

CHAPTER III
FIRE PREVENTION BUREAU

3.01 BUREAU OF FIRE PREVENTION

A. There is hereby created and established a Bureau of Fire Prevention, hereinafter referred to as the "Bureau", which shall be operated under the supervision of the Chief of the Fire Department.

B. Authority. The Chief of the Fire Department shall administer and enforce the provisions of this Chapter. The Chief shall have the authority and responsibility to:

1. Appoint a Chief of the Bureau.
2. Assign such other personnel of the Department to the Bureau as shall be necessary to enforce the regulations of this Chapter.
3. Recommend to the Common Council the employment of technical experts, who, when such authorization is made, shall be selected through examination by the Board of Police and Fire Commissioners to determine their fitness for the positions.

C. Enforcement.

1. It shall be the duty of the Chief and personnel of the Bureau to enforce the regulations of this Chapter and all other laws, lawful orders and ordinances relating to the following:
 - a. The prevention of fires;
 - b. The storage, sale, use and handling of combustibles and explosives, including fireworks;
 - c. The installations and maintenance of fire alarm systems and fire protection equipment, appliances and devices;
 - d. The maintenance of fire escapes as means of egress;
 - e. The means, adequacy and maintenance of exit from all buildings, structures or other places in which numbers of persons live, sleep, work or congregate from time to time for any purpose;
 - f. The investigation of the cause, origin, and circumstances of fires.
2. The Police Chief and police officers shall have the concurrent responsibility with the Chief of the Fire Department to enforce Section 3.18 of this Ordinance, entitled "Fireworks", and of this ordinance entitled "Control Of Open Burning; Open Flame In Buildings".

D. Reports. An annual report containing all information on matters regulated by this Chapter, together with statistics and such other information as may be required, shall be made and transmitted by the Bureau to the Chief of the Fire Department.

E. Duties of Bureau. The Bureau shall perform such other duties as are set forth in this Chapter, the Statutes of the State of Wisconsin, lawful orders of the Wisconsin Industrial Commission, the Ordinances and directives of the City of Kenosha, and all additional duties prescribed by the Chief of the Fire Department.

3.02 FIRE PREVENTION CODE

It is the intent of the Fire Prevention Code to prescribe regulations consistent with nationally recognized good practice for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling, sale and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises.

3.03 PROVISIONS OF CODE

A. Scope. This Chapter shall consist of the following:

1. The express provisions of the Fire Prevention Code as set forth herein;

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

3. All laws and lawful orders of the State of Wisconsin, hereinafter referred to as the State Code, relating to conditions as described in Paragraph 2., now or hereafter in effect; which provisions are hereby adopted and incorporated herein by reference;

4. Acts 1, 13, 25, 30, 58, 72 and 96 of the National Fire Code, 2006 Edition, and future amendments thereto as recommended by the National Fire Protection Association (hereinafter referred to as "NFPA (Section Number)") which provisions are hereby adopted and incorporated herein by reference, except the provisions thereof which may conflict with the provisions of the State Code or the express provisions of this Chapter. Not less than one (1) copy of these Codes and standards shall be on file and available at the Fire Prevention Bureau of the City of Kenosha Fire Department.

B. Conflict. Where the requirements of the State Code and the express provisions of this Chapter conflict, the stricter requirements shall govern.

Should any section, subsection, paragraph, sentence, clause, phrase or word of this Chapter be declared for any reason to be invalid or unconstitutional, the remainder of this Chapter shall not be affected thereby and shall continue in full force and effect.

All ordinances or parts of ordinances contravening the provisions of this Ordinance are hereby repealed.

3.04 RESPONSIBILITY

Except as otherwise specified herein, each owner, operator, manager, tenant, or holder of a Certificate of Occupancy shall be responsible for the maintenance of buildings, structures and premises within which they are associated.

3.05 DUTIES

A. Annual Fire Prevention Inspections. Except as otherwise provided in this Chapter, it shall be the duty of the Chief of the Fire Department to semi-annually inspect, or cause to be inspected by the Bureau or by officers and personnel of the Fire Department, all public buildings, structures and premises as defined by Wis. Stat. §101.01, for the purpose of ascertaining, and causing to be corrected, any conditions liable to cause fire, or any violations of any laws or lawful orders relating to conditions or circumstances defined in §3.01.

1. In the event a public building, structure or premises must be reinspected as a result of deficiencies identified in the annual fire prevention inspection, the property owner shall be charged a fee for the reinspection and subsequent reinspection(s), based upon a fee schedule adopted by Resolution of the Common Council from time to time which establishes the fees for the reinspections.

2. Reinspection fees shall constitute a special charge against the property under Wis. Stats. §66.0627, and shall be placed on the annual tax roll for collection as a special charge. All rules and regulations related to the collection of real estate taxes shall apply.

3. All buildings, structures and premises owned by the City of Kenosha, the State of Wisconsin, and the U.S. Government shall be exempt from this fee.

3.06 BUILDINGS, STRUCTURES AND PREMISES AFFECTED

A. Buildings, Structures and Premises Excepted. Except as otherwise specifically provided in this Chapter, the regulations contained herein on fire prevention and protection shall apply to all buildings, structures and premises, except:

1. Private residences, and accessory buildings or structures in connection therewith;
2. Buildings used as the residence of not more than two (2) families, and provided that no more than two (2) persons are accommodated therein who are not members of such families or households;
3. Temporary buildings or sheds used for construction purposes only.

B. Buildings, Structures and Premises Not Exempt. Subsection 3.06 A. notwithstanding, if any building, structure or premises is especially liable to fire; or is so situated as to endanger other buildings or property; or contains any combustible or explosive material dangerous to the safety of any building, structure or premises or the occupants thereof; or due to any physical condition that extraordinarily endangers or hinders firefighters in case of fire; then such building, structure or premises shall not be exempt.

3.07 AUTHORITY TO ENTER PREMISES

A. Right of Entry. The Chief of the Fire Department, the Bureau, any inspector of the Bureau or any authorized member of the Fire Department may, at all reasonable hours, enter any building or premises governed by this Fire Prevention Code for the purpose of making any inspection or investigation which, under the provisions of this Fire Prevention Code, is deemed necessary.

B. Failure to Permit Entry for Purposes of Inspection. Any person who refuses to permit, or prevents or interferes with any entry into or upon the premises by any such inspector, or interferes with any such inspection shall be deemed guilty of violating this Section and shall be punished as provided in this Chapter.

3.08 CLOSING AND VACATING OF BUILDINGS AND STRUCTURES

A. Enforcement of Code Compliance. The Chief of the Fire Department, or his/her designee, is hereby empowered to enforce compliance with the regulations of this Chapter and all other laws and lawful orders relating to fire prevention and fire protection in all buildings and structures governed by this Chapter.

B. Closure of Buildings or Structures. The Chief of the Fire Department, or his/her designee, is hereby empowered and directed to close any buildings or structure, and order it vacated, where violations of any regulations of this Chapter are found and not corrected within a reasonable period of time as stipulated by the Fire Chief or by the Bureau.

C. Emergency Closures of Buildings or Structures. Where the public is exposed to immediate danger, the Chief of the Fire Department, or his/her designee, is hereby empowered and directed to order the closing and vacating of the building, structure or premises at once.

3.09 NOTICES AND ORDERS

A. Service of Order(s). Whenever it may be necessary to serve an order upon the owner of a premises, such order may be served either by delivery to and leaving with the said person a copy of the said order, or if such person cannot be found, such order may be mailed to the owner's last known post office address.

B. Issuance of Order. If buildings, structures or other premises are owned by one person and occupied by another, under lease or otherwise, the orders issued in connection with the enforcing of this Fire Prevention Code shall apply to the owner and occupant thereof, except where the order requires the

making of additions or changes in the buildings, structures or premises themselves. In such cases the orders shall affect the owner only, unless it is otherwise agreed between the owner and the occupant.

C. Compliance With Order. Any such order shall be complied with by the owner and/or occupant of such building, structure or premises within the time prescribed in such order. The owner or occupant may, within five (5) days, appeal to the Chief of the Fire Department for a review of such order, who shall thereafter make the necessary investigation and decision. Unless such order is revoked or modified by the Chief of the Fire Department, it shall remain in force and be complied with within the time prescribed.

3.10 INVESTIGATION OF FIRES

A. Investigation. The Bureau, or any authorized officer of the Fire Department, shall investigate the cause, origin and circumstances of every fire occurring within the City which is of suspicious nature, or which involves loss of life or injury to person, or by which property has been destroyed or substantially damaged. Such investigation shall begin immediately upon the occurrence of such fire and, so far as possible, shall determine whether the fire is the result of accident, carelessness or design. If it appears to the Bureau, or the authorized officer of the Fire Department making the investigation, that the fire is of suspicious origin, the Chief of the Fire Department shall be immediately notified of such findings. Thereupon the Bureau, or the authorized officer, shall take charge immediately of the physical evidence, and shall notify the proper State authorities and/or Police Department, 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. Report of Fire. Every fire shall be reported in writing to the Bureau within twenty-four (24) hours after the occurrence of the same, by the officer in charge at such fire. The report shall be in such form as shall be prescribed by the Chief of the Fire Department, and shall contain a statement of all facts relating to the cause, origin and circumstances of such fire, injury to person, extent of the damage to property, the insurance upon such property, and such other information as may be required.

C. Investigation of Fire of Suspicious Origin. The District Attorney and any department of the City may assist in the investigation of any fire upon request of the Chief of the Fire Department or the Bureau when, in their opinion, such fire is of suspicious origin.

3.11 FIRE DEPARTMENT EMERGENCY AMBULANCE AND RESCUE SERVICE

A. Emergency Ambulance And Rescue Service. The Kenosha Fire Department shall be responsible for providing Emergency Ambulance and Rescue Service to the public in the City and other municipalities covered by mutual aid agreements approved by the Common Council, which service shall include the administration of advanced life support pre-hospital emergency medical care.

B. Dispatching Operations. Public requests for City Fire Department provided Emergency Ambulance and Rescue Services shall be directed to the 911 Dispatcher operating under the jurisdiction of Kenosha City/County Joint Services.

C. Service Fees. Service charges for Emergency Ambulance and Rescue Services shall be as provided in §2.20 of the Code of General Ordinances. The City Fire and Finance Departments shall jointly administer billing and collection under said Ordinance.

D. Non-Application. This Ordinance does not apply to or regulate service provided by For-Profit Ambulance Service Providers.

3.12 FEES FOR VEHICULAR FIRE/HAZARDOUS MATERIALS SUPPRESSION SERVICES

A. Definition. "Vehicular Fire/Hazardous Materials Suppression Services" shall mean any service, other than emergency medical transport, provided by the City of Kenosha Fire Department in responding to the scene of a vehicular accident or disabled vehicle. Such services shall specifically include the prevention of fire, the suppression of fire, extraction of accident victims and the containment, handling and/or removal of hazardous materials, leaking fluids or accident debris.

B. Charges For Services. The City of Kenosha Fire Department shall charge a fee for providing Vehicular Fire/Hazardous Materials Suppression Services. The fee shall be computed so as to offset the cost of personnel, supplies and equipment used in providing these services and shall be billed to the person or persons receiving the services.

C. Fee Schedule. The Common Council shall, from time to time, by Resolution, establish fees for Vehicular Fire/Hazardous Materials Suppression Services.

D. Refusal To Provide Services. The City of Kenosha Fire Department shall not refuse or delay in the provision of any service to any person who has failed to pay for Vehicular Fire/Hazardous Materials Suppression Services when due.

3.13 FEES

A. Fees. The Common Council shall, from time to time, by Resolution, establish fees for the following Permits, reviews, inspections and services provided by the Fire Department, which, to the greatest extent possible, shall be collected prior to action by the Fire Department:

- Fireworks Sale
- Open Burning
- Fire Alarm Permit
- Fire Suppression Permit
- Hood System Permit
- Duct-Fire Extinguisher System Permit
- Aboveground Storage Tank/Underground Storage Tank Fees
- Reinspection Fees

B. Payment of Fees. A Permit shall not be valid until such time that the fees required by this Chapter have been paid.

C. Failure To Obtain Permit. When a Permit is required by this Ordinance and work is started prior to obtaining such Permit, the fees required shall be doubled. For the second offense within a twelve (12) month period, starting work prior to obtaining a Permit, the fee shall be quintupled. The payment of such doubled or quintupled fee shall not relieve any person from complying with the requirements of this Ordinance, nor from any penalties proscribed herein.

D. Failure To Pay Inspection Fees. When an Inspection Fee is required by this Ordinance and occupancy occurs prior to obtaining payment for such inspection fee, the fees required shall be doubled. For the second offense within a twelve (12) month period, and occupancy occurs prior to paying the Inspection Fee, the fee shall be quintupled. The payment of such doubled or quintupled fee shall not relieve any person from complying with the requirements of this Ordinance, nor from any penalties proscribed herein. As used herein, "Inspection Fee" includes fees for reinspection.

E. Reinspection Fees.

1. Reinspection Fees Assessed. A Reinspection Fee may be assessed on the owner, owner's agent or contractor responsible for the inspection request when any of the following occur:

a. An inspection is requested by the owner, owner's agent or contractor, and the Work is not completed prior to the commencement of the inspection.

b. An inspection is requested by the owner, owner's agent or contractor, and there is no access to the Premises.

c. After an initial inspection and notice of violation(s) to be corrected, an inspection is requested by the owner, owner's agent or contractor, to approve corrections, and those corrections are incomplete or only a portion of the corrections are made, or corrections have been ignored and previous arrangements have not been made with the Fire Chief to accomplish ordered corrections in phases.

2. Failure to Pay Reinspection Fee. Once a Reinspection Fee has been assessed, work may not proceed on the installation impacted, or occupancy may not occur until such time that said Reinspection Fee has been paid.

3. Final Inspection. There shall be no Reinspection Fee for a final inspection to determine compliance, or for a reinspection occurring during a period of an approved time extension granted for good cause and involving a good faith effort on the part of the property owner.

3.14 REVOCATION OF PERMIT(S)

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

3.15 FIRE PREVENTION EDUCATION AND FIRE DRILLS

A. Fire Prevention Education in Schools. The person having direct charge of any public, private or parochial school or college shall at least once each month devote not less than one-half (1/2) hour to the teaching of fire prevention to the pupils.

B. Fire Drills in School Buildings. Fire drills shall be held at least once a month in school buildings, and shall include complete evacuation of all persons from the building. During severe weather, fire drills may be postponed.

C. Fire Drills in Other Institutions. Fire drills shall be held at least once every two (2) months in hospitals, mental and/or correctional institutions, homes for the aged, nursing homes, convalescent homes and children's homes, and shall be conducted to familiarize personnel with their assigned positions of emergency duty; complete evacuation of occupants from the building at the time of the fire drill shall be required only where it is practical and does not involve moving or disturbing persons under medical care.

D. Fire Drill Written Reports Required. A record of all fire drills shall be kept and persons in charge of such educational or institutional occupancies shall file written reports annually with the Bureau, giving the time and date of each drill held.

E. Violations. Every person who violates the provisions of this Section shall be deemed guilty of a separate offense for every thirty (30) days such violation shall continue, and shall be subject to a separate penalty for each and every offense.

3.16 FIRE EXTINGUISHING EQUIPMENT

A. Permit and Surety Bond. No person, company or representative of a company shall sell, service, repair or install portable fire extinguishers or appliances, warning devices, and/or sprinkling systems, that are to be used or displayed for use as fire protection devices in or upon any vehicle, structure or premises, or portions thereof, unless that person, company or representative shall file with the City of Kenosha a continuous surety bond of not less than Five Hundred Thousand (\$500,000.00) Dollars, which bond shall be approved by the City Attorney. Said bond shall be conditioned upon the performance of the permittee in accordance with the applicable sections of the Code of General Ordinances of the City of Kenosha.

B. Designation of Number, Type and Location of Fire Extinguishers. The Bureau is hereby empowered to designate the number, type and location of fire extinguishers and other fire protection equipment as may be deemed necessary in any building or structure.

C. Custodian of Fire Extinguishing Equipment in Places of Public Entertainment. The owner, agent or manager of every theater or place of public entertainment shall designate a person of competency, satisfactory to the Bureau, who, during every performance or public assemblage within such building or structure, shall be on duty to take charge of the fire extinguishing equipment required.

D. Fire Alarm, Detection and Extinguishing Systems.

1. Internal local fire alarm or detection systems shall be required in schools, public and private, colleges and universities, hospitals, institutions, jails, nursing, convalescent and retirement homes, and other occupancies with one hundred (100) or more sleeping accommodations or any building which has eight (8) or more separate residential occupancies. Said internal fire alarm or detection system in each of the aforesaid classes of buildings, except apartment houses, shall be connected to a private, twenty-four (24) hour supervised alarm company.

2. Every establishment preparing and serving food, except private residences, shall have automatic fire extinguishing protection built into any new or modified hood and/or exhaust system as part of any cooking equipment which has an open flame or an electric element that could cause ignition or contact with, or exposure to, grease or inflammable materials.

3.17 FALSE FIRE ALARM: DESTROYING, REMOVING, INJURING OR MEDDLING WITH FIRE ALARM SYSTEMS

A. False Fire Alarm; Destroying, Removing, Injuring or Meddling With Fire Alarm System Unlawful. It shall be unlawful for any person to give, or cause to be given a false fire alarm, with intent to deceive any public official or employee, or to tamper, meddle or interfere in any way with any fire alarm system or device, or any part thereof, or to make any connection therewith so as to interfere with the proper working of said system, or with intent to injure, break or destroy any machinery or fixtures connected with such system.

B. Violations.

1. Any person violating any provision of this Section shall, upon conviction of such violation, be punished by a forfeiture of not less than One Hundred (\$100.00) Dollars nor more than Five Hundred (\$500.00) Dollars, together with the costs of the prosecution, and in default of payment thereof shall be imprisoned until such forfeiture and cost are paid, but not to exceed sixty (60) days.

2. Any person violating any provision of this Section who has previously been convicted of violating this Section, and such prior conviction has not been reversed, shall upon conviction be required to forfeit not less than One Hundred (\$100) Dollars nor more than One Thousand (\$1,000.00) Dollars, together with the costs of the prosecution, and in default of payment thereof shall be imprisoned until such forfeiture and cost are paid, but not to exceed ninety (90) days.

3.18 FIREWORKS

A. State Law Incorporated And Made Stricter. Section 167.10, Wisconsin Statutes, is hereby adopted and incorporated herein by reference, and modified, as authorized by Subsection 5. thereof, to delete the fireworks described in Subsections l., m. and n. thereof, as permissible fireworks.

B. Permit For Sale Of Permissible Fireworks. No person, party, firm or corporation shall sell or offer for sale or hold or display for sale any permissible fireworks, as defined in §§167.10 (1) (e), (f), (i) (j), and (k), Wisconsin Statutes, without first having obtained a permit therefor from the Fire Chief, or designee, In the event of noncompliance with §167.10, Wisconsin Statutes, and/or this Ordinance, the Fire Chief, or designee may revoke or suspend said permit. Permit applications shall be made on forms provided by the City, and shall be fully completed prior to submission. The Fire Chief, or designee, may test samples of any device proposed to be included under said permit and may limit the permit by defining items determined by name brand and/or description to be permissible fireworks. The Fire Chief, or designee, may also test samples of any permittee which are offered, held or displayed for sale to determine permit compliance. Any and all contraband may be seized as evidence. Permits hereunder shall expire at the end of the calendar year in which issued.

3.19 CONTROL OF OPEN BURNING; OPEN FLAMES IN BUILDINGS

A. Definitions.

CODE OF GENERAL ORDINANCES, 2020 - KENOSHA, WISCONSIN

1. **"Bonfire"** shall mean a recreational fire that has a total fuel area greater than three (3) feet in diameter and greater than two (2) feet in height.

2. **"Cooking Fire"** shall mean a fire ignited and maintained for the express purpose of cooking food for human consumption.

3. **"Open Burning"** shall mean the oxidation from which the products of combustion are emitted directly into the ambient air without passing through a stack or chimney.

4. **"Outdoor Fireplaces or Fire Pits"** shall mean bowls or pits designed for the holding or burning of wood.

5. **"Recreational Fire"** shall mean an outdoor fire burning material other than rubbish with a total fuel area of three (3) feet or less in diameter and two (2) feet or less in height for pleasure, religious, ceremonial, warmth or similar purpose.

5. **"Sky Lantern"** shall mean a small hot air balloon made of paper, with an opening at the bottom where a small fire is suspended.

B. Prohibitions and Exceptions. Open burning and sky lanterns are prohibited with the following exceptions:

1. Small open flames for welding, acetylene torches, safety flares, heating tar or similar applications.

2. Outdoor fires for cooking, but only if said fire is contained in a device made of metal, concrete or brick, and specifically designed for the cooking of food by heat, steam or smoke; said device is to be located not closer than ten (10) feet to any building or structure. Once cooking is complete, the fire must be extinguished. Fires maintained contrary to this section are subject to an order to extinguish by the enforcement authorities at the sole discretion of the enforcement authorities in furtherance of this ordinance.

3. Bonfires, but only if a permit was first obtained from the Bureau and subject to the following conditions:

a. The applicant shall agree to indemnify, defend and hold harmless, the City of Kenosha, its officers, agents, and employees against any and all claims, liability, loss, charges, damages, costs, judgments, settlement expenses and attorney's fees, which any of them hereafter sustain, incur or be required to pay as a result of a permitted bonfire.

b. When required, the applicant shall furnish a certificate of insurance providing evidence of Commercial General Liability Coverage with minimum limits of one million dollars (\$1,000,000) per occurrence or a higher limit if determined to be necessary on a case-by-case basis. When required, such commercial general liability coverage shall include coverage for contractual liability and list the City of Kenosha, its officers, officials, employees and agents as additional insureds. The insurance policy shall contain a clause that in the event that the policy issued is cancelled for any reason, or any material charges are made therein, the Bureau will be notified, in writing, by the insurer at least thirty (30) days before any cancellation or change takes effect. The applicant shall provide the Certificate of Insurance described above at the time of submitting the bonfire permit application.

c. Applicant shall pay a nonrefundable permit fee of two hundred dollars (\$200.00), which will include three hours of event supervision by fire personnel. Events lasting longer than three (3) hours will be charged an additional fifty dollars (\$50.00) per hour for every portion of any hour thereafter.

d. The bonfire does not exceed eight (8) feet in diameter.

e. The height of the wood to start the bonfire does not exceed six (6) feet.

f. Only dry wood is permitted to be burned in bonfires. If trees are burned they may only have minimal branches, needles and leaves attached to them. No trash, yard waste, brush, flammable or combustible liquids or other materials may be burned.

g. May only be located at locations approved by the Bureau.

h. The smoke from the bonfire shall not create a nuisance.

i. The bonfire shall not be within fifty (50) feet of a building or lot line.

CODE OF GENERAL ORDINANCES, 2020 - KENOSHA, WISCONSIN

j. The bonfire shall not be within fifty (50) feet or near combustibles such as trees, wooded areas, natural lawns, or brush. Except if the lawn is mowed and is less than six (6) inches high.

k. Other than when igniting or extinguishing the bonfire, individuals are not permitted to be within eight (8) feet of the bonfire.

l. The bonfire must be supervised at all times by a responsible adult. The bonfire must be completely extinguished, including all embers, before it is left unsupervised.

m. The bonfire shall not be ignited or maintained when air quality is other than good or moderate as defined by the Wisconsin Department of Natural Resources.

n. Bonfires shall be subject to any other conditions as determined by the Bureau when considering any issues of fire safety, public safety and welfare.

4. Fires set for practice and instruction of firefighters, or testing of firefighting equipment.

5. Recreational Fires contained within outdoor fireplaces or fire pits subject to the following conditions:

a. Permission of the property owner is required before starting a fire.

b. Fireplaces shall include a bowl with supports to ensure clearances to combustibles.

c. Fire pits shall have an enclosure, heavy screen or spark arrestor to control and contain embers and sparks.

d. Fireplaces or fire pits shall not be used within fifteen (15) feet of a building or lot line.

e. Fireplaces or fire pits shall be used on a stable level surface.

f. Fireplaces or fire pits shall not be used on any combustible deck, porch, or patio.

g. Only clean, dry wood is permitted to be burned in fireplaces or fire pits. No trash, yard waste, or construction materials shall be burned.

h. If the fireplace is a propane unit only propane shall be burned.

i. The smoke from the fireplace or fire pit shall not create a nuisance.

j. A fire extinguisher, garden hose, or other method of fire control shall be readily available.

k. The fireplace or fire pit must be supervised at all times by a responsible adult. The fire must be completely extinguished before the fireplace or fire pit is left unsupervised.

l. Fireplaces or fire pits shall not be operated when air quality is other than good or moderate as defined by the Wisconsin Department of Natural Resources.

m. Manufactured outdoor fireplaces and fire pits shall be operated in accordance with the manufacturer's assembly, safety, and operating instructions.

n. Fireplaces and fire pits cannot be ignited before 4:00 p.m. and must be extinguished by 10:00 p.m. Fireplaces as described in paragraph B.5.h. are exempt from time restriction.

o. Fireplaces and fire pits shall be subject to an order to extinguish by the enforcement authorities at the sole discretion of the enforcement authorities in furtherance of this ordinance.

p. No recreational fires are allowed when wind speeds exceed 15 mph.

C. Open Burning Procedures. All allowed open burning shall be conducted in conformance with State fire protection regulations and this Ordinance, and shall not endanger the public health, safety or welfare or be an annoyance or discomfort to the neighborhood or traveling public.

D. Open Flame in Building. No open flame candle or other open flame fixture shall be used in any building or structure unless guarded and attended by an adult; however, no open flame fixture shall be used in any tent or temporary structure.

E. Penalties. Any person violating any provision of this section shall be punished, upon conviction, by a forfeiture of not less than One Hundred Dollars (\$100.00), not more than One Thousand Dollars (\$1,000.00), together with costs of the prosecution, and in default of payment thereof shall be imprisoned until such forfeiture and costs are paid, but not to exceed sixty (60) days.

F. The Fire Chief will provide the Public Safety and Welfare Committee a review of the Fire Safety Ordinance by September 1, 2018.

3.20 HAZARDOUS MATERIALS

No person employed in any public building shall place or store used smoking materials in a combustible receptacle. Every receptacle used for disposing of used smoking materials shall be of noncombustible material and have a spring-loaded or self closing lid or cover or be constructed in such a manner so as to be a self extinguished receptacle. There shall be no less than one approved receptacle in every service area where used smoking materials are gathered for disposal.

Public/commercial establishments preparing and serving food for public consumption, shall clean, or have cleaned, all cooking equipment at least once each six months and, more often if necessary, as determined by the Bureau in order to prevent fire in exhaust ducts, hoods, fans, filters and exposed surfaces in the immediate area of the food preparation unit.

3.21 MAINTENANCE AND STORAGE OF COMBUSTIBLE MATERIALS

A. Oily Waste and Rags.

1. Oily waste and oily rags, when not in actual use, shall be kept in approved, standard, self-closing metal waste cans, set firmly on three inch legs.

2. One such waste can shall be installed for every two thousand five hundred (2,500) square feet, or fraction thereof, on each floor where oily waste or oily rags are used or collected.

3. The contents of all such waste cans shall be properly disposed of at least once daily.

B. Oil Drip Pans and Cups.

1. Metal drip pans shall be placed under all oil barrels and drums resting on wooden floors, platforms or supports, and under all machines using oil, to catch the oil drippings, and oily metal borings and shavings. The contents of such drip pans shall be properly disposed of at least daily.

2. Metal drip cups shall be placed under all shaft bearings, including elevator machinery, suspended from the ceiling.

C. Oil-Bearing Machines. When a printing press or other oil-bearing machine is placed on a combustible floor, such floor shall be protected with substantial sheet metal or other approved noncombustible material, as directed by the Bureau.

D. Oily Clothing. Oily or greasy clothing shall not be allowed to remain on wooden floors or workbenches, nor placed in wooden lockers, nor hung against combustible walls or partitions. Approved ventilated metal lockers or metal-lined wooden lockers shall be provided.

E. Floors. All combustible floors and platforms shall be kept free of oil drippings and oily waste and rags.

F. Waste Materials.

1. No owner, agent or occupant of any building within the City shall allow to accumulate any Waste Materials such as paper, hay, straw, rags or other waste material of a combustible nature in any building or on any premises unless stored as provided in Subsection 3.21.

2. The Fire Chief or his/her designee shall order the immediate removal of such accumulated combustible waste material from any building or premises when, in his/her opinion, such storage would create a fire hazard. Ashes, when kept in basements of buildings under this Section, shall be placed in fireproof bins, areas or containers.

3. Waste Material shall be stored in a separate fireproof storage building, in a metal container with a cover, metal lined box with cover, or a fireproof vault or room. Waste Material so stored shall be properly disposed of at least daily.

G. Decorative Materials.

1. For all occupancies in Groups A and E (as defined in the International Building Code), no decorative materials such as flammable window draperies, curtains, streamers, surface coverings applied over the building interior finish for decorative, acoustical or other effect, and cloth, cotton batting, straw vines, leaves, trees, and plastics used for decorative effect are permitted, except for floor coverings and ordinary window shades.

2. The Fire Prevention Bureau shall have the authority to permit the use of decorative materials, provided that the materials have been effectively treated with an approved fire retardant and are maintained as flameproof. Proof of treatment must be provided to the Bureau.

3.22 EXPLOSIVES

A. Wisconsin Administrative Code. Except as herein provided, the General Orders on Explosives COMM 7 of the Wisconsin Administrative Code, shall apply to the storage, use, handling and transportation of explosives within the corporate limits of the City of Kenosha; the said Orders are hereby adopted and incorporated herein by reference.

B. Permits.

1. No person shall transport, store, sell, deliver, use or have in possession any explosive without first obtaining a permit therefor from the City Clerk/Treasurer and approved by the Bureau.

2. Any person desiring a permit as required by this Section shall file with the Bureau an application for such permit, in writing, upon a form furnished for such purpose. Every application shall state the name or names of the applicant(s), stating further the location and manner of storage or sale, or the location where blasting is to be done, the method of detonating the explosive, and any other information as may be required by the Bureau.

3. Permits for the storage or use of any explosive, when issued, shall, at all times, be kept on the premises in a readily accessible place for inspection.

4. No permit for blasting shall be issued for a period longer than forty-eight (48) hours.

C. Revocation of Permit. If, after a permit has been granted, an inspection by the Chief of the Fire Department or an Inspector of the Bureau discloses that the permit holder, or those acting under him, or those attempting to store or use such explosives are operating contrary to the regulations of this Section, the Chief of the Fire Department, the Chief of the Bureau, or an Inspector of the Bureau shall immediately stop all operations and revoke the permit. When such operations are stopped and the permit is revoked, all explosives shall immediately be removed from the premises and the City, subject to the regulations of this Section relative to transportation of explosives.

D. Limiting Amount of Explosive. In all cases involving the use of any amount of explosive, the Bureau may refuse a permit, as required by Subsection B. of this Section, if in its judgment, the use of explosives is likely to endanger or cause damage to life, health or property; or the Bureau may limit the use of such explosive to twenty-five (25) pounds if it deems a greater amount of such explosive to be unreasonably dangerous.

E. Delivery in Transit.

1. No person conveying explosives of any kind or nature by means of a boat, vessel, railroad car, wagon, automobile or any other means of conveyance shall enter the City, under any circumstances, without first reporting to the Bureau. The Bureau may permit such conveyance to enter and remain in the City for a specified period of time. Should such time exceed five (5) hours, a permit shall be procured from the Bureau.

2. Except in case of emergency, as determined by the Bureau, all explosives shall be transported through the streets of the City between the hours of midnight and six (6:00 A.M.) o'clock in the morning; and not more than five hundred (500) pounds shall be transported at one time. The Chief of the Fire Department or the Bureau may designate the route to be traveled.

F. Exceptions. Nothing contained in this Section shall be construed as applying to the regular military or naval forces of the United States, or the militia of any State thereof, nor the Police or Fire Department provided they are acting within their official capacity and in the performance of their duties.

G. Location of Magazines.

1. The location of all magazines in which explosives are to be kept or stored shall be approved by the Bureau.

2. The area surrounding a magazine for a distance of at least twenty-five (25') feet shall be kept free from rubbish, weeds, shrubbery, dead grass and other combustible materials.

H. Record of Blasting and Use of Explosives. Every person using explosives or responsible for the use thereof shall keep a "Blasting Record", which shall show the date of blasting, time, location of shot or shots, number of holes for explosive, depth of holes, amount of explosive used, by stick if dynamite, and by pounds or other applicable measurement if other explosives are used.

I. Penalties.

1. Any person violating any provision of this Section shall be punished, upon conviction, by a forfeiture of not less than One Hundred (\$100.00) Dollars, nor more than One Thousand (\$1,000.00) Dollars, together with the costs of the prosecution, and in default of payment thereof shall be imprisoned until such forfeiture and cost are paid, but not to exceed sixty (60) days.

2. Any person violating any provision of this Section who has previously been convicted of violating any provision of this Section and such prior conviction has not been reversed, shall, upon conviction, be required to forfeit not less than One Hundred (\$100.00) Dollars, nor more than One Thousand (\$1,000.00) Dollars, together with the costs of the prosecution, for each offense, and in default of payment thereof shall be imprisoned until such forfeiture and cost are paid, but not to exceed ninety (90) days for each offense.

3.23 AUTOMATIC FIRE SPRINKLER SYSTEMS

A. Purpose. The purpose of this Section is to provide the means for the automatic extinguishment of fire in buildings or parts of buildings which, because of their size, construction or occupancy, or lack of suitable protective equipment, constitute a special fire hazard to life or property, or an excessive burden upon the fire extinguishing capabilities of the Fire Department.

B. Definitions. The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning.

1. "**Area**" means ground area of buildings or sections of buildings divided by an approved firewall, each section being considered a separate area.

2. "**Automatic Fire Sprinkler Equipment**" means an integrated system of underground and overhead piping designed in accordance with fire engineering standards. The system includes a suitable water supply, such as a gravity tank, fire pump, reservoir or pressure tank and/or connection by underground piping to a municipal water main. The portion of the sprinkler system aboveground is a network of specially sized or hydraulically designed piping installed in a building, structure or area, generally overhead, and to which sprinklers are connected in a systematic pattern. The system includes a controlling valve and a device for actuating an alarm when the system is in operation. The system is usually actuated by heat from a fire and discharges water over the fire area.

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

4. "**Fire Resistive**" means that type of construction in which the structure members, including walls, partitions, columns, floors and roof construction are of noncombustible materials with a fire resistant rating of not less than those specified in Chapter 7 of the International Building Code.

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

C. Wisconsin Administrative Code. The provisions of the Wisconsin Administrative Code regulating Automatic Fire Sprinkler Systems and Fire Safety are hereby adopted and incorporated herein by reference as it now exists and as it may be amended in the future.

D. Installation and Maintenance Required.

1. **Requirement.** Every building constructed, structurally altered, or has a change of occupancy, where required, shall have an approved Automatic Fire Sprinkler System installed and maintained when occupied, in whole or in part, for the following purposes in the following building groups (which building groups are defined in the International Building Code):

a. Assembly Group A.

(1) Assembly Group A buildings which accommodate less than one hundred (100) people shall have an approved sprinkler system installed and maintained if they meet any one (1) or more of the following:

(a) Building of IA construction of over three thousand five hundred (3,500) square feet or more in area on any floor.

(b) Throughout all buildings of other than IA construction if:

i. Over two thousand five hundred (2,500) square feet in area; or,

ii. Over two (2) stories in height, regardless of area.

(2) Assembly Group A buildings that can accommodate one hundred (100) or more people shall have an approved sprinkler system installed and maintained throughout.

b. Business Group B and Mercantile Group M. An approved sprinkler system shall be installed and maintained in Business Group B and Mercantile Group M buildings which meet one (1) or more of the following:

(1) Buildings of IA construction of over three thousand five hundred (3,500) square feet or more in area on any floor.

(2) Throughout all buildings of other than IA construction if:

(a) Over four thousand (4,000) square feet in area; or,

(b) Over two (2) stories in height, regardless of area.

c. Educational Group E. An approved sprinkler system shall be installed and maintained throughout all educational occupancies and any type of daycare setting, except in-home daycare.

d. Factory and Industrial Group F and Storage Group S. An approved sprinkler system shall be installed and maintained in buildings that meet one (1) or more of the following:

(1) Buildings of Type IA construction if they are:

(a) Over five thousand (5,000) square feet in area.

(b) Over one (1) story in height, exceeding five thousand (5,000) square feet in area.

(c) Over two (2) stories in height, regardless of area.

(2) Throughout all buildings of other than IA construction if:

(a) Over five thousand (5,000) square feet in area.

(b) Two (2) stories or more in height, regardless of area.

e. High Hazard Group H. An approved sprinkler system shall be installed and maintained throughout all Group H occupancies.

f. Institutional Group I and Residential Group R-4. An approved sprinkler system shall be installed and maintained throughout all Group I and Group R-4 Occupancies.

g. Residential Groups. Residential Group R-2 and R-3 occupancies shall have an approved sprinkler system installed and maintained if it meets any one (1) or more of the following:

(1) Buildings of Type IA construction if they are:

(a) Over five thousand (5,000) square feet in area.

(b) Over one (1) story in height, exceeding five thousand (5,000) square feet in area.

(c) Over two (2) stories in height, regardless of area.

(2) Throughout all buildings of other than IA construction if:

(a) Over four thousand (4,000) square feet in area on a floor.

(b) More than two (2) stories in height.

h. Utility and Miscellaneous Group U. Group U covers all buildings and structures not covered in any other occupancy classification. Sprinkler system requirements for Group U buildings and structures will be reviewed by the Fire Chief on a case-by-case basis.

2. Exception to the Installation Requirement. Unless otherwise required by state law, any building that has a U.L. - approved smoke detection system that includes a monitored, central-station fire alarm panel, which system has been approved by the Fire Chief for the building in which it is installed, that completely satisfies any of the following is excepted from the installation requirement of paragraph D. 1.

a. An existing building.

b. A building that is constructed pursuant to a developer's agreement approved by the Common Council before the effective date of this ordinance and is first occupied no later than July 1, 2013.

The exception of this paragraph D.2 does not apply to the maintenance requirement for a sprinkler system that is already installed.

3. Automatic Fire Sprinkler Systems Plan Submittal Requirement. Plans and specifications shall accompany each submittal, including all applicable plan review and acceptance testing fees. Plans will be reviewed and conditionally approved by the Fire Prevention Bureau. All sprinkler systems require a permit issued by the Department of City Inspections prior to the start of any work. The Kenosha Fire Department shall witness all field and acceptance testing.

E. Exceptions. Provided that an alternate fire suppression system approved by the Bureau is in use, any portion of a building housing a process or material which would interact with water to create a greater fire hazard than without water, may be exempt from the requirement of Automatic Fire Sprinkler System.

F. Water Supply System. The water service line providing water to an Automatic Fire Sprinkler System may be connected to the general water service lateral, or may be a separate lateral, providing however, that if connected to the general water service lateral, the line must be separated and valved before the water meter which measures the domestic water supply.

The size, location and metering of the required water supply line must be authorized and approved by the Kenosha Water Utility in accordance with the Rules and Regulations governing water service in the City of Kenosha.

The owner of any premise requiring Automatic Fire Sprinkler Service is required to pay for the full cost of installing a new or separate fire service water supply line in addition to all necessary valves, fittings and meter settings required to provide such service; and shall further be required to sign a contract for a water supply line service connection with the City of Kenosha Water Utility.

G. Fire Department Connections.

1. Requirements. Every Automatic Fire Sprinkler System shall have the following:

a. A Concrete Pumper Pad. The concrete pumper pad shall have the following minimum dimensions of concrete: length of twenty (20') feet; width of fifteen (15') feet; and depth of six (6") inches. The concrete pad must be designed and maintained to allow for the parking of at least a Fire Department pumper apparatus of sixty-five thousand (65,000 lbs.) pounds gross weight on it, without failure. Said pumper pad must have included within it or have within five (5') feet adjacent to it, a fire hydrant containing at least one four and one-half (4.5") inch outlet with Kenosha standard threads and at least two (2) two and one-half (2.5") inch outlets having national standard threads; if the fire hydrant is located off the concrete pumper pad, the concrete pumper pad must be oriented such that an outlet having the Kenosha standard threads must face the concrete pumper pad, and there may not be any obstruction between the fire hydrant and the pumper pad that would impede a firefighter's access to the fire hydrant from the pumper pad, or that would inhibit the operation of a hose extending from the fire hydrant to the Fire Department pumper apparatus.

b. A Fire Department Connection. The Fire Department Connection shall be operationally connected to the Automatic Fire Sprinkler System. The Fire Department Connection shall have a Siamese connection with two and one-half (2.5") inch national standard threads, and a five (5") inch Storz connection. The Fire Department Connection shall be located to comply with all of the following: no further than five (5') feet from the pumper pad; no further than five (5') feet from a fire hydrant; and no closer to the building it services than the height of the building that it services. There may not be any obstruction

between the fire hydrant and the Fire Department Connection that would impede a firefighter's access to the Fire Department Connection, or that would inhibit the operation of a hose extending from the fire hydrant to the Fire Department Connection. There may not be any obstruction between the pumper pad and the Fire Department Connection that would impede a firefighter's access to the Fire Department Connection, or that would inhibit the operation of a hose extending from the pumper pad to the Fire Department Connection.

c. Locking Cap Covers. All Fire Department Connections, regardless of when installed, shall be occluded by a Locking Cap capable of being removed by appropriate Key Wrenches carried by the Fire Department. Due to the need for consistency and efficiency in emergency situations, and due to the proprietary nature of Key Wrenches, the Fire Department may specify a certain manufacturer or a limited number of manufacturers that provide Locking Caps removable by a particular Key Wrench configuration.

d. Bollards. Fire hydrants associated with the pumper pad shall be protected from vehicular traffic damage with bollards. The Bureau shall determine the number of bollards needed.

e. Signage. All Fire Department Connections will be labeled on the building or pumper pad; signage to be approved by the Bureau.

2. Exceptions. Any or all of the requirements of this Subsection 3.23 G. may be waived by the Fire Chief in the exercise of his/her discretion, subject to the considerations of public safety and welfare, if either of the following apply:

a. The construction, alteration, or change requiring installation of an Automatic Fire Sprinkler System pursuant to Subsection D., herein, creates occupiable space of less than ten thousand (10,000) square feet; or,

b. The construction, alteration, or change requiring installation of an Automatic Fire Sprinkler System pursuant to Subsection D., herein, is in sufficiently close proximity to a suitable paved surface, including, but not limited to, a street, and a hydrant to enable the Department to effectively charge an Automatic Fire Sprinkler System from a pumper located on the paved surface.

H. Yard Fire Hydrants As A Part of Fire Loop.

1. Number of Required Yard Fire Hydrants. Additional yard fire hydrants shall be provided around the perimeter of the building so that no yard fire hydrant is more than five hundred (500') feet from other approved yard fire hydrants measured by normal access routes.

2. Setback Distances. Yard fire hydrants shall be no more than five (5') feet from the curb or edge of the street or fire apparatus access. Alternative setback distances may be considered when site conditions conflict with the provisions of this Section.

3. System Design.

a. Valves. Control valves shall be provided to limit the number of yard fire hydrants and/or Automatic Fire Sprinkler Systems affected by maintenance, repair or construction. Valves shall be located at street intersections and at no more than eight hundred (800) foot intervals, and sectional control valves shall be placed so that no more than a combination of yard fire hydrants and Automatic Fire Sprinkler Systems can be isolated between control valves. Valves shall be provided in each yard fire hydrant lead.

b. Outlet Position. All yard fire hydrants shall be positioned so that the largest outlet faces the street or fire apparatus access route.

c. Yard Fire Hydrant Height Above Grade. The center of the lowest outlet cap of the yard fire hydrants shall be at least eighteen (18") inches above grade and not more than twenty-three (23") inches above grade.

4. Yard Fire Hydrant Specifications. All yard fire hydrants shall meet the specifications of the Kenosha Water Utility.

5. Bollards. Yard fire hydrants shall be protected from vehicular traffic damage with bollards. The Bureau shall determine the number of bollards needed.

6. Yard Fire Hydrant Colors.

a. Yard fire hydrants fed by municipal water shall be red in color.

b. Yard fire hydrants fed by a fire pump shall be painted a solid yellow color, both barrel and caps.

c. No person shall alter the color or paint scheme of an approved private fire hydrant. That person or persons who alter the color of a fire hydrant identified above shall be in violation of this Chapter.

I. Installation Standards.

1. NFPA Standards. Approved Automatic Fire Sprinkler System equipment shall be installed in accordance with one (1) or more of the following NFPA standards as the Fire Chief may determine are applicable:

- a. NFPA #13, Standards for the Installation of Sprinkler Systems.
- b. NFPA #13D, Sprinkler Systems - One and Two-Family Dwellings.
- c. NFPA #13R, Sprinkler Systems in Residential Occupancies Up To and Including Four Stories in Height.
- d. NFPA #231, General Storage.
- e. Such other NFPA standards as the Fire Chief may determine are applicable.

2. Plans/Specifications Approval. No Automatic Fire Sprinkler System equipment shall be installed or altered in a building until plans have been submitted to and approved by the Chief of the Bureau of Fire Prevention. Three (3) copies of the plans and specifications shall be submitted for review. Approved plans shall be stamped "Approved By Bureau of Fire Prevention", together with the date of such approval.

3. Outdoor Rated Horn/Strobe Notifier. An outdoor rated horn/strobe notifier with an excess of 100 candle power shall be installed in lieu of the required bell. The normal placement is above the Fire Department connection, but shall be approved by the Fire Chief.

4. Water Flow Monitoring. All Automatic Fire Sprinkler Systems shall be monitored for water flow by a central or remote station pursuant to the current version of NFPA 72.

5. Underground Water Mains, Hydrants and Valves. Underground water mains, hydrants and valves shall conform to the current specifications of the City.

6. Testing. The Kenosha Water Utility will require such tests as may be required by applicable NFPA standards. Such tests shall be conducted under the supervision of a water utility representative who shall certify acceptance or rejection of the system.

7. Final Approval/Acceptance Test - Automatic Fire Sprinkler System.

- a. The Automatic Fire Sprinkler System shall have a hydrostatic test performed in the presence of a Fire Department Inspector.
- b. The Automatic Fire Sprinkler System shall be tested by flows of the main drain and Inspector's test. The installer, in the presence of a Fire Department Inspector, shall conduct the acceptance test.
- c. The installer shall provide a minimum of three (3) working days advanced notice to the Fire Department prior to performance of the final acceptance test.
- d. Any work or testing performed on sprinklers and underground supply shall be done by a duly licensed individual.

8. Maintenance. The owner or occupant of a building or structure containing a required Automatic Fire Sprinkler System shall maintain the system in an operative condition at all times. The owner or occupant of the building shall properly notify the Fire Chief, or designee thereof, in case such sprinkler protection becomes inoperative due to a breakdown. An Automatic Fire Sprinkler System may not be rendered inoperable, even for servicing, without the written permission of the Fire Chief, or designee, and then only for the duration of the time permitted. No such system, once installed for any reason shall be disconnected or shall cease to be maintained, should a building or structure cease to be occupied, in whole or in part, without first obtaining a permit to do so from the Fire Chief, or designee. Such permit shall not be issued if the building would become an unreasonable fire risk or burden upon the City's firefighting resources, if unprotected. All Automatic Fire Sprinkler Systems shall be tested annually to meet the requirement of NFPA 25. A person(s) or company holding a testers' credential issued by the State of Wisconsin shall perform the tests.

J. Certification - Inspection/Occupancy. Every installer of an Automatic Fire Sprinkler System shall, upon completion, certify to the Fire Chief, or designee thereof, that installation was completed pursuant to the requirements of this Ordinance. Upon receipt thereof, the Fire Chief or designee, will inspect said installation and verify compliance or direct such appropriate action as required to secure compliance. No building or structure for which an Automatic Fire Sprinkler System is required shall be occupied or used for its intended purpose until compliance with this Ordinance is verified by the Fire Chief or designee. The Director of City Inspections shall not issue a Certificate of Occupancy for any building or structure until compliance with this Ordinance, where required, is verified.

K. Penalty. Any person or party violating any provision of this Ordinance shall, upon conviction, forfeit a sum not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1,000.00) Dollars, plus costs and assessments required by law. Each day of violation shall be a separate offense.

3.24 FIRE DEPARTMENT STANDPIPES

A. Class Three Standpipe. A Class Three Standpipe will be installed in all buildings meeting one (1) or more of the following:

1. Any building of three (3) stories or more.
2. Any building having occupancy of one hundred (100) or more.
3. Any building with one floor of seven thousand five hundred (7,500) square feet or more in area.
4. Any building over one story in height and six thousand (6,000) square feet or more in area on a floor.

B. Approved Devices/Materials. All devices and materials used in standpipe systems shall be of approved type.

C. Other Standards and Specifications. All other standards and specifications will be taken from the current edition of NFPA Pamphlet #14, "Standards for the Installation of Standpipe and Hose Systems". The installation of a Automatic Fire Sprinkler System will not supersede the requirements for the installation of Fire Department standpipes.

D. Parking Structures. Any parking structure built whether aboveground or below ground will have a standpipe system approved by the Bureau prior to installation.

3.25 FIRE ALARMS

A. General. "Fire Alarm Systems" shall mean any device designed to sense or alert persons to the possible presence of fire. A Fire Alarm System may include, but is not limited to, smoke alarms, heat alarms, pullboxes, horns, and strobes and alarm panels. All Fire Alarm Systems shall be installed per NFPA 72. All required alarm systems (required per NFPA 101 or the orders of the Kenosha Fire Department) shall be monitored by an Underwriters' Laboratory listed monitoring company. All Fire Alarm Systems require plan submittal. Plans and specifications shall accompany each submittal, including all applicable plan review and acceptance testing fees. Plans will be reviewed and conditionally approved by the Fire Prevention Bureau. All Fire Alarm Systems require a permit issued by the Department of City Inspections prior to the start of any work. The Kenosha Fire Department shall witness all field and acceptance testing.

B. Maintenance. The owner or occupant of a building or structure containing any Fire Alarm System shall maintain that system in an operative condition at all times, which shall include periods where the building may not be occupied. The occupant of the building shall notify the Fire Chief immediately in case the Fire Alarm System is rendered out of service for any reason. All Fire Alarm Systems shall be tested to meet the requirement of NFPA 72. A person(s) or company holding tester credentials issued by the State of Wisconsin shall perform the tests.

3.26 FIRE PROTECTION SYSTEMS

A. Application For Permit, Plans and Specifications.

1. General. No person may install, erect or construct any Fire Alarm System or Fire Suppression System, or add to, enlarge, move, improve, alter, convert, extend or demolish any existing Fire Alarm System or Fire Suppression System, or cause the same to be done, or commence any work covered by this Code on any Fire Alarm System or Fire Suppression System without first obtaining a Fire Alarm/Fire Suppression System Permit therefor from the Bureau. Such permit shall be issued in the name of the owner.

2. Applications For Fire Alarm/Fire Suppression System Permits. Applications for Fire Alarm/Fire Suppression System Permits shall be filed with the Bureau in writing on a form to be furnished for that purpose. Such application shall describe the property and/or structure upon which the proposed system is to be installed or work done, either by street number, lot, or similar general description which will readily identify and locate the site of the proposed installation or work, and shall show the use or occupancy of all parts of the building and such other pertinent information as may be required by the Bureau.

The Bureau Chief or any Inspector of the Fire Department shall, as a condition of granting a Fire Alarm/Fire Suppression System Permit, have the right to enter the premises for which said permit was issued, at any reasonable time during and throughout the course of such work and until final approval thereof has been granted, for the purpose of inspecting said premises and the installation, modification, construction, repair, use and location of Fire Alarm/Fire Suppression Systems.

3. Plans and Specifications. Working plans and specifications showing the location of each component element of the proposed Fire Alarm System and/or Fire Suppression System, all drawings, manufacturers' cut sheets for devices, calculations, material approvals, manufacturers' listed installation and design manuals, pre-engineered design specifications, design specifications, and the manufacturer, model and type of each component element of such systems, shall accompany every application for a permit, and shall be filed in triplicate with the Bureau; provided, however, that the Bureau may authorize the issuance of a permit without plans or specifications for minor or inconsequential work.

a. Plans submitted shall be drawn to scale on substantial paper. The submitted plans shall be working plans of sufficient clarity to indicate the nature and character of the work proposed and to show compliance with applicable regulations. Plans shall be prepared in accordance with the provisions of this Code, and shall bear the name of the architect, professional engineer, contractor or other person who prepared them.

b. Specifications shall be in detail. Any specifications in which general expressions are used to the effect that "work shall be done in accordance with the Fire Code" or "to the satisfaction of the Bureau" shall be deemed incomplete. Every reference to the Fire Code shall be to the section or subsection applicable to the material to be used or to the method of construction proposed.

c. Alterations to and/or modifications of an existing Fire Alarm System and/or Fire Suppression System may not, at the discretion of the Bureau, require a complete set of plans as set forth above; however, each such application for a permit shall include appropriate supporting documentation establishing that the proposed alterations/modifications comply with all appropriate Codes, Ordinances and standards.

B. Fire Alarm/Suppression System Permit.

1. Definition. The term "approved" as used in this Chapter shall mean approval granted by the Chief of the Fire Department or the Bureau under the regulations of this Chapter.

2. Plan Submission and Approval. When plans are required for approval, they shall be submitted in triplicate and work shall not be started until plans are approved, except by special permission to start work as issued by the Bureau. The plans submitted shall be working plans that are clear, legible and permanent. If the application, plans and specifications are in conformity with the requirements of this Code and all other laws or Ordinances applicable thereto, the Bureau shall, upon receipt of the required fee, grant a Fire Alarm/Suppression System Permit for said work and shall sign, date and endorse in writing or by rubber stamp all sets of submitted plans as "approved"; or, if approval is conditioned upon changes to the plan or compliance with other conditions, the plans may be stamped as "conditionally approved". In all such cases where plans are "conditionally approved", the Bureau shall return, with the approved plans, written notification of the conditions that must be satisfied. Whenever a submitted application is incomplete, the Bureau may suspend any action on such application and shall notify the applicant of the information needed to process such application.

3. Modification/Alteration of Approved Plans. Approved plans shall not be changed, and the work shall be installed as shown on the plans. There shall be no modifications or alterations made to approved plans without first obtaining written permission from the Bureau.

4. Permit Term. Fire Alarm/Suppression System Permits shall lapse and become void unless the work authorized thereby is commenced within one (1) year from the date thereof and completed or resumed within one (1) year from the date that construction begins. In the event of further construction after either of the latter of these time periods, a new permit must be obtained pursuant to all the requirements of the Code then in effect. The fees for such new permit shall be based upon the area (square footage of protected area) remaining to be done.

5. Revocation. If the Bureau shall find at any time that any provisions of this Code, the City of Kenosha Code of General Ordinances, laws, orders, plans and/or specifications are not being complied with, it may revoke the Fire Alarm/Fire Suppression System Permit by written notice stating the error or violation which has occurred. Said notice shall be served on the owner and the general contractor or his/her representative on the job; or, if there is no general contractor, on the person in charge of the work. Service of the notice shall be by either personal service or by mailing a copy of said notice to the address of said person as known to the Bureau. When any such permit is revoked, it shall be unlawful to do any further work until a new permit is issued, except such work as the Bureau shall order to be done as a condition precedent to issuance of a new permit, or which the Bureau may authorize as reasonably necessary to protect work already done on the job, existing property, adjoining property and the public. Additionally, the Bureau may pursue any other remedies for noncompliance with this Code as such remedies are set forth in the City of Kenosha Code of General Ordinances and/or the Wisconsin State Statutes.

6. Correction of Errors. The issuance or granting of a permit or approval of plans or specifications shall not be deemed or construed to be a permit for, or approval of, any violation of any of the provisions of this Code. If, subsequent to the issuance of a permit, errors are discovered in the application, plans, specifications or execution of the work, the Bureau may require the correction of said errors in said application, plans, specifications or construction. The Bureau may rescind the permit and prevent installation/work operations from continuing when in violation of this Code or any Ordinance of the City of Kenosha.

C. Fee Schedule.

1. Scope. The fees fixed in this Ordinance shall be assessed and collected by the Bureau for examination and approval of Fire Alarm System Plans and Fire Suppression System Plans. These fees also include the inspection of newly installed/remodeled Fire Alarm Systems and Fire Suppression Systems. These fees are collected in advance from the owner or agent. This fee schedule applies to plan review and inspections of buildings and premises within the City of Kenosha.

2. Plan Examinations.

a. Plans showing design and construction details, design computations, and specifications submitted for examination and approval as herein required shall be accompanied by a fee in the amount determined in accordance with this Code.

b. For the purpose of determining the fee on the basis of square footage, gross floor area measurements shall be taken from outside of building at each floor level, including basement and other areas affected or serviced by the proposed Fire Alarm System and/or Fire Suppression System. Except as otherwise specified in this Code, the appropriate fee for remodeling or adding to an existing system shall be determined by calculating the square footage of the area to be serviced.

3. Fee Schedule. Failure to obtain a permit before starting work shall result in the fee being doubled. This shall be in addition to any other penalties provided elsewhere in the Code of General Ordinances. Additionally, a penalty of One Hundred (\$100.00) Dollars shall be assessed for each day any work requiring a permit occurs without first obtaining a permit, calculated from the date notice of violation is delivered to either the property owner or contractor performing the work, until such date the owner or contractor submits the proper plans in an approved format to the Bureau.

4. New Systems. Plan Review Fees for new systems shall be determined from time to time by Resolution of the Common Council upon the basis of the total square footage of each building or affected area.

D. Plan Resubmittal. A resubmittal fee of One Hundred Twenty-five (\$125.00) Dollars shall be assessed for review of Fire Alarm System Plans and Fire Suppression System Plans that have been submitted following initial denial of plan approval, if the resubmission is within eight (8) months of the original denial.

A resubmittal fee of Fifty (\$50.00) Dollars shall be assessed for revisions to previously approved plans, and plans that have been previously reviewed, but not denied.

E. Alteration/Modifications To Existing Systems. The fee for review of plans to existing systems shall be Fifty (\$50.00) Dollars. Submittals with alterations of less than twenty-one (21) sprinklers shall have a Fifty (\$50.00) Dollar fee. For these alterations, the descriptions of the type and scope of work, along with cut-sheets for any new sprinklers, shall be provided.

F. Shell Buildings. When an application is submitted for a property where the shell of the building has been completed, the fee will be calculated at fifty (50%) percent of the total fee for that particular fee group. When an application is submitted for construction of the interior of a building where the shell of the building has been previously granted a permit, the fees shall be based on the square footage of that space as a percentage of the entire square footage of the subject building and that fee shall be calculated at fifty (50%) percent of the total fee for that particular fee group.

G. Multiple Identical Buildings. Plans submitted for multiple buildings may be subject to a Multiple Identical Building Fee, which is less than the fee associated with the sum of the individual fees. In order to qualify for the Multiple Identical Building Fee, plans for all buildings shall be submitted at the same time. The fees for the submittal of plans for the first building shall be determined in accordance with the fee schedule established by the Common Council on the basis of the total gross floor area of one building. The fee for each of the remaining identical buildings shall be the higher of either One Hundred Twenty-five (\$125.00) Dollars or twenty-five (25%) percent of the appropriate fee set forth by the Common Council.

H. Certain Devices Subject To A Single Flat Fee. The fee for review of plans for the installation of Fire Protection Systems such as Digital Alarm Communicator Transmitters (DACT), Fire Alarm System Dialers, kitchen hood extinguishing systems, dry chemical extinguishing systems, deluge sprinkler systems which protect openings in fire rate construction, fire detection devices that actuate fire doors/fire shutters, which are not part of any Fire Alarm System, and standpipe systems (not to include combined standpipe systems) shall be One Hundred Twenty-five (\$125.00) Dollars for each type of system submitted. However, no additional fee shall be due if such devices are included as a component in a Fire Alarm or Fire Suppression Systems Plan which has been submitted to the Bureau.

3.27 EXIT SIGNS IN PROXIMITY OF FLOOR

Floor proximity exit signs as required in Paragraph 14.14.1.6 of NFPA 1, shall also be required in all habitable spaces in buildings of Groups A, B, M, E, and I, and in Subgroup R-1, R-2, and R-3. For good cause shown that compliance with this rule would be unduly burdensome for any existing building, upon petition to the Fire Chief by the responsible person, the Fire Chief may relieve the responsible person from compliance of this rule for all or particular spaces of an existing building.

3.28 PERMANENT ROOF ANCHORAGE REQUIRED

Responsible parties for any building which is over three (3) stories shall install and maintain anchorages on the roof of each such building in a number and manner to provide firefighting connection to allow for access to each point of potential emergency rescue, including, but not limited to, all windows, platforms, and all other points of emergency egress, which points of potential emergency rescue are located above the second story above a location that a ladder fire truck could reasonably be positioned. Anchorages required herein shall be of a type used for attachment of personal fall arrest equipment and capable of supporting at least five thousand (5,000 lbs.) Pounds (22.2 kN), and shall be approved by the Fire Department in advance of installation. Anchorages shall be inspected annually and after each use.

3.29 HOOD SYSTEMS AND DUCT-FIRE EXTINGUISHER SYSTEM

A. Definitions.

1. Hood. The term "Hood" means a housing and associated mechanisms that provides ventilation control and fire protection of commercial cooking operations pursuant to the NFPA Section 96.

2. New Hood. The term "New Hood" means a hood installed prior to the issuance of a Certificate of Occupancy, and means the subsequent replacement of a preexisting Hood, regardless of whether the preexisting Hood was subject to inspection pursuant to this Section.

B. Requirement. All commercial kitchens and all industrial kitchens shall have at least one (1) adequate hood system and at least one (1) duct fire extinguishment system.

C. Hood System. All hood systems installed or maintained pursuant to this Section must be approved by the Underwriters' Laboratories, must conform to the requirements of NFPA 96 and be approved by the Bureau.

D. Duct-Fire Extinguishment System. All duct-fire extinguishment systems installed or maintained pursuant to this Section must conform to the requirements of NFPA 96 and be approved by the Bureau.

E. Permit. Prior to the installation of a hood system or a duct-fire extinguishment system, a Hood System/Duct-Fire Extinguishment System Permit shall be obtained from the Bureau. Applications for said permit shall be on forms provided by the Bureau, and shall include full plans and specification for the proposed hood system and/or duct-fire extinguishment system, along with such other information that may be reasonably required by the Chief of the Fire Department. The Common Council shall, from time to time, by Resolution, determine the fee for such permit.

F. Inspection Required.

1. Initial Inspection. Prior to the issuance of a Certificate of Occupancy for the premises pursuant to Section 9.09, satisfactory operation of the hood system and/or the duct-fire extinguishment system must be demonstrated to the Bureau by a field and acceptance testing of the hood system and/or the duct-fire extinguishment system, which testing must be conducted by the applicant for the Hood System/Duct-Fire Extinguishment System Permit, by the applicant for a Certificate of Occupancy, or any other responsible party, and which testing must be witnessed by the Bureau.

2. Semiannual Testing. Subsequent to the initial inspection, all duct-fire extinguishing systems shall be maintained in an operable condition as demonstrated by semiannual testing by a factory-authorized representative. Such semiannual testing must be evidenced by a certification tag of the inspection attached to the extinguishing agent system or discharge canister. The first such semiannual inspection shall occur no later than nine (9) months after the initial inspection.

G. Inspection Fee. For each reinspection of a New Hood, prior to the inspection or reinspection, the owner of the premises upon which the New Hood is installed shall pay a New Hood Inspection Fee which shall be determined from time to time, by the Common Council through Resolution.

3.30 EMERGENCY RESPONSE ENCLOSURES

A. Definitions.

1. Fire Protections Closet. The term "Fire Protections Closet" means an enclosure containing firefighter operations equipment.

2. Key Box System. The term "Key Box System" means a key-openable safe mounted about the exterior of a building.

B. Fire Protections Closet.

1. Fire Protections Closet Required. Prior to the issuance of a Certificate of Occupancy for buildings having at least three (3) floors, a building owner shall install a Fire Protections Closet on each floor other than the ground floor. Once installed, the owner shall maintain the Fire Protections Closet in the manner required herein as long as the building is occupied. The door of said Fire Protections Closet shall be labeled, with a minimum three (3") inches in height lettering, "FC".

2. Dimensions. The Fire Protections Closet shall have the minimum dimensions of eighty-four (84") inches in height, thirty-two (32") inches in width (measured as a dimension parallel to a hallway wall with which it is associated), and twenty-four (24") inches deep (measured as a dimension perpendicular to a hallway wall with which it is associated).

3. Placement. The Fire Protections Closet shall be located near the floor exits in places directed by the Fire Department.

4. Contents. The Fire Protections Closet will contain emergency response materials or equipment approved by the Fire Department for that Fire Protections Closet. The Fire Protections Closet may not contain materials or equipment that have not been approved for that Fire Protections Closet by the Fire Department. Equipment shall be determined by the occupancy, square footage and life safety hazards of the floor.

5. Locks. The Fire Protections Closet will be locked with a key lock which key shall be labeled and placed in the Key Box System associated with the building in which the Fire Protections Closet is located.

C. Key Box System.

1. Key Box System Required. Where required, a building owner shall install a Key Box System of a type approved by the Fire Department prior to installation. The Key Box System shall be accessible by a single key that is keyed to a single master key, which master key is controlled by the Fire Department. After installation, the original and all copies of the accessing key shall be given to the Fire Department. Once installed, the owner shall maintain the Key Box System in the manner required herein as long as the building is occupied. Should maintenance of the Key Box System require access to the interior of the Key Box System, the owner must request access from the Fire Department. A Key Box System shall be required in the following circumstances:

a. For new construction subject to a requirement of a Certificate of Occupancy, with installation being a condition precedent to the issuance of the Certificate of Occupancy;

b. For existing structures undergoing a change of occupancy, which change of occupancy is subject to a requirement of a Certificate of Occupancy, with installation being a condition precedent to the issuance of the Certificate of Occupancy;

c. Subject to an order for installation and maintenance of a Key Box System issued by the Fire Chief for any other structure that the Fire Chief reasonably believes, due to aspects unique to the structure, should have a Key Box System installed and maintained to protect the general public safety and welfare of the citizens and firefighters of the City. An owner of a structure subject to an order from the Fire Chief for installation and maintenance of a Key Box System may appeal such order to the Committee on Public Safety and Welfare, but only if such appeal is filed with the City Clerk within ten (10) days of issuance of said order.

2. Placement. The Key Box System shall be mounted near the building entrance in a place directed by the Fire Department.

3. Contents. Key Box Systems shall contain the entrance keys for the building (clearly marked as the entrance keys), access cards or keys to every space within the building (clearly marked for the spaces with which the cards or keys are associated), keys to Fire Protection Closets, and floor plans for the building (including space designations and lock locations for access cards or keys in the Key Box System).

4. Additional Security. Key Box Systems may be coupled with a burglar alarm system so that opening the Key Box System activates the burglar alarm, provided, however, that the owner or manager of the building responds to the alarm within thirty (30) minutes of the initial sounding of the alarm, and

disables the alarm as soon as practicable after response. Failure of an owner or manager to respond timely or to disable timely the burglar alarm coupled with a Key Box System is a violation of this Ordinance.

3.31 STANDPIPES FOR PARKING STRUCTURES

A. Definitions.

1. Parking Garage(s). The term "Parking Garage" as used herein shall mean either an open or closed parking garage as those terms are used in Section 406.2 of the Wisconsin Enrolled Commercial Building Code.

2. Standpipe System. The term "Standpipe System" as used herein shall mean a dry standpipe system of the type described in Section 905 of the Wisconsin Enrolled Commercial Building Code.

B. Standpipe System Required. Prior to the issuance of a Certificate of Occupancy for a Parking Garage having at least two (2) floors, the owner of the Parking Garage shall install a Standpipe System with connections on each floor above the ground floor, which connections are subject to approval by the Fire Department prior to installation. Once installed, the owner shall maintain the Standpipe System in the manner required herein as long as the Parking Garage is occupied.

3.32 STORAGE TANKS FOR CLASS I, II AND III LIQUIDS

A. Definitions. Class I, II and III liquids shall have the meaning provided therefor in COMM 10, Wisconsin Administrative Code.

B. Adoption Of COMM 10, Wisconsin Administrative Code, By Reference. COMM 10, Wisconsin Administrative Code, is hereby adopted and incorporated by reference.

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 or 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 COMM 10 of the Wisconsin Administrative Code.

D. Enforcement Of COMM 10, Wisconsin Administrative Code. Pursuant to COMM 10, Wisconsin Administrative Code, and the terms of a Professional Services Contract between the City and the Wisconsin Department of Workforce Development, 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) thereof, shall enforce this Ordinance and the groundwater protection-related provisions of COMM 10, Wisconsin Administrative Code, in the City of Kenosha.

E. Storage Tank Permit. A permit, under COMM 10, Wisconsin Administrative Code, 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 or 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.

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 all rules and requirements of COMM 10.

3.33 APPEALS

The applicant for a permit, or the owner, or occupant of any building, structure or premises affected, may appeal to the Chief of the Fire Department the decision of the Bureau to disapprove an application or refuse to grant a permit applied for, or when it is claimed that any provision of the Chapter has been misconstrued or wrongly interpreted. Such appeal shall be filed within ten (10) days from the date of such decision or of an order properly issued by the Bureau.

3.34 FAILURE TO COMPLY WITH ORDERS

A. Noncompliance. Failure to comply with any orders issued pursuant to the provisions of this Chapter by the Chief of the Fire Department or the Bureau, or duly authorized representatives, shall constitute an Ordinance violation, and any person, firm or corporation found guilty of such violation shall, upon the conviction thereof, be required to forfeit a sum not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1,000.00) Dollars, together with the costs of the prosecution, and in default of payment thereof shall be imprisoned until such forfeiture and cost are paid, but not to exceed fifteen (15) days.

B. Separate Offense. Except as otherwise provided in this Chapter, each and every twenty-four (24) hours such violation shall continue shall constitute a separate offense.

3.35 PENALTIES, GENERAL

A. Penalties. Any person, firm or corporation found guilty of a violation of any section of this Chapter for which a specific penalty is not herein provided shall, upon conviction thereof, be required to forfeit the sum of not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1,000.00) Dollars, together with the costs of the prosecution, and in default of payment thereof shall be imprisoned until such forfeiture and cost are paid, but not to exceed thirty (30) days.

B. Separate Offense. Each and every twenty-four (24) hours such violation shall continue, except as otherwise provided in this Chapter, shall constitute a separate offense.

3.26 VALIDITY

Should any section, subsection, paragraph, sentence, clause, phrase or word of this Chapter be declared for any reason to be invalid or unconstitutional, the remainder of this Chapter shall not be affected thereby and shall continue in full force and effect.

All ordinances or parts of ordinances contravening the provisions of this Ordinance are hereby repealed.