

## CHAPTER 5

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### FIRE DEPARTMENT AND FIRE REGULATIONS

## **FIRE DEPARTMENT AND FIRE REGULATIONS**

**5.01 JOINT VOLUNTEER FIRE DEPARTMENT.** Pursuant to the provisions of Wis. Stat. ss. 62.13(8), 60.29(18) and (20)(c), fire protection in the City of Middleton shall be provided by a volunteer fire department operated and maintained jointly with other municipalities under written agreements from time to time approved by the Common Council. This organization shall be known as the Middleton Fire District.

**5.02 FIRE DEPARTMENT ORGANIZATION.** (1) Membership. The joint volunteer fire department of the Middleton Fire District shall consist of the Fire Chief, the Assistant Chief and such other officers as provided in the By-Laws of the Middleton Fire Department and approved by the Fire Commission, plus as many drivers and firefighters as may be approved by the By-Laws of the Middleton Fire Department and approved by the Fire Commission, provided that at no time shall the Department consist of less than twenty two (22) active members.

(2) Department to Adopt Bylaws. The joint volunteer fire department shall adopt bylaws for the control, management and government and for the regulation of business and proceedings of the department, which bylaws shall be adopted by the department members and approved by the Fire Commission. Amendments shall be adopted in the same manner.

**5.03 FIRE CHIEF AND OFFICERS.** (1) Appointment. The Fire Chief and the Assistant Chief shall be approved by the Fire Commission. All other officers are provided for under the By-Laws of the Middleton Fire Department. Such officers shall hold their offices according to the By-Laws of the Fire Department and may be subject to suspension or removal by the Fire Commission for cause. Upon occurrence of a vacancy in the office of Fire Chief, the Assistant Fire Chief shall perform the duties of the Chief until such vacancy is filled.

(2) Duties and Powers. The Chief shall have general supervision of the departmental personnel, apparatus and equipment, subject to the ordinances of the City, laws of the State and the By-Laws of the department. He or she or their designee shall command all fire fighting operations. He or she shall enforce or cause to be enforced all fire prevention ordinances, laws and regulations of the City and State.

**5.04 FIRE INSPECTOR.** (1) Appointment. The Fire Inspectors of the Middleton Fire District shall be appointed by the Fire Commission which has entered into written agreements to provide joint fire protection for the Middleton Fire District.

(2) Duties and Powers. The Fire Inspectors of the Middleton Fire District shall perform all duties required of Fire Inspectors by the laws of the State, the City and rules of the Department of Industry, Labor, and Human Relations, particularly Wis. Stat. s. 101.14.

**5.05 FISCAL AGENT OF MIDDLETON FIRE DISTRICT.** The City of Middleton shall act as fiscal agent of the Middleton Fire District and shall have custody and management of all

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monies belonging to the Middleton Fire District. The City Treasurer-Financial Director shall be ex officio custodian of all such monies, and shall keep books of account thereof in such manner as the District shall direct. The City Treasurer-Financial Director shall collect all payments due to the District and shall pay all claims payable by the District in accordance with the provisions of section 3.03 of this Code.

**5.07 VEHICLES NOT TO BE OPERATED OVER PORTION OF STREET OCCUPIED BY FIRE APPARATUS.** No person shall drive or operate any street car, automobile or other vehicle over any portion of any street or alley occupied by the engines, auto trucks, or other vehicles or apparatus of the fire department when engaged in extinguishing a fire unless precaution is taken so as not to do any injury to any property or apparatus of the fire department or interfere with the operation of the same. Whoever violates this section shall be subject to a penalty as prescribed by section 30.04 of this Code.

**5.08 ELIMINATION OF FIRE HAZARDS.** (1) No person shall burn or cause to be burned any leaves, grass, wood, rubbish or other combustible material on any street, alley, sidewalk or driveway in any district within the City at any time.

(2) No person shall burn or cause to be burned any leaves, grass, wood rubbish or other combustible material outdoors on any lot or parcel of land in any district within the City at any time without a burning permit. The provisions of this subsection, however, shall not apply to the burning of natural or LP gas, charcoal, dry wood or similar substances outdoors in vessels designed for cooking purposes only when such burning does not constitute a fire hazard or the burning of dry wood in an outdoor fireplace as set forth in paragraph (b) below.

(a) A burning permit may be issued by the Fire Department for prescribed vegetation management purposes subject to reasonable conditions to mitigate fire hazards. In addition to the permit fee prescribed in paragraph (c) below, the Fire Department may charge the actual cost of any supervision or inspection required. Supervision and inspection costs shall be billed to the owner of the property upon which supervision or inspection is required. If not paid within thirty (30) days of billing, said costs shall be assessed against the property as a special charge pursuant to Wis. Stats. §66.0627. Burning permits shall apply to individual parcels or occupancies and are not transferable from person to person, parcel to parcel or occupancy to occupancy; however, burning permits may encompass multiple parcels under common ownership if part of a common vegetation management project. The fee for a burning permit shall be \$40.00 payable upon application.

(b) Dry wood may be burned in commercially manufactured outdoor recreational fireplaces that are certified by a nationally recognized listing agency or non-commercially constructed brick fireplaces with chimneys approved by the Building Inspector according to applicable building codes subject to the following conditions:

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1. The fireplace must be an assembly that includes a bowl, pit or device for holding the wood and a method of containing embers and sparks.
2. Only dry wood, entirely contained within the device, is permitted to be burned.
3. No outdoor fireplace shall be used within fifteen (15) feet of any structure or five (5) feet of any lot line unless the fireplace is a brick fireplace and closer placements are approved by the Building Inspector according to applicable building codes.
4. The smoke shall not create a nuisance for other properties, obstruction of vehicle travel, or health concerns of others.
5. No fireplace shall be used on a wood deck, porch, or patio.
6. An ABC type fire extinguisher, charged garden hose, or other method of first aid fire control must be readily available.
7. The fireplace must be supervised or attended at all times while in use by a responsible adult over the age of 18. The fire must be completely extinguished before the fireplace is left unsupervised.
8. Use of the unit shall be discontinued when atmospheric conditions are unfavorable or make the use of the device hazardous. Conditions include but are not limited to winds in excess of 10 miles per hour and excessive dry weather conditions as declared by the Fire Department. Fireplace operators shall be responsible for checking with the Fire Department by phone or other means prescribed by the Fire Chief to determine whether hazardous conditions exist. No burning will be allowed if wind conditions will cause smoke, embers or other burning materials to be carried toward any building or other combustible material.

(3) No person shall cause or permit any accumulation of junk, scrap material, waste paper or wood products, or other waste materials on premises owned by him or her or under his or her control, if such material constitutes a fire hazard.

(4) Whoever shall violate any provision of this section shall be subject to a penalty as prescribed by Section 30.04 of this Code. The Fire Department may extinguish any fire ignited or maintained contrary to this section. The City may regardless of whether it seeks a forfeiture seek any other remedies prescribed by law to address violations of this section.

(5) Burning permits shall be issued by the fire department, when such permits are granted, they will be based upon atmospheric conditions, local circumstances, property line or structural setbacks that might make the fires hazardous. Persons utilizing and maintaining outdoor fires shall be responsible for monitoring these conditions, and shall be responsible for any liability resulting from damage caused by the fire.

**5.09 COMBUSTIBLE PRODUCT STORAGE.** There shall be no installation of pumps or tanks for containment of combustible products or fuels within any residential district not specifically permitting such use.

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**5.10 FIRE EXTINGUISHERS.** (1) Where required. In all buildings and structures provided for under the fire codes of the State and City, a Class "A" underwriter approved fire extinguisher shall be installed in an accessible location as provided by the above mentioned codes.

(2) Maintenance. All fire extinguishers hereby required shall be maintained in working order at all times by the owner of the building or structure, and the Fire Inspector is authorized to enter upon the premises where the same are installed at all reasonable times to make tests in order to determine their workability and efficiency.

(3) Penalty. Whoever shall violate any of the provisions of this section shall be subject to a penalty as prescribed by section 30.04 of this Code.

**5.11 WISCONSIN STATE BUILDING AND SAFETY CODES.** The following sections of the Wisconsin Building and Safety Industrial Code, and/or their successors are adopted and incorporated in this Code by reference:

COMM	5	Credentials
COMM	7	Explosive Materials
COMM	9	Manufacture of Fireworks
COMM	10	Flammable and Combustible Liquids
COMM	14	Fire Prevention
COMM	15	Cleaning and Dyeing
COMM	16	Electrical Code
COMM	18	Elevators
COMM	20-25	Uniform Dwelling
COMM	28	Smoke Detectors
COMM	30	Fire Department Safety and Health
COMM	40	Gas Systems
COMM	60-66	Wisconsin Commercial Building Code
COMM	69	Barrier Free Design
COMM	70	Historic Buildings

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COMM	75-79	Existing Buildings
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(2) The following standards of the National Fire Protection Association (NFPA) Codes and or their successors are adopted and incorporated in this code by reference:

- 1: Fire Prevention Code
- 13: Installation of Sprinkler Systems
- 13R: Installation of Sprinkler Systems in residential Dwellings (Multi-Family)
- 33: Spray Application using Flammable or Combustible Liquids
- 58: Liquefied Petroleum Gases
- 70: National Electrical Code
- 72: National Fire Alarm Code

(3) The following standards of the International Code Conference (ICC) Codes and or their successors are adopted and incorporated in this code by reference:

International Fire Code (IFC) including Appendices.

(4) Where two codes conflict the most restrictive code shall be enforced.

**5.12 STANDARD EXIT DOORS.** (a) Every door which serves as a required exit door or an exit access door serving any area, room, public passageway, stairway or building that can accommodate 100 persons, shall have such fastenings or hardware that can be opened from the inside by pushing against a single bar or plate. The utilization of thumb turn lock hardware shall not be permitted. The latch or other approved fastening device on the door shall contain an obvious method of release.

(b) Doors that are in existence prior to the adoption of this section shall be permitted to remain for a period not to exceed five years, unless any of the following conditions occurs:

- 1. The doorway is replaced;
- 2. Internal changes are made to the area, room, public passageway, stairway or building that would change the capacity to accommodate 100 person; or
- 3. Failure to comply with provisions of State and local Codes which require thumb turn type hardware to be in the “open position” during periods that have a greater capacity than 100 persons.

(c) The use of pre-existing hardware contrary to this section may be revoked upon a violation of any of the conditions in Section 5.12(b), above.

**5.13 LP GAS.** (a) Liquid propane (“LP”) containers having water capacities greater than

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2 ½ lb. (1 kg.) [nominal 1 lb. (0.5kg.)] LP gas capacity shall not be located on balconies above the first floor that are attached to a multiple family dwelling of three or more living units.

(b) Prohibition of LP gas containers mentioned above is extended to also prohibit storage on balconies described of any associated equipment used with or in conjunction with LP gas.

**5.14 FIRE INSPECTION FREQUENCY.** It shall be the duty of the Fire Chief or his or her designee to inspect all buildings and premises at least once per calendar year pursuant to Wis. Admin Code § COMM 14.01(11)(b)6., except the interiors of dwelling units, as often as may be deemed necessary for the purpose of ascertaining and causing to be corrected, any conditions found to be contrary to the adoptions and references found in the City of Middleton Ordinances, Chapter 5. In no case shall the period between inspections exceed fifteen (15) months.