

Chapter 8.40

RACINE COUNTY FIRE CODES

Sections:

8.40.00 Purpose and Scope

8.40.01 Administration and Enforcement

8.40.02 Definitions

8.40.03 Standards Adopted by Reference

8.40.04 General Fire Safety Requirements

8.40.05 Fire Prevention, Detection and Protection

8.40.06 Table of Flammable and Hazardous Materials

8.40.00 Purpose and Scope:

(1) *Purpose:* The purpose of this chapter is to prescribe regulations consistent with the recognized good practice for the safeguarding of life, health, safety and welfare of the public as well as establishing minimum standards for the prevention of fire and explosion from hazardous conditions that potentially exist in buildings or on premises and to the occupants thereof.

(2) *Scope:* The provisions of this chapter shall apply to all public buildings and places of employment to include all buildings or structures located on such properties with the following exceptions:

(a) *Exempt Buildings:* The following buildings and uses are not public buildings or places of employment and are not subject to the provisions of this chapter:

3. One – and 2-family dwellings.
4. Buildings used exclusively for farming.
5. Buildings used primarily to house livestock.

6. Temporary buildings used for construction purposes only, not to exceed 2 stories in height and not used as living quarters.

7. Buildings owned by the Federal Government.

8.40.01 Administration and Enforcement:

(1) *Authorized Deputy or Agent:* It is recognized that the Fire Chief of the fire department and the Fire Inspector are duly authorized as a deputy of the State of Wisconsin. The Fire Chief of the fire department and the Fire Inspector are duly authorized agents of the Town of Burlington for the enforcement of all the provisions of this chapter and all other standards adopted by reference herein.

(2) *Fire Prevention Inspections:* The Fire Chief, the Fire Inspector and any other officer appointed by the Fire Chief, shall be responsible for having all public buildings and places of employment to include any building or structure

located on such property, to be 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

Fire Inspector shall also investigate the storage and handling of explosives and flammable liquids for compliance to this code.

(3) *Frequency of Inspections:* The Fire Chief shall inspect or cause to be inspected by the Fire Inspector, or any other officer appointed by the Fire Chief, all buildings and premises described in this chapter on a semi-annual basis as provided by section 101.14(2) of the Wisconsin State Statutes, or as often as prescribed by the Department of Commerce.

(4) *Inspection Warrants:* The Fire Chief or Fire Inspector may obtain an administrative warrant or search warrant as granted under section 66.0119 of the Wisconsin State Statutes when necessary in his opinion for the purpose of

making an inspection or investigation of any building or premises where the owner has either failed to respond to previous orders for entry or has refused entry.

(5) *Written Orders:* Whenever any inspector shall find in any building or on any premises, any condition liable to cause fire, or any violations of any law or ordinance relating to fire hazards or to the prevention of fires, or any condition which interferes with the life, health or safety of any individual or occupant, he shall order the same to be removed or remedied.

(6) *Service of Orders:* The service of orders under this chapter may be made upon either the occupant of the premises to whom it is directed, the owner of the premises or both. Any such order may be hand written on an approved

inspection form or typed and delivered to such occupant personally or by placing such order in a conspicuous place on the door to the entrance of the premises. Whenever it may be necessary to serve an order upon the owner of the premises, such an order may be served by either hand delivering to, and leaving a copy with such a person, or if such owner is absent from the jurisdiction of the inspector making the order, by mailing a copy to the owner's last known address.

(7) *Compliance to Orders:* Any such order given, shall forthwith be complied to by the owner and occupant of such building, structure or premises. The owner or occupant may, within 24 hours of the receipt of such order, appeal to the Fire Chief in writing for a review of such order, who shall

thereafter as soon as possible, file his decision. Unless such order is revoked or modified by the Fire Chief, it shall remain in full force and shall be complied with in the time fixed in said order.

(8) *Penalties:* Failure to comply with any orders issued pursuant to the provisions of this chapter by the Chief of the Fire Department, the Fire

Inspector, or any duly authorized representative, shall constitute an Ordinance violation, and any person, firm or corporation found guilty of such violation shall, upon the conviction thereof, be fined a sum not less than One Hundred (\$100) Dollars nor more than One Thousand (\$1,000) Dollars, together with the costs of the prosecution and any other court fees, and in default of payment thereof shall be imprisoned until such forfeiture and costs are paid,

but not to exceed fifteen (15) days. Each and every twenty-four (24) hours such violation shall continue shall constitute a separate offense.

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 fined the sum of not less than One Hundred (\$100) Dollars nor more than One Thousand (\$1,000) Dollars, together with the costs of the prosecution and any other court fees, and in default of payment thereof

shall be imprisoned until such forfeiture and costs are paid, but not to exceed fifteen (15) days. Each and every twenty-four (24) hours such violation shall continue shall constitute a separate offense.

(9) *"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.

(10) *"Citation Authority"*. The Town of Burlington hereby elects to use the citation method of enforcement of ordinances. Any law enforcement officer and any other Fire Department personnel charged with the responsibility of enforcing the provisions of this Municipal Code are hereby authorized to issue citations for violations of this Code of ordinances, including ordinances for which a statutory counterpart exists. Whenever it may be necessary to serve a citation upon either an owner, occupant or both, the citation shall be hand written on an approved form and delivered to such occupant or owner by either hand delivering to, or leaving a copy with such a person, or if such owner is absent from the jurisdiction of the inspector making the citation, by mailing a copy to the owner's last known address.

8.40.02 Definitions:

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

(1) *"Alarms"*. Any person, firm or corporation having a sprinkler, fire, smoke or heat detector system may be charged a fee for false alarms responded to by the fire department. Types of alarms transmitted to the fire department include:

(a) Good intent false alarms – An alarm that turns out to be false but which was reported in good faith.

(b) Accidental false alarm – An alarm set off and transmitted through accidental operation of an automatic or manual fire alarm device;

frequent causes are low air pressure on automatic dry sprinkler systems, excessive heat from industrial processes or the sun, cold weather, and smoke detector sensitivity adjustment.

(c) False alarm – An alarm for which no fire actually exists. Examples include: burnt food, system activation from steam by a shower, and improper maintenance of system components.

(d) Malicious false alarms – An alarm by any person, firm or corporation who shall negligently or willfully cause an alarm of fire to be transmitted, as opposed to an accidental false alarm. Malicious false alarms may be the result of removal of component parts from the alarm system, or the intentionally setting off of a system or calling in a false alarm.

Note: There shall be no fine for (2) false alarms within a calendar year at the same location. A forfeiture of \$25.00 shall be charged for the 3rd false alarm, and \$50.00 for each false alarm thereafter.

Note: No Town of Burlington employee shall reset any alarm system. It shall be the owner's responsibility and liability to return the alarm system back to normal operation.

Note: Upon the activation of any false alarm, whether by accident or on purpose, and no response is made by the Fire Department, immediate notification shall be given to the Fire Inspector in order to perform an onsite inspection of the system to determine the cause.

(2) *"Approval"*. Approval by the Chief of the Fire Department, the Fire Inspector or their designee in accordance with the provisions of this code as

applied to a material, device, mode of construction or services.

(3) *“Approved Agency”*. An agency accepted or acceptable to the requirements of this code.

(4) *“Area of Square Footage of Building”*. Refers to the total square footage of the sum of all basements, floor levels, balconies and mezzanines.

(a) The area for basements and floor levels shall be measured from the outside perimeter of the outside walls.

(b) The area for mezzanines shall be determined from the product of the length times the width.

(c) For the purpose of determining square footage, fire division walls will not be accepted as outside walls or area dividers.

(d) Buildings that are in close proximity to each other will have their building square footage added together to arrive at the total square footage. For the purpose of determining proximity, the following will hold true, excluding airport hangers:

a. Single story buildings – 20 feet apart or less.

b. Two story buildings – 60 feet apart or less.

c. Three story buildings – 60 feet apart of less.

d. All other multiple story buildings – 60 feet apart.

e. Buildings of variable height next to each other – 30 feet apart or less.

(5) *“Assembly Hall”*. Assembly Halls and their capacity requirements shall be defined as follows:

(a) *“Assembly halls”* or *“places of assembly”* mean all buildings or parts of buildings, other than theaters, which will accommodate more than 100 persons for entertainment, recreation, worship or dining.

(b) The following table includes various types of occupancies within the scope of this definition, together with the method for determining the capacity for each.

Use of Occupancy Basis for Capacity:

1. Arenas and Field Houses.....
4 sq. ft. per person
2. Assembly Halls with Stage.....
7 sq. ft. per person
3. Banquet Halls.....
10 sq. ft. per person
4. Churches (Auditoriums).....
7 sq. ft. per person
5. Churches (Dining Rooms).....
10 sq. ft. per person
6. Dance Halls.....
10 sq. ft. per person
7. Dining Rooms.....
10 sq. ft. per person
8. Gymnasiums.....
6 sq. ft. per person for seated space.
15 sq. ft. per person for unseated.

9. Lecture Halls.....

7 sq. ft. per person

10. Lodge Halls.....

6 sq. ft. per person for seated space.

15 sq. ft. per person for unseated.

11. Skating Rinks.....

45 sq. ft. per person

12. Taverns.....

10 sq. ft. per person

13. Theaters.....

7 sq. ft. per person

(6) "Assembly Occupancy". The occupancy or use of a building or structure or any portion thereof by a gathering of 100 persons or more.

(7) "Automatic Fire Detector". A device designed to detect specific products of fire – smoke, heat or both.

(8) "Authority Having Jurisdiction". Shall be the Fire Chief, Fire Inspector or the designee of the Fire Chief to enforce the Municipal Fire Prevention Code, the laws of the State of Wisconsin as pertaining to the prevention of fires and public safety, and approving equipment, installation, certification or procedure as outlined in the NFPA standards.

(9) "Automatic Closing Device". A device which functions without human intervention and is actuated as a result of predetermined temperature rise, rate of rise of temperature, combustion products or smoke density.

(10) "Automatic Fire Alarm System". A system which automatically detects a fire condition and actuates a fire alarm signal device.

(11) "Business Occupancy". The occupancy or use of a building or structure, or any portion thereof, for the transaction of business or the rendering or receiving of professional services, including offices.

(12) "Ceiling". The upper surface of a space, regardless of height. Areas with a suspended ceiling have two ceilings, one visible from the floor, and one above the suspended ceiling.

(13) "Chief of the Fire Department". The head of the Fire Department or a duly authorized Deputy.

(14) "Combustible Material". All materials not classified as "noncombustible" are considered combustible.

(15) "COMM". The Wisconsin Department of Commerce.

(16) "Common Area". With reference to multi-family occupancies, this refers to any area in the building that can be accessed by more than one person from different families at a time.

(17) "Day Care Center". Any place which receives at any one time for compensation, 4 or more children under the age of 7 years, for care and supervision, for less than 24 hours a day and for more than 10 days per month, without the attendance of a parent, relative or legal guardian.

(18) "Dwelling". Any building or portion thereof designed or used as the living and/or sleeping place or one or more persons, and including:

(a) *"Single Family Dwelling"*. A detached building designed for one family and containing only one dwelling unit.

(b) *"Two Family Dwelling"*. A detached building containing not more than two individual dwelling units which are entirely separated by vertical walls or horizontal floors, unpierced, except for access to the outside or a common basement.

(19) *"Dwelling Structures"*. Any structure containing one or more rooms providing sleeping and sanitary facilities, but not including a hotel, hospital, nursing home, dormitory, fraternity or sorority house.

(20) *"Dwelling Unit"*. One or more rooms which may include a kitchen or kitchenette, sleeping areas, dining areas, and sanitary facilities, designed as a unit for occupancy by not more than one family.

(21) *"Educational Occupancy"*. The occupancy or use of a building of a building or structure or any portion thereof by persons assembled for the purpose of learning or of receiving educational instruction.

(22) *"Family Unit"*. Two or more individuals who are related to each other by blood, marriage, adoption or legal guardianship. For purposes of this code a group of not more than 4 persons not necessarily related by blood or marriage living together in a single living unit will be considered equivalent to a single family.

(23) *"Fire Escape"*. One or more flights of steps, and the necessary platforms or landings connecting them, to form a continuous passage from one elevation of a building to another, to include exterior porches, platforms, steps and stairways.

(24) *"Fire Inspector"*. A duly authorized deputy appointed by the Fire Chief to enforce this code who shall be bonded and insured by the city.

(25) *"Fire Sprinkler Equipment, Automatic"*. A system of piping connected to an adequate water supply and provided with approved automatic fire sprinklers or devices so arranged and located as to discharge water automatically to the seat of the fire. Installation of such a system shall comply with this code and all subsequent codes adopted by reference herein.

(26) *"Fire Wall"*. A wall which has a fire resistive rating of not less than 4 hours and which divides a building or separates buildings to restrict the spread of fire. A 3 foot high parapet wall may be a required part of a fire wall.

(27) *"Floor, Basement"*. That level where less than half the height between floor and ceiling is above the average level of the street, sidewalk or finished grade.

(28) *"Floor, Ground"*. That level of a building on a sloping or multilevel site which has its floor line at or not more than 3 feet above exit discharge grade for at least ½ of the required exit discharges.

(29) *"High Hazard Occupancy"*. Any building which by reason of its construction or highly combustible occupancy, or involves a severe life hazard to its occupants as classified by the Department of Commerce, or any building whereby the Fire Inspector deems it as a high hazard.

(30) *"Housing for the Elderly/Community Based Residential Facilities (CBRF)"*. Any place where three or more unrelated adults reside in which care, treatment or services

above the level of room and board but not including nursing care are provided to persons residing in the facility as a primary function of the facility.

(31)“*Industrial Occupancy*”. The occupancy or use of a building or structure, or any portion thereof for assembling, fabricating, finishing, manufacturing, packaging or processing operations.

(32)“*Institutional Occupancy*”. The occupancy or use of a building or structure, or any portion thereof by persons harbored or detained to receive medical, charitable or other care or treatment or by persons involuntarily detained.

(33)“*Mercantile Occupancy*”. The occupancy or use of a building or structure, or any portion thereof for the displaying, selling or buying of goods, wares or merchandise.

(34)“*Mezzanine or Mezzanine Floor*”. Any intermediate floor level, whether accessed by a stair or not, opened or enclosed.

(35)“*Multi-Family Dwelling*”. Any apartment house or a building designed for occupancy by three or more families living independently of each other and containing three or more dwelling units, including, but not limited to, row houses, garden apartments and rooming houses.

(36)“*NFPA*”. National Fire Protection Association.

(37)“*Owner*”. Includes his duly authorized agent or attorney, a purchaser, devisee, fiduciary or person having a vested or contingent interest in the property in question.

(38)“*Public Buildings*”. Means and includes any building or structure, including exterior parts of such building, such as a porch, exterior platform or steps providing means of ingress or egress, used in whole or part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public or by 3 or more tenants.

(39)“*Records*”. Means any form of written material that shows information pertaining to a device, system, method or person. Written records are required whenever tests and/or maintenance of any kind is performed on a system or device.

(40)“*Remodel*”. To remodel or alter, or both, means to change any building or structure which effects the structural strength, fire hazard, internal circulation, or exits of the existing building or structure. This definition does not apply to maintenance, re-roofing, or alterations to the heating and ventilating or the electrical systems.

(41)“*Roof Spaces*”. That level of any building or structure directly below the exterior roof and above the ceiling level of the top most portion of occupied space.

(a) Multi-Family, Commercial, Industrial, Governmental and Industrial buildings with combustible roofs shall have all roof spaces subdivided every 3000 square feet by a one-hour rated partition unless protected in the space by an automatic approved sprinkler system. All divided spaces shall have an approved and minimum one-hour rated access panel.

(42)“*Row House*”. A place of abode arranged to accommodate 3 or more attached, side by side or back to back living units.

(43) "Storage Occupancy". The occupancy or use of a building or structure, or any portion thereof, for the storage of goods, wares, merchandise, raw materials, agricultural or manufactured products, including parking garages, or the commercial sheltering of livestock and other animals.

(44) "Story". The spacing in a building between the surfaces of any floor and the floor next above or below, or roof next above, or any space not defined as a basement, ground floor, mezzanine, balcony, penthouse or attic.

(45) "Theater". Any buildings or part thereof containing an assembly hall having a stage which may be equipped with curtains or movable scenery, or which is otherwise adaptable to the showing of plays, operas, motion pictures or similar forms of entertainment.

(46) "Vehicle". Is any self-propelled device fueled by flammable or combustible liquid, compressed gas, used to transport people or goods.

8.40.03 Standards Adopted by Reference:

(1) *Wisconsin Department of Commerce:* The Town of Burlington hereby adopts the following sections of the Department of Commerce, formerly known as the Department of Industry, Labor and Human Relations or DILHR. These regulations are adopted by reference and incorporated into the Town of Burlington Fire Prevention Code with the same force and effect as if fully set forth herein.

- COMM 7 Explosive Materials
- COMM 8 Mines, Pits and Quarries
- COMM 9 Manufacture of Fireworks
- COMM 10 Flammable and Combustible Liquids

- COMM 11 Liquefied Petroleum Gases 10
- COMM 12 Liquefied Natural Gas
- COMM 13 Compressed Natural Gas
- COMM 14 General Hazard and Fire Prevention
- COMM 15 Cleaning and Dyeing
- COMM 16 Electrical, Volume 2
- COMM 18 Elevator Code
- COMM 28 Smoke Detectors for UDC
- COMM 35 Infectious Agents
- COMM 41-42 Boiler and Pressure Code
- COMM 43 Anhydrous Ammonia
- COMM 50-64 Building and Heating, Ventilation and Air Conditioning
- COMM 66 Uniform Multi-Family Dwellings
- COMM 69 Barrier-Free Design
- COMM 70 Historic Buildings
- COMM 75-79 Existing Buildings Code

(2) *National Fire Protection Association:* The Town of Burlington hereby adopts the following sections of the National Fire Prevention Association or NFPA. These regulations are hereby adopted by reference and incorporated into the Town of Burlington Fire Prevention Code with the same force and effect as if fully set forth herein.

- NFPA 1 Fire Prevention Code
- NFPA 10 Portable Fire Extinguishers
- NFPA 11 Low Expansion Foam Extinguishing Systems
- NFPA 11A Medium and High Expansion Foam Systems
- NFPA 12 Carbon Dioxide Extinguishing Systems
- NFPA 12A Halon 1301 Fire Extinguishing Systems
- NFPA 13 Installation of Sprinkler Systems
- NFPA 13D Installation of Sprinkler Systems in One- and Two- Family Dwellings and Manufactured Homes
- NFPA 13R Installation of Sprinkler Systems in Residential

Occupancies up to and Including Four Stories
NFPA 14 Installation of Standpipe and hose Systems
NFPA 15 Water Spray Fixed Systems for Fire Protection
NFPA 16 Installation of Deluge Foam-Water Sprinkler Systems
Foam-Water Spray Systems
NFPA 16A Installation of Closed-Head Foam-Water Sprinkler Systems
NFPA 17 Dry Chemical Extinguishing Systems
NFPA 17A Wet Chemical Extinguishing Systems
NFPA 20 Installation of Stationary Pumps for Fire Protection
NFPA 22 Water Tanks for Private Fire Protection
NFPA 24 Installation of Private Fire Service Mains and Their Appurtenances
NFPA 25 Inspection, Testing and Maintenance of Water-Based Fire Protection Systems 11
NFPA 30 Flammable and Combustible Liquids Code
NFPA 30A Automotive and Marine Service Station Code
NFPA 30B Manufacture and Storage of Aerosol Products
NFPA 31 Installation of Oil-Burning Equipment
NFPA 33 Spray Application Using Flammable or Combustible Liquids
NFPA 34 Dipping and Coating Processes for Flammable or Combustible Liquids
NFPA 37 Installation and Use of Stationary Combustion Engines And Gas Turbines
NFPA 43A Storage of Liquid and Solid Oxidizers
NFPA 43C Storage of Gaseous Oxidizers
NFPA 43D Storage of Pesticides
NFPA 51 Design and Installation of Oxygen-Fuel Gas Systems for Welding, Cutting,
NFPA 51B Fire Prevention in Use of Cutting and Welding Processes

NFPA 54 National Fuel Gas Code
NFPA 55 Storage, Use, and Handling of Compressed and Liquefied Gases in Portable Cylinders
NFPA 58 Liquefied Petroleum Gas Code
NFPA 69 Explosion Prevention Systems
NFPA 72 National Fire Alarm Code
NFPA 80 Fire Doors and Fire Windows
NFPA 88A Parking Structures
NFPA 88B Repair Garages
NFPA 92A Smoke Control Systems to Four Stories in Height
NFPA 96 Ventilation Control and Fire Protection of Commercial Cooking Operations
NFPA 101 National Life Safety Code
NFPA 101B Code for Means of Egress for Buildings and Structures
NFPA 204 Smoke and Heat Venting
NFPA 221 Fire Walls and Fire Barrier Walls
NFPA 230 Fire Protection of Storage
NFPA 231D Storage of Rubber Tires
NFPA 409 Aircraft Hangers
NFPA 410 Aircraft Maintenance
NFPA 434 Storage of Pesticides
NFPA 490 Storage of Ammonium Nitrate
NFPA 704 Identification of Hazardous Materials for Emergency Response
NFPA 1123 Fireworks Display
NFPA 1124 Manufacture, Transportation, and Storage of Fireworks And Pyrotechnic Articles
NFPA 1126 Use of Pyrotechnics Before a Proximate Audience 12

(3) The most current version of each section, as well as any future updates to any of the codes adopted by this section are also adopted prospectively by reference.

(4) Any violation of these provisions constitutes a violation of this code.

(5) Copies of the National Fire Prevention Association Codes are available from:

National Fire Protection Association
11 Tracy Drive
Avon, MA 02322-9908
1-800-344-3555

(6) Copies of the Wisconsin Department of Commerce Codes are available from:

Wisconsin Department of Administration
Document Sales and Distribution Section
202 S. Thornton Avenue
P.O. Box 7840
Madison, WI 5370778440
1-608-266-3358

8.40.04 General Fire Safety Requirements:

(1) *Rapid Entry Key Boxes:* The Town of Burlington elects to use rapid entry lock box devices and material lock boxes such as those provided by The Knox Box Company currently in use by this department.

(a) *Where Required:* Rapid entry key boxes shall be required on all multifamily dwellings of four families or more that have a common entrance or share a common area accessible by all occupants. Key boxes shall be required on all assisted senior housing and community based residential facilities, industrial and commercial facilities as designated by this department and any location where entry to the property is secured in whole or part by a fence, gate, wall or connected buildings, or as otherwise directed by this department. Entry key override switches shall be required on any exit door at any location which uses a card reader entry system and/or a magnetic door lock security system.

(b) *Location:* The Fire Inspector shall approve the location prior to installation of any rapid entry key box. Key boxes shall be located on the front of a building near the

main entrance at grade level, unless otherwise directed.

(c) *Contents:* The owner, agent or on site manager shall provide the appropriate keys to the building to be placed in the key box. New keys shall be provided at such times when any locks are changed.

Examples of keys to be provided are:

1. A master key or keys to locked points of egress, whether interior or exterior.
2. Keys to locked mechanical rooms.
3. Keys to locked elevator rooms.
4. Keys to elevator controls.
5. Keys to fire alarm panels or equipment.

(d) *Compliance:* All new construction, buildings under construction after the date of this ordinance and buildings which change ownership interest after the date of this ordinance shall comply as a condition of their building permit and/or prior to occupancy. Owners of existing buildings subject to this section are not required, but are strongly encouraged, to comply with the terms of this section. Change of ownership shall not include transfers from a person or persons to an entity (or vice versa) so long as the owner(s) as of the date of this ordinance hold and retain a majority interest in the real estate.

(e) *Ordering:* Property owners shall be responsible for all costs of purchasing and installation of any key box or material lock box. The Town of Burlington Fire Department shall be responsible for ordering any key box, key override switch or material lock box required by this code.

(2) *Commercial Change in Occupancy:* Any owner, agent or occupant making a change in occupancy of an existing commercial building, or occupying a previously vacant

space, to exclude any private dwelling portion thereof, shall be required to obtain a safety inspection by this department prior to the new tenant taking occupancy of any building or structure that was previously vacated or any change in occupancy of any existing building or structure or portion thereof.

(a) *Inspection:* The owner, agent or occupant of a commercial building shall schedule an appointment with the Fire Inspector for an inspection of the building and occupied space(s). Any violations of this chapter or any other portion of the Town of Burlington Code observed at the time of inspection shall be corrected prior to the new tenant taking occupancy.

(b) *Fees:* There shall be no fee for this inspection.

(3) *Fire Lanes:* The Fire Chief or Fire Inspector shall establish fire lanes at any shopping center, school or business which present a potentially hazardous situation because or restricted access by department vehicles or parked cars.

(a) *Access Defined:* Fire lanes shall provide access to at least two (2) sides of all buildings 200 feet in length. For buildings over 200 feet long, fire lanes shall be provided for access to all four (4) sides of the building or group of buildings. Fire lanes shall be at least 30 feet in width with the road edge closest to the building. Any dead end fire lane more than 300 feet long, shall be provided with a turnaround area of at least 90 feet in diameter.

(b) *Markings and Signs:* Fire lanes shall be marked with freestanding signs, marked curbs, sidewalks and traffic surfaces with the words

“FIRE LANE NO PARKING” painted in contrasting colors at a size and spacing approved by this department.

(c) *Violations:* In any area designated as a fire lane, parking shall be prohibited and shall result in the issuance of citations pursuant to the Town of Burlington Municipal Ordinances. Any vehicle parked in a fire lane for more than 24 hours shall be towed at the owner’s expense.

Exception: Any commercially licensed vehicle actively engaged in delivery or pick up shall be excluded from this section.

(4) *Barbecue Grills, Kettles & Outdoor Hibachies:* It shall be considered unlawful to ignite or burn inside any residential occupancy, any type of barbecue grill. A minimum distance of twenty-four inches shall be maintained from any combustible material outside. These devices shall be prohibited from use on any balcony within five feet of any opening into a dwelling or apartment.

(5) *Storage of Flammable Liquids:* When used in this section, the words “Flammable Liquids” shall include any volatile flammable liquid with a flash point at or below 100 degrees F. No person shall use, keep or store, or permit to be used, kept or stored, gasoline in containers greater than (6) gallons. Six gallons or less of gasoline shall be stored in approved safety cans. Nothing herein contained shall be construed as applying to gasoline contained in the tanks of motor vehicles, when such tanks are permanently connected with the motor engine they supply.

(6) *Storage of Combustible Materials and Equipment:* The following items shall be prohibited from being stored in basements or storage bins of apartments or other multi-

family dwellings within the Town of Burlington:

(a) Charcoal, except in a metal container with a metal lid.

(b) Oily rags or dust mops.

(c) Flammable liquids of any nature other than new motor oils in original manufacturer's containers.

(d) Bottled gases, propane, acetylene, oxygen or other substances of similar nature.

(e) Gasoline motors and gasoline powered equipment, such as outboard motors, power lawn equipment, snow blowers, motorcycles etc.

(10) *Hazardous Materials*: This section shall apply to all hazardous materials or infectious agents, which shall mean any material or combination of materials which may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or which may pose a substantial present or potential hazard to human health or the environment because of its quantity, concentration or physical, chemical or infectious characteristics. This term includes, but is not limited to, products that are explosive, toxic, corrosive, flammable, irritants, strong sensitizers, pesticides or a biological hazard.

(a) *Reporting*: All persons, firms or organizations using, researching, storing, or producing hazardous materials and/or infectious agents shall notify the Fire Department in writing as prescribed by this section. (See Table 8.40.06 reporting limits).

(b) *Standards*: The manufacture, storage, handling and use of hazardous materials

and/or infectious agents shall be safeguarded in accordance with the applicable NFPA and industry standards and with the manufacturer's recommendations.

1. The Fire Inspector may require the separated storage or isolated storage of any hazardous or infectious material that in combination with other substances may bring about a fire, health hazard or explosion or may liberate a flammable, non-flammable or poisonous gas.

2. The Fire Inspector may require separation of hazardous or infectious materials from other storage facilities, when the quantity to be stored increases the fire, health or explosive hazard to any occupancy.

3. Limitation on storage quantities shall be considered with regard to proximity of these exposures and to congested commercial and industrial areas.

4. The Fire Inspector may require fire suppression, fire detection, on-site containment, smoke venting or control and/or other fire protection, life safety or environmental safe systems as deemed necessary.

(c) *Identification Markings*: Buildings, storage trailers, stationary tanks, areas and rooms of buildings that contain a hazardous or infectious material shall be identified with signs in accordance with this section and NFPA 704, Identification of the Fire Hazards of Materials. Signs shall be maintained at all times and shall be located as directed by the Fire Inspector. Signs shall be durable, weather resistant and unobstructed. (See Table 8.40.06 for reporting limits).

1. A sign at least 7 ½ inches square with the required Identification numbers indicating the highest number of the most hazardous material for each hazard shall be conspicuously placed on or near the exterior door closest to the hazardous material.

2. A sign with no numbers, at least 7 ½ inches square shall be conspicuously placed on the front of the building as directed.

3. Doors that directly access a room or area that contains a hazardous or infectious material shall be identified with a numbered sign at least 7 ½ inches square. In any room that has more than one hazardous material, the sign shall list the highest number for each hazard classification.

4. Special hazards shall be identified in the lower quadrant of the sign as follows:

a. Radiation Hazard – Standard Radiation Symbol

b. Water Reactive Hazard – W

c. Oxidizer – OX

d. Biological Hazard – BIO

e. Corrosive – COR

(d) *Material Safety Data Sheets*: Material Safety Data Sheets (MSDS), shall be required for all materials which are stored, used or handled and shall be available on-site in a location approved by the Fire Inspector.

8.40.05 Fire Prevention, Detection and Protection:

(1) *Sprinkler System Plan Approval*: Prior to any modification to, or installation of a new sprinkler system, or the alteration of an existing sprinkler system, plans shall be submitted to this department or its designee for review, when not already required by the state of Wisconsin.

(a) *Standards*: All sprinkler systems must meet the standards of NFPA 13, “Standard for the Installation of Sprinkler Systems”, NFPA13R, “Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and including Four Stories in Height”, NFPA 25, “Standard for the Inspection, Testing and Maintenance for Water-Based Fire Protection Systems” and any other standards adopted by reference: in this code.

(b) *Submittals*: Four copies of the plans, specifications and calculations shall be submitted for review. Approved plans shall be stamped “Conditionally Approved”, with a plan approval number, the date and signature of the approving party. One copy shall be kept on file by the Fire Inspector, while the other three copies shall be returned to the contractor. The conditional approval of sprinkler plans does not affirm the accuracy of any calculations performed by the contractor. Full responsibility for the accuracy of both the plans and calculations is the sole responsibility of the contractor.

(c) *Stop Work Order*: No work may begin on installation of a sprinkler system until plans have been submitted and reviewed by this department or its designee and a permit obtained from the Fire Department. A “Stop Work” order may be given to any contractor, owner or agent who has begun work on a system without approved

plans and permit. All fees will be doubled and a special inspection fee of \$200.00 will be charged by this department. An inspection of all work completed at the time of the "Stop Work" order will be performed after plans have been approved. Should any discrepancies exist from the approved plans, it shall be corrected prior to a "Start Work" release being issued.

(d) *Fees:* Fees for plan approval shall be assigned by the designee of this department who is qualified to perform plan approvals, and shall be paid directly to that designee. Fees for sprinkler inspections shall be paid to the Town of Burlington Fire Department at the time plans are submitted for approval. Additional fees may be required by this department or that of the department of building inspection.

1. Site inspection during system installation \$75.00
2. Witness final acceptance test of system \$75.00
3. Fire Pumps \$100.00

(e) *Fire Pumps and Water Tanks:* If water supply is limited or static pressure drop provides inadequate water supply or pressure to any sprinkler system, a fire pump and or a water tank may be required. The fire inspector may require the installation of such at a cost to the owner. Installation shall be according to NPFA 20 & 22 with plans submitted for approval.

(f) *Signaling:* Each sprinkler riser shall have both an internal alarm bell located at the riser, and an external alarm bell located on the nearest outside wall to signal the flow of

water. For any system which uses a fire pump as a part of the sprinkler system, a red strobe light shall be mounted on the outside wall of the pump house to signal pump operation. Location is to be approved by the Fire Inspector.

(2) *Other Fire Suppression Plan Approval:* Prior to any modification to, or installation of any new fire suppression system, or the alteration of an existing system, plans shall be submitted to this department and the department of building inspection for review and approval, when not already required by the State of Wisconsin..

(a) *Standards:* All fire suppression systems, other than water-based sprinkler systems, shall comply with this code and all other NFPA standards adopted by reference in this chapter.

(b) *Submittals:* Four copies of the plans and specifications shall be submitted for review to this department. Approved plans shall be stamped "Conditionally Approved", with a plan approval number, the date and signature of the approving party. One copy shall be kept on file by the Fire Inspector, while the other three copies shall be returned to the contractor. Full responsibility for the accuracy of any plans and specifications is the sole responsibility of the contractor.

(c) *Stop Work Order:* No work may begin on installation of a fire suppression system until plans have been submitted and reviewed by this department and the department of building inspection and a permit obtained from the Fire Department. A "Stop Work" order may be given to any contractor, owner or agent who has begun work on a system without approved plans and permit. All fees will be doubled and a special inspection fee of \$200.00 will be charged by this

department. An inspection of all work completed at the time of the "Stop Work" order will be performed after plans have been approved. Should any discrepancies exist from the approved plans, it shall be corrected prior to a "Start Work" release being issued.

(d) *Fees:* Fees for plan approval of fire suppression systems shall be paid to Town of Burlington Fire Department. Additional fees and permits may be required by this department, or that of the department of building inspection.

1. Plan review and permit \$75.00
2. Witness final acceptance test of system \$75.00

(3) *Fire Alarm and Detection Systems Plan Approval:* Prior to any modification to, or installation of a new fire alarm or detection system, or the alteration of an existing system, plans shall be submitted to this department for review, when not already required by the state of Wisconsin..

(a) *Standards:* All fire alarm or detection systems, shall comply with this code and that of NFPA 72, "National Fire Alarm Code", as well as all other standards adopted by reference in this chapter.

(b) *Submittals:* Four copies of plans and specifications shall be submitted for review to this department. Approved plans shall be stamped "Conditionally Approved", with a plan approval number and the date and signature of the approving party. One copy shall be kept on file by the Fire Inspector, while the other three copies shall be returned to the contractor. Full responsibility for the accuracy of any plans and specifications is the sole responsibility of the contractor.

(c) *Stop Work Order:* No work may begin on installation of a fire alarm or detection system until plans have been submitted and reviewed by this department and a permit obtained from the Fire Department. A "Stop Work" order may be given to any contractor, owner or agent who has begun work on a system without approved plans and permit. All fees will be doubled and a special inspection fee of \$200.00 will be charged by this department. An inspection of all work completed at the time of the "Stop Work" order will be performed after plans have been approved. Should any discrepancies exist from the approved plans, it shall be corrected prior to a "Start Work" release being issued.

(c) *Fees:* Fees for plan approval of a fire alarm or detection systems shall be paid to the Town of Burlington Fire Department. Additional fees and permits may be required by this department, or that of the department of building inspection.

1. Plan review and permit \$75.00
2. Witness final acceptance test of system \$75.00

(4) *Portable Fire Extinguishers:* Portable fire extinguishers shall be required in all public buildings and places or employment to include any building or structure located on such properties.

(a) *Standards:* All portable fire extinguishers shall comply with the provisions of this chapter and that of NFPA 1, "Fire Prevention Code", NFPA 10, "Portable Fire Extinguishers", and any other standards adopted by reference in this chapter.

(b) *Occupancy Certificates:* Prior to the granting of an occupancy certificate for new construction, or a change in occupancy certificate, the Fire Inspector shall approve the type, number and location of all portable fire extinguishers.

(c) *Special Occupancies:* Where ever aircraft refueling or aircraft engine repair service is performed, the standard "ABC" type extinguisher shall be replaced with a "Purple-K" type extinguisher.

(5) *Fire Doors and Fire Windows:* All penetrations through fire walls or smoke barriers shall be protected by fire doors or fire windows.

(a) *Standards:* All exits, fire doors and fire windows shall comply with NFPA 80, "Fire Doors and Fire Windows", NFPA 221, "Fire Walls and Fire Barrier Walls", and NFPA 1, "Fire Prevention Code as well as all Other standards adopted by reference in this chapter.

(b) *Testing:* Whether required by this code or any other standard adopted by this chapter, all horizontal and vertical sliding and rolling doors or windows shall be tested annually to check for proper operation and full closure. Resetting of the release mechanism shall be done in accordance with the manufacturer's requirements.

(c) *Certified Contractor:* All work completed on fire doors or windows, to include testing and maintenance, shall be performed by a certified manufacturer's representative.

(d) *Records:* A written record of all tests, inspections and maintenance shall be kept on site for five (5) years, and made available for review by the Fire Inspector.

(6) *Private Hydrants and PIVs:* Only approved fire hydrants and post indicator valves (PIVs), shall be allowed for use on private property for the sole purpose of fire protection.

(a) *Inspection, Testing, Maintenance & Repair:*

1. Annual flow tests are required on all approved fire hydrants. Manual operation of all PIVs to the closed position shall also be required annually. Written records shall be maintained showing test results, dates, duration of tests, locations and who performed the tests. Records shall be kept on site and available for inspection for a period of no less than (7) seven years.

2. Approved fire hydrants and PIVs shall be maintained in proper operating condition at all times. Upon the request of the Fire Department, the owner shall perform such tests (to include flow tests), in order to demonstrate proper operating conditions.

3. Written records shall be maintained showing test results, dates, duration of tests, locations and who performed the tests. Records shall be kept on site and available for inspection for a period of no less than (7) seven years.

4. At no time shall any fire hydrant or PIV be obstructed under any circumstance. Obstructions may include, but are not limited to, snow accumulation, vegetation and refuse, parked vehicles, material or equipment storage.

5. Property owners shall immediately notify the Fire Department whenever a fire hydrant or PIV has been damaged or has become inoperable. Repairs to damaged or inoperable equipment shall be completed as

soon as possible and tested before put back into service.

6. At anytime, when an owner is found not properly testing or maintaining their fire hydrants and/or PIVs, the Fire Department shall perform such tests at the expense of the owner.

7. Private water mains serving private fire hydrants shall be the same size as the public mains supplying the private water system. In any case, mains do not have to exceed 10 inches, but shall be at least 6 inches in diameter.

(7) *Existing Systems:* Any fire prevention, detection or protection system already installed shall be considered an existing system and shall comply with the provisions of this chapter as previously set forth.

(a) *Smoke Detection Systems:* Whether battery operated or electrically interconnected, all smoke detectors shall be tested at least once every (6) six months. Written records shall be maintained showing test results, dates, duration of tests, locations and who performed the tests. Records shall be kept on site and available for inspection for a period of no less than (7) seven years. At such times when records are found to be missing or outdated for a period of more than (1) year, and the smoke detectors have been found to be missing or inoperable, the Fire Inspector may order the installation or replacement of the existing system with new electrically interconnected smoke detectors to include the fire alarm control panel at a cost to the owner.

(b) *Manual Fire Alarm Systems:* Manual pull alarms shall be tested monthly by physically activating the device. Only one pull station

need be tested each month if there are less than twelve locations in the protected building. Should there be more than twelve locations, additional stations must be tested at the same time with the intent of completing the entire system within one calendar year. Records shall be kept on site and available for inspection for a period of no less than (7) seven years. At such times when records are found to be missing or outdated for a period of more than (1) year, and the pull alarm stations have been found to be missing or inoperable, the Fire Inspector may order the installation or replacement of the existing system or device with new system or device to include the fire alarm control panel at a cost to the owner. Manual fire alarms shall be tested in the presence of the Fire Inspector annually.

(c) *Sprinkler Systems:* No person shall be allowed to replace, add or modify more than (4) four sprinkler heads without first obtaining approval or approved plans from the Fire Inspector. Records shall be kept on site and available for inspection for a period of no less than (7) seven years. At such times when records are found to be missing or outdated for a period of more than (2) years, and the system or components have been found to be missing or inoperable, the Fire Inspector may order the installation or replacement of the existing system or device with a new system or device to include the fire alarm control panel at a cost to the owner. The annual sprinkler system test shall be performed in the presence of the Fire Inspector. (Ord. dated 11/11/10)