to be carried out whenever measurable deposits of creosote or other combustible materials are detected.
- (c) **Inspections.** All chimneys, smokestacks, or similar devices shall be inspected when constructed, a home or structure containing such device is purchased, or the device is damaged or compromised.

SEC. 5-2-23 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 (1) approved fire extinguisher or water hose connected to the water supply on the premises where such burning is done. In any cases, the person doing the burning shall remain on the premises one (1) hour after the torch or flame-producing device has been used.

SEC. 5-2-24 TENTS.

- (a) **Fire Watchers to be Employed.** One (1) or more qualified persons to serve as Firewatchers shall be employed by all circuses, carnivals, or other exhibitions where

large crowds assemble. They shall familiarize themselves with all fire protection facilities and fire prevention features and with the condition of exits and shall patrol the entire tent area during the time of occupancy. They shall see that aisles and exit ways are kept open and that "No Smoking" rules are enforced.

- (b) **Tents for Assembly to Conform to Recognized Safe Practices.** The design, construction, flameproofing, location, maintenance, and use of tents for assembly shall be in accordance with recognized safe practices. Compliance with the NFPA 102 Standard for Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures shall be considered as prima facie evidence of compliance with such recognized safe practices.

SEC. 5-2-25 SMOKING PROHIBITED UNDER CERTAIN CONDITIONS.

- (a) **Definitions.** In this section, "Smoking" shall mean and include the carrying of a 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 this Section shall read "By Order of the Chief of the 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.

SEC. 5-2-26 ADMINISTRATION.

- (a) **Enforcement.**
 - (1) **Chief of the Fire Department.** The Fire Prevention Code Chapter shall be enforced by the Chief of the Fire Department of the Village of Caledonia and such subordinates in the Department as the Chief shall designate.
 - (2) **Enforcement Not to Alter Responsibility.** This Chapter 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. The Village shall not be held as assuming any such liability by reason of the inspection or reinspection authorized herein or the permit issued as herein provided or by reason of the approval or disapproval of any equipment authorized herein.
- (b) **Modification.** 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 or 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 Chapter 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 shall be entered upon the records of the Department and a signed copy shall be furnished to the applicant.

- (c) **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 the decision of the Chief of the Fire Department to the Village Board within ten (10) days from the date of the decision of the Chief. The appeal shall be in writing and filed with the Village Clerk. The Board shall set a time and place for such appeal hearing. The hearing shall be set at least ten (10) days after receipt of the appeal by the Village Clerk.

SEC. 5-2-27 PENALTY AND COSTS.

- (a) **Penalties.** 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 made, or who shall build in violation of any detailed statement of specifications or plans submitted and approved, or any certificate or permit issued, or who shall fail to comply with such an Order as affirmed or modified by the Chief of the Fire Department or the Village Board or by a court of competent jurisdiction within the time fixed herein shall be subject to the penalty set forth in Section 1-1-6.
- (b) **Removal and Costs.** The application of the above penalty shall not be held to prevent the enforced removal of prohibited condition by either the person who created the prohibited condition or the Village. Any cost incurred by the Village in the removal of a prohibited condition shall be the responsibility of the person who created such prohibited condition.”

- 2. That Section 5-3-2(a) of the Code of Ordinances for the Village of Caledonia be, and hereby is, amended to read as follows:

“SEC. 5-3-2 RECOVERY OF COSTS.

- (a) Every person, firm or corporation using, storing, handling or transporting flammable or combustible liquids, chemicals, gasses or other hazardous materials shall comply with the requirements of Wis. Adm. Code SPS 308, as the same is now in force and may hereafter from time to time be amended.”

- 3. That Section 5-5-3(a) of the Code of Ordinances for the Village of Caledonia be, and hereby is, amended to read as follows:

“SEC. 5-5-3. INSTALLATION AND TESTING.

- (a) **Installation.** Approved automatic fire sprinkler systems and equipment shall be installed in accordance with National Fire Protection Association guidelines, 13, 13D and 13R, Wis. Adm. Code, SPS 362, as well as any other guidelines that are in effect, which deal with the proper installation of such equipment.”

4. That Section 5-8-5 of the Code of Ordinances for the Village of Caledonia be, and hereby is, amended to read as follows:

“SEC. 5-8-5 SUPERVISED FIRE ALARM SYSTEMS.

- (a) Required. A supervised fire alarm system shall be installed and maintained in all public buildings which are constructed or substantially modified subsequent to the passage of this Section. "Substantially modified" shall mean a modification of the building which is equal to or exceeds fifty percent (50%) of the assessed value of the building.
- (b) Exceptions. A supervised fire alarm system shall not be required where buildings are protected throughout by an approved, supervised automatic sprinkler system and the area containing the fire alarm control unit is sprinklered, as allowed by NFPA Section 13.”

5. That Section 5-9-1 of the Code of Ordinances for the Village of Caledonia be, and hereby is, amended to read as follows:

“SEC. 5-9-1 STORAGE TANKS FOR CLASS I, II AND III LIQUIDS.

- (a) **Definitions.** "Class I, II and III liquids" shall have the meaning provided therefore in Wis. Adm. Code Ch. ATPC 93.
- (b) **Adoption of State Code by Reference.** Wis. Adm. Code Ch. ATPC 93 is hereby adopted by reference and made a part hereof as if fully set forth herein.
- (c) **Responsibility of Owners and/or Operators of Storage Tanks.** The owner and/or operator of any aboveground or underground storage tank for Class I, II and III liquids shall, at all times, be responsible for the integrity of each storage tank at each location, together with the piping and dispensing systems connected therein from the time of installation until termination of use, in accordance with Wis. Adm. Code Ch. ATPC 93.
- (d) **Enforcement of Wis. Adm. Code Ch. ATPC 93.** Pursuant to Wis. Adm. Code Ch. ATPC 93, and the terms of a Professional Services Contract between the Village and the Wisconsin Department of Agriculture, Trade, and Consumer Protection, the Fire Department is authorized to issue permits, charge fees and take enforcement action authorized thereby. The Chief of the Fire Department, and designee(s), shall exercise jurisdiction over this Chapter and the groundwater protection-related provisions of Wis. Adm. Code Ch. ATPC 93 in the Village of Caledonia.
- (e) **Storage Tank Permit.**
 - (1) A permit, under Wis. Adm. Code Ch. ATPC 93, through the Fire Department, shall be required for the abandonment, closure, removal or change in service or placing the system temporarily out of service, of any aboveground or underground storage tank for Class I, II and III liquids with a capacity of more than sixty (60) gallons. "Storage tank system" shall include piping, vents, leak detection systems, cathodic protection and spill/overflow protection systems.
 - (2) The owner and/or operator of any such storage tank shall file an application therefor with the Fire Department, on designated forms with the applicable fee. The application shall include:

- a. Three (3) copies of a site assessment plan in accordance with Wis. Adm. Code Ch. ATCP 93.465; and
- b. Three (3) site plot plans drawn to scale showing the following:
 - 1. Property lines;
 - 2. All buildings and structures;
 - 3. All tanks and piping;
 - 4. Adjacent streets;
 - 5. Overhead and underground utilities;
 - 6. Limits of the excavation; and
 - 7. Temporary location of excavated dirt and backfill.
- (3) Fees for such permit shall be:
 - a. Plan Review – Twenty-five Dollars (\$25.00).
 - b. Site Inspection – First Tank: Fifty Dollars (\$50.00).
 - c. Site Inspection – Each Additional Tank: Twenty-five Dollars (\$25.00)."
- 6. That Section 5-9-2 of the Code of Ordinances for the Village of Caledonia be, and hereby is, amended to read as follows:

“SEC. 5-9-2 INSTALLATION.

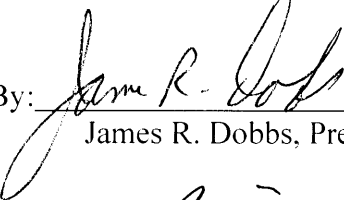
- (a) **Plan Submittal.** All underground storage tank and/or aboveground tank installations in excess of five thousand (5,000) gallons shall have plans submitted to the Department of Industry and Human Relations in accordance with Wis. Adm. Code Ch. ATCP 93.
- (b) **Storage Tank Permit.**
 - (1) A permit, under Wis. Adm. Code Ch. ATCP 93.145, Wis. Adm. Code, Approval of Proposed Construction, Installation or Operation, through the Fire Department, shall be required for the installation of any aboveground or underground storage tank for Class I, II and III liquids with a capacity of less than five thousand (5,000) gallons. "Storage tank system" shall include piping, vents, leak detention systems, cathodic protection and spill/overfill protection systems.
 - (2) The owner and/or operator of any such storage tank shall file an application therefor with the Fire Department, on designated forms with the applicable fee. The application shall include three (3) site plot plans drawn to scale showing the following:
 - a. Property lines;
 - b. All buildings, structures and class of construction;
 - c. All tanks and piping;
 - d. Adjacent streets;
 - e. Sanitary sewers, storm sewers, water mains, private water mains, water service piping, water wells, water reservoirs and any stream or body of water which is within two hundred (200) feet of the tank;
 - f. Type of tank supports, clearances including clearances between tanks, type of venting and pressure relief used and combined capacity of all venting and relief valves on each tank for aboveground storage;
 - g. Overhead and underground utilities;
 - h. Limits of the excavation; and

- i. Temporary location of excavated dirt and backfill.
- (3) Fees for such permit shall be as indicated on page two of the application form, adopted herein by reference."

7. This ordinance shall take effect upon adoption and publication as required by law.

Adopted by the Village Board of the Village of Caledonia, Racine County, Wisconsin,
this 16th day of November, 2020.

VILLAGE OF CALEDONIA

By: 
James R. Dobbs, President

Attest: 
Karie Pope, Clerk

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