



**LEGISLATIVE/LICENSING COMMITTEE MEETING**

**Monday, November 9, 2020 at 4:30 p.m.  
Caledonia Village Hall – 5043 Chester Lane**

**THIS WILL NOT BE AN IN-PERSON MEETING**

**AUDIO & VIDEO CONFERENCE VIA ZOOM**

**ACCESS VIA DIAL-IN NUMBER IS: 1-(312) 626-6799; ACCESS CODE IS: 881 6336 0586 OR**

**ACCESS VIA ONE-TOUCH TELEPHONE IS: tel: +13126266799,, 88163360586# OR**

**ACCESS VIA INTERNET IS: <https://us02web.zoom.us/j/88163360586>**

1. Call to Order
2. Approval of Minutes
3. Title 5 Public Safety Adoption of State and National Codes
4. Discussion on the role of the CDA and Review Resolution 2006-07
5. Adjournment

Dated November 6, 2020

Karie Pope  
Village Clerk

Only committee members are expected to attend. However, attendance by all Board members (including non-members of the committee) is permitted. If additional (non-committee) Board members attend, three or more Board members may be in attendance. Section 19.82(2), Wisconsin Statutes, states as follows:

If one-half or more of the members of a governmental body are present, the meeting is rebuttably presumed to be for the purposes of exercising the responsibilities, authority, power or duties delegated to or vested in the body.

To the extent that three or more members of the Caledonia Village Board actually attend, this meeting may be rebuttably presumed to be a "meeting" within the meaning of Wisconsin's open meeting law. Nevertheless, only the committee's agenda will be discussed. Only committee members will vote. Board members who attend the committee meeting do so for the purpose of gathering information and possible discussion regarding the agenda. No votes or other action will be taken by the Village Board at this meeting.

**LEGISLATIVE/LICENSING COMMITTEE MEETING**  
**CALEDONIA VILLAGE HALL**  
**5043 CHESTER LANE, RACINE, WI 53402**  
**Monday October 12, 2020**

**1. Call to Order**

Trustee Wanggaard called the meeting to order at 4:35 p.m. In attendance were:

**Committee Members:** Trustee Wanggaard and Trustee Prott. Also present were Trustee Martin, Trustee Wishau, and President Dobbs.

**Absent:** None.

**Staff/Others Present:** Administrator Tom Christensen, Fire Chief Dick Roeder, and Public Works Director Tom Lazcano.

**2. Approval of minutes**

Trustee Prott motioned to approve the minutes as printed from August 10, 2020. Trustee Wanggaard seconded. Motion carried unanimously.

**3. Title 5 Public Safety, Sec. 5-2-2(a) Adoption of State and National Codes**

Chief Roeder explained that the codes that are being referenced are invalid and would need to be updated to reflect current standards. Chief Roeder will continue to work with the attorneys to bring the references up to date.

Motion by Trustee Prott to approve Title 5 Public Safety, Sec. 5-2-2(a) Adoption of State and National Codes. Trustee Wanggaard seconded. Motion carried unanimously.

**4. Third Party Inspections and Reporting Systems – Brycer, LLC**

Chief Roeder explained that the sprinkler, alarm and hood systems operated within Caledonia are supposed to be maintained and inspected annually. This third-party inspection company works with the contractors and are reported directly to Brycer's reporting system. There is no cost to the Village and the moderate cost is solely the responsibility of the contractor. The Village typically conducts two inspections per year, but this year has proven difficult with the pandemic. Brycer handles multiple municipalities and has a good reputation with bringing in compliance.

Motion by Trustee Prott to approve the Third-Party Inspections and Reporting Systems – Brycer, LLC and forward to the Board for consideration and approval. Trustee Wanggaard seconded. Motion carried unanimously.

**5. Concrete Driveways in Non-Curb and Gutter Areas**

Lazcano explained that he would like to update this Ordinance. The current ordinance states that concrete can go up to 5 feet from the road if a hold harmless agreement is signed. This Ordinance would allow for concrete to go to the road. The Village historically did not want concrete to go over the culverts because we did not have the saws to cut through concrete and that the plows could potentially hit the concrete, potentially ruin the plows. If concrete is used, the pitch would need to be adjusted to avoid the plows and any culvert replacements would

be the owner's responsibility solely. When usually the Village splits the cost of a culvert replacement. The Engineering Dept. would still verify that the culvert was installed appropriately.

Motion by Trustee Prott to recommend approval pending that policy be reviewed by legal counsel and forward to authorized bodies for final approval. Trustee Wanggaard seconded. Motion carried unanimously.

**6. Discussion on the role of the CDA and Review Resolution 2006-07**

Trustee Wanggaard reviewed Resolution 2006-07 and felt a lot of the CDA's duties came from the Economic Development Committee (EDC) and was meant to do what was best for the Village, but clearly it needs to be revitalized. Planning Director Wagner will review the CLUE study to see if there are any relevant issues that could be potentially forwarded to the CDA. Trustee Wishau spoke of a memo from the EDC that was sent to the CDA outlining some responsibilities and felt the EDC memo should be re-reviewed for further direction, specifically the marketing to improve the economic status of the Village. He will forward a clean copy of this referenced memo and EDC strategies to the Deputy Clerk to forward to interested parties.

Trustee Martin stated she is having a difficult time maintaining the CDA because they have been asking for direction for 8 months. She was worried if direction wasn't provided in a timely manner, the CDA members might quit. Trustee Wanggaard hoped this could be done by the end of October and could be brought back to L&L in November for further discussion. Trustee Prott saw value in the CDA and felt the Village Board needs to come up with new strategies or parameters to work under. He felt the CDA needed to continue to focus on blighted issues. Streeter spoke of working on blight for three years and will continue to but it's not enough to fill their agenda. Trustee Martin thought the CDA was set by legislation, and if they want the CDA to operate differently it should be disbanded and reclassified. Trustee Martin wants the CDA to be a functional body under the statute.

Wagner explained that at the Village Board, he brought up relevant programs and thought a business retention and expansion (BRE) program could be administered by the CDA. The BRE program's purpose is to go out with the existing business program and find out if the Village could improve policies to retain and expand business in Caledonia. He will research programs on blight and redevelopment but wants to ensure that the CDA is not doing redundant work that RCEDC and Village staff is doing.

Trustee Wanggaard noted that emails in support of the CDA were received from Nancy Washburn and Martha Hutsick.

**7. Adjournment**

There being no further business, Motion by Trustee Prott to adjourn the meeting at 5:30 p.m. Trustee Wanggaard seconded. Motion carried unanimously.

Respectfully submitted,

Joslyn Hoeffert  
Deputy Village Clerk

To: Caledonia Legislative and Licensing Committee  
From: Tyler Helsel, Village Attorney  
Re: Fire Code update  
Date: November 5, 2020

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Enclosed is a redline version of the fire code update. Chief Dick Roeder requested our office review the code to update the statutory and administrative code references and make any changes needed to ordinance language or requirements. Those changes are reflected in this code.

In addition to the changes to the references, a third-party inspection and reporting system ordinance was added. This is in response to a contract that our office is working on for Chief Roeder with Brycer, Inc., a company that assists in inspection and record retention. That contract will be coming before the Village Board later this month. This ordinance addition allows for this type of third-party system.

Maintenance and inspection requirements were also added to the chimney ordinance based on current administrative code requirements.

Recommendation: Recommend ordinance amendments and third-party inspection and reporting systems ordinance creation.

CHAPTER 2

Fire Prevention and Safety Codes

Article A	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		
<del>5-2-4</del>	<del>Definitions</del>		
5-2- <del>4</del> <del>5</del>	Orders to Eliminate Fire Hazards		
5-2- <del>5</del> <del>6</del>	Service of Orders		
5-2- <del>6</del> <del>7</del>	Investigation of Fires		
5-2- <del>7</del> <del>8</del>	Fire Records		
<del>5-2-9</del>	<del>Inspections</del>		
<del>5-2-10</del>	<del>Third-Party Inspections and Reporting Systems</del>		
5-2-118	Annual Report		
5-2- <del>129</del>	Exceptions		
5-2- <del>134</del> <del>0</del>	Permits		
<del>5-2-11</del>	<del>Definitions</del>		
5-2- <del>141</del> <del>2</del>	Smoke Alarms and/or Heat Detectors Required in Dwelling Units		
5-2- <del>13</del> <del>15</del>	Reserved for Future Use		
through			
5-2-19			

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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 <u>and Costs</u>		

ARTICLE A

General Provisions

SEC. 5-2-1 INTENT OF CODE.

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Chapter 2 - Fire Prevention and Safety Codes

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 ~~Department of Industry, Labor and Human Relations, all of which are set forth in 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, ~~and~~ 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. (+)~~  
~~Wis. Adm. Code Ch. ILHR 7; Explosives and Blasting Agents.~~
- (2) ~~Wis. Adm. Code Ch. ILHR 10; Flammable and Combustible Liquids.~~
- (3) ~~Wis. Adm. Code Ch. ILHR 11; Liquefied Petroleum Gases.~~
- (4) ~~Wis. Adm. Code Ch. ILHR 12; Liquefied Natural Gas.~~
- (5) ~~Wis. Adm. Code Ch. ILHR 13; Compressed Natural Gas.~~
- (6) ~~Wis. Adm. Code Ch. ILHR 14; Fire Prevention.~~
- (7) ~~Wis. Adm. Code Ch. ILHR 15; Cleaning and Dyeing.~~
- (8) ~~Wis. Adm. Code Ch. IND 20; Dusts, Fumes, Vapors and Gases.~~
- (9) ~~Wis. Adm. Code Ch. IND 21; Spray Coating.~~
- (10) ~~Wis. Adm. Code Ch. ILHR 30; Fire Department Health and Safety Standards.~~
- (11) ~~Wis. Adm. Code Ch. IND 32; Safety in Construction.~~
- (12) ~~Wis. Adm. Code Ch. IND 43; Anhydrous Ammonia Code.~~
- (13) ~~Wis. Adm. Code Ch. ILHR 50; Administration and Enforcement.~~
- (14) ~~Wis. Adm. Code Ch. ILHR 51; Definitions and Standards.~~
- (15) ~~Wis. Adm. Code Ch. ILHR 52; General Requirements.~~
- (16) ~~Wis. Adm. Code Ch. ILHR 53; Structural Requirements.~~
- (17) ~~Wis. Adm. Code Ch. ILHR 54; Factories, Office and Mercantile Buildings.~~
- (18) ~~Wis. Adm. Code Ch. ILHR 55; Theatres and Assembly Halls.~~
- (19) ~~Wis. Adm. Code Ch. ILHR 56; Schools and Other Places of Instruction.~~
- (20) ~~Wis. Adm. Code Ch. ILHR 57; Apartment Buildings, Hotels, and Places of Detention.~~
- (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.~~

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Chapter 2 - Fire Prevention and Safety Codes

~~(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.~~

~~(21) Wis. Adm. Code Ch. ILHR 58; Health Care, Detention, and Correctional Facilities; shall apply.~~

~~(22) Wis. Adm. Code Ch. ILHR 59; Hazardous Occupancies; (23) Wis. Adm. Code Ch. ILHR 60; Child Day Care Facilities; Chapter 2 – Fire Prevention and Safety Codes 3~~

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~~(24) Wis. Adm. Code Ch. ILHR 61; CBRF;~~

~~(25) Wis. Adm. Code Ch. ILHR 62; Specialty Occupancies;~~

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~~(26) Wis. Adm. Code Ch. ILHR 64; Heating, Ventilating, and Air Conditioning;~~

~~(27) Wisconsin Electrical Code.~~

~~(28) NFPA Codes and Standards; Volumes 1 through 11, and NFPA 72 Standards for the Installation, Maintenance and Use of Protective Signaling Systems.~~

(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 ~~Town~~ 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.

Chapter 2 - Fire Prevention and Safety Codes

- (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.
- (n) "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.

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**SEC. 5-2-54 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. 5-2-65 SERVICE OF ORDERS.**

- (a) The service of such orders as mentioned in Section 5-2-4-5 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 ~~Chapter 2 -- Fire Prevention and Safety Codes 4~~ 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. 5-2-76 INVESTIGATION OF FIRE.**

- (a) The Chief of the Fire Department shall investigate the cause, origin, and circumstances of every fire occurring in the ~~Town-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.**

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Chapter 2 - Fire Prevention and Safety Codes

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.

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

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(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.

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(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.

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

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Fire Protection Measure	NFPA Code
(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

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(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,

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Chapter 2 - Fire Prevention and Safety Codes

- (2) 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.

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**(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.

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- (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.

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- (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.

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- (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.

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**(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.

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- (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.

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~~SEC. 5-2-7—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.~~

~~SEC. 5-2-118 ANNUAL REPORT.~~

~~A report of the Fire Department shall be made annually and transmitted to the Town 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. 5-2-129 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. 5-2-130 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. 5-2-11—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 as a result of his investigation and experience or by reason of test, listing, or approval by Underwriters~~

## Chapter 2 - Fire Prevention and Safety Codes

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) ~~"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.~~
- (d) ~~"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.~~
- (e) ~~"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.~~
- (f) ~~"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) Chapter 2 - Fire Prevention and Safety Codes 6 or more are doing cooking within their apartments, including tenement house, apartment house, flat.~~
- (g) ~~"Person" shall mean and include person, persons, firm, corporation, or co-partnership.~~
- (h) ~~"Public Building" shall mean a building in which persons congregate for civic, political, educational, religious, social, or recreational purposes.~~
- (i) ~~"Residence Building," except when classed as an Institutional Building shall mean a building in which sleeping accommodations are provided.~~

### SEC. 5-2-142 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 ~~Town/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) ~~**Definitions.** For the purposes of this Section, the following words and phrases shall have the following meanings:~~
  - (1) ~~**Dwelling Unit.** A group of rooms constituting all or part of a dwelling which are arranged, designed, used, or intended for use exclusively as living quarters.~~
- (c) **Exemption.** This Section shall not apply to owner-occupied single-family dwelling units constructed prior to this Code of Ordinances adoption date.
- (d) **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 standards, pamphlet #72E edition, and pamphlet #74, 1975 edition.~~

Chapter 2 - Fire Prevention and Safety Codes

- (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.

(ed) **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 ~~Fire Chief~~ **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-~~13-15~~ 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) **Definitions.** The following definitions shall be applicable in this Section:~~
  - ~~(1) "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.~~
  - ~~(2) "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.~~

Chapter 2 - Fire Prevention and Safety Codes

~~(3) "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.~~

~~(4) "Yard Waste" shall mean refuse, such as dry leaves and dry plant clippings, from a plant, tree or shrub, not including firewood.~~

~~(e) **Authority of Fire Chief.** This Chapter shall be interpreted, administered, and enforced by the Fire Chief or his or her designee.~~

~~(db) **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 ~~Fire Chief~~**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 ~~Fire Chief~~**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.~~

~~(ec) **Restrictions on Open Burning.** Open Burning is hereby prohibited in the ~~Town~~**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.~~

## Chapter 2 - Fire Prevention and Safety Codes

- (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 ~~Town 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 ~~Fire~~ Chief of the Fire Department or ~~his or her~~ designee.
  - f. Fires must be attended at all times until it is extinguished or burns out.

### (fd) Additional Regulations.

- (1) Exceptions contained in Subsection (ec)(1) through (3) have no time limit and do not require prior notification or the approval of the ~~Fire Chief~~ Chief of the Fire Department under Subsection (eg) below.
- (2) Exceptions contained in Subsection (ec)(4) through (6) have no time limit, but do require prior notification and approval of the ~~Fire Chief~~ Chief of the Fire Department under ~~subsection~~ Subsection (ge) below.
- (3) Exceptions contained in Subsection (ec)(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 ~~Fire Chief~~ Chief of the Fire Department under ~~subsection~~ Subsection (ge) below.
- (4) The exception contained under Subsection (ec)(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 ~~Fire Chief~~ Chief of the Fire Department. Approval of the ~~Fire Chief~~ Chief of the Fire Department must be received prior to commencing with the Open Burning. The ~~Fire Chief~~ 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 ~~Town 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 ~~Town Village~~ of Caledonia properties are prohibited except as authorized by the Town Village Officials Administrator and Chief of the Fire



Chapter 2 - Fire Prevention and Safety Codes

Department or the Village Board and as allowed in the Town's Village's park regulations under Title 12 of the Code of Ordinances.

- (7) Upon written request, the Fire Chief ~~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.

(ge) **Notification and Approval.**

- (1) **Notification.** When required, the Fire Chief ~~Chief of the Fire Department~~ shall be notified, ~~by telephone,~~ in writing ~~or in person,~~ 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 Town Village reserves the right to impose a penalty for violations as provided in this Chapter.
- (2) **Conditions.** The Fire Chief ~~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 Fire Chief ~~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 ~~for of~~ life or property, or constitutes a public nuisance, the Fire Chief ~~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**

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- (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 Requirements.~~ 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.**

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Chapter 2 - Fire Prevention and Safety Codes

- (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) ~~provided, however, that nothing in this Section~~ Subsection (d)(2) above shall be held to 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 ~~reordered~~ made flameproof.

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SEC. 5-2-22 CHIMNEYS, HEATING APPLIANCES, E.TC.

- (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.~~

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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 ~~exitway~~ 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 ~~American Standard of Outdoor Assembly, Grandstands and Tents, as adopted by the National Fire Protection Association~~, 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~~ 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 24~~ 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 ~~to~~ 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 ~~Town-Village~~ of Caledonia and such subordinates ~~in said 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 ; nor shall the Town-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 ~~thereof~~ 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 ~~from~~ the decision of the Chief of the Fire Department to the ~~Town-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. In the event of such appeal, ~~the~~ Board shall set a time and place for such appeal hearing ~~thereof and~~

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Chapter 2 - Fire Prevention and Safety Codes

give to the appellant at least ten (10) days' thereof by mail or personally. 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 ~~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 ~~Town-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.

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**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 ~~Chapter ILHR-8~~, Wis. Adm. Code SPS 308, as the same is now in force and may hereafter from time to time be amended.