

Chapter 34

**FIRE PREVENTION AND PROTECTION\***

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\* **Cross References**--Buildings and Building Regulations, Chapter. 14; Emergency Alarm Systems, § 18.115 et seq.; Civil Emergencies, Chapter. 22.

**State Law References**--Authority and obligations regarding fire protection generally, Wis. Stat. § [61.65\(2\)](#).

## ARTICLE I FIRE COMMISSION

Note: The Village of Weston is a partner in the S.A.F.E.R Fire District which functions with its' own Board of Fire Commissioners.

(Ord. of 3-19-15) [Amended via Ord. 15-025, 11/7/2015]

## ARTICLE II FIRE PREVENTION

### Sec. 34.200. Purpose.

It is the intent of this code to prescribe regulations consistent with recognized standard practice for the safeguarding to a responsible degree of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life and property in the use or occupancy of buildings or premises.

(Ord. of 1-28-1991, § 1(2.10(1)); Ord. of 3-24-2011) [Amended via Ord. 15-025, 11/7/2015]

### Sec. 34.201. Scope.

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

(Ord. of 1-28-1991, § 1(2.10(2)); Ord. of 3-24-2011) [Amended via Ord. 15-025, 11/7/2015]

### Sec. 34.202. Exceptions.

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

(Ord. of 3-24-2011) [Amended via Ord. 15-025, 11/7/2015]

### Sec. 34.203. Adoption of Wisconsin Administrative Code

- (a) *Codes adopted.* The following codes as adopted by the State of Wisconsin are by reference made a part of the Village Fire Prevention Code along with any subsequent amendments and/or revisions thereto adopted by the State of Wisconsin:

- (b)

## Safety, Buildings, and Environment

### Appendix – General Part I

- (1) [SPS 305](#) Licenses, Certificates and Registration
- (2) [SPS 307](#) Explosives and Fireworks
- (3) [SPS 314](#) Fire Prevention
- (4) [SPS 316](#) Electrical
- (5) [SPS 318](#) Elevators, Escalators and Lift Devices

### Uniform Dwelling Code

- (6) [SPS 323](#) Heating, Ventilating and Air Conditioning

### General Part II

- (7) [SPS 326](#) Manufactured Home Communities
- (8) [SPS 328](#) Smoke Detectors and Carbon Monoxide Detectors
- (9) [SPS 340](#) Gas Systems

### Commercial Building Code

- (10) [SPS 361](#) Administration and Enforcement
- (11) [SPS 362](#) Buildings and Structures
- (12) [SPS 363](#) Energy Conservation
- (13) [SPS 364](#) Heating, Ventilating and Air Conditioning
- (14) [SPS 365](#) Fuel Gas Appliances
- (15) [SPS 366](#) Existing Buildings
- (16) [SPS 361 – 366 Appendix A](#)
- (17) [SPS 361 – 366 Appendix B](#)

### Buildings Constructed Prior to 1914

- (18) [SPS 375](#) Definitions and General Requirements
- (19) [SPS 376](#) Factories, Office and Mercantile Buildings
- (20) [SPS 377](#) Theaters, and Assembly Halls
- (21) [SPS 378](#) Schools and other places of instruction
- (22) [SPS 379](#) Apartment Houses, Hotels, and Places of Detention
- (23) [NFPA 1](#) – Fire Prevention Code;
- (24) [NFPA 54](#) – National Fuel Gas Code;
- (25) [NFPA 58](#) – Liquefied Petroleum Gas Code;
- (26) [NFPA 101](#) – Life Safety Code

Also adopted prospectively are any and all amendments that shall from time to time be made to any of the foregoing provisions of the administrative code, and these amendments shall be made a part of this Code as if each and every one of these amendments were separately incorporated in this section by reference.

- (c) ***Interpretation of conflict.*** Whenever the provisions of the codes mentioned in section 34.203(a) conflict, the stricter interpretation shall apply.
- (d) ***Original Codes*** These codes can be viewed by accessing the State of Wisconsin Administrative Code at <http://www.docs.legis.wisconsin.gov/code/toc/sps>.

(Ord. of 1-28-1991, § 1(2.10(3)); Ord. of 3-24-2011; Ord. of 3-19-15) [Amended via Ord. 15-025, 11/7/2015]

**Sec. 34.204. Inspection fees designated.**

Fees shall apply as follows:

- (a) ***Department of Commerce Petition for Variance.***
  - (1) Variance requires no position statement, chief’s signature \$20.00
  - (2) Variance requires position statement, no site visit \$60.00
  - (3) Variance requires position statement, one site visit \$90.00
  - (4) Multiple variances file concurrently for same site

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|----|--------------------------|---------|
| a. | First petition           | \$60.00 |
| b. | Each additional petition | \$25.00 |
| c. | Per site visit           | \$35.00 |
- (b) **Temporary or permanent L.P. installations** of 250 gallon to 2,000 gallon W.C. – commercial and/or industrial site (one and two family residential and agricultural installations are not excluded) - \$50.00.
- (c) **Fees for re-inspection.** Any person who shall fail to comply with any lawful order of the S.A.F.E.R. Fire Chief, S.A.F.E.R. Deputy Fire Chief, S.A.F.E.R. Captain of Inspections or his/her designee issued pursuant to the provisions of this Chapter may be assessed a re-inspection fee as defined by the schedule of fees for compliance inspections in excess of two. Re-inspection fees that are not paid timely shall be entered on the tax roll as a special charge against said lot or parcel of land pursuant to the provisions of Wis. Stat. § [66.0627](#) for collection and settlement under Wis. Stats. [Chapter 74](#).

(Ord. of 3-24-2011) [Amended via Ord. 15-025, 11/7/2015]

**Sec. 34.205. Permits required.**

Fees for the following permits are as provided in the village fee schedule:

- (a) Controlled burning
- (b) Fireworks/Pyrotechnics.
- (c) Tents – for tents over 240 square feet in area when erected, maintained, operated, or used in or on a commercial zoned property. Tents utilized for residential purposes do not require permits.
- (d) Wood-fired apparatus.

(Ord. of 3-24-2011) [Amended via Ord. 15-025, 11/7/2015]

**Sec. 34.206. Definitions.**

- (a) **Definitions.** Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings indicated in this chapter.
  - (1) **Access Box.** A steel key vault, mounted on the exterior of a building that contains keys, floor plans, maps or other items as required by the AHJ, for access to all portions of the building.

- (2) **Adult Day Care.** Any place, that receives at any time for compensation four or more adults, for care and supervision, for less than twenty-four (24) hours a day.
- (3) **Adult Family Home.** Similar to a CBRF except that they are licensed for five or less tenants.
- (4) **Approved.** Acceptable to the AHJ.
- (5) **Approved Agency.** An agency accepted or acceptable to the Bureau of Fire Prevention, such as Underwriters Laboratories, Inc., the National Institute of Standards and Technology, the American Gas Association laboratories or other nationally recognized testing authorities.
- (6) **Assembly Group A.** Group A occupancies includes, among other , the use of a building or structure, or a portion thereof, for the gathering together of persons for purposes such as civic, social or religious functions, recreation, food or drink consumption or awaiting transportation. A room or space used for assembly purposes by less than fifty (50) persons and accessory to another occupant shall be included as a part of that occupancy. Assembly occupancies shall include the following:
  - a. A-1 - Assembly uses, usually with fixed seating, intended for the production and viewing of performing arts or motion pictures.
  - b. A-2 - Assembly uses intended for food and/or drink consumption.
  - c. A-3 - Assembly uses intended for worship, recreation or amusement and other assembly uses not classified elsewhere in Group A.
  - d. A-4 - Assembly uses intended for viewing of indoor sporting events and activities with spectator seating.
  - e. A-5 - Assembly uses intended for participation in or viewing outdoor activities.
- (7) **Automatic Fire Detector.** A device designed to detect specific products of fire – smoke, heat or both.
- (8) **Authority Having Jurisdiction (AHJ).** Shall be the Fire Chief, or designee of the Fire Chief, to enforce this Code, the laws of the State of Wisconsin, as designated in Wisconsin Administrative Code [SPS 314](http://docs.legis.wisconsin.gov/code/admin_code/sps/safety_and_buildings_and_environment/301_319/314) [http://docs.legis.wisconsin.gov/code/admin\\_code/sps/safety\\_and\\_buildings\\_and\\_environment/301\\_319/314](http://docs.legis.wisconsin.gov/code/admin_code/sps/safety_and_buildings_and_environment/301_319/314), pertaining to the prevention of fires and public safety, and approving equipment installation, or procedures as outlined in NFPA Standards, Codes and/or Recommended Practices.

- (9) **Automatic Closing Device.** Means one 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 fire condition and actuates *Notification Appliances* throughout the protected premises.
- (11) **Automatic Fire-Extinguishing System.** An approved system of devices and equipment which automatically detects a fire and discharges an approved fire extinguishing agent onto or in the area of fire.
- (12) **Automatic Fire Sprinkler System.** An integrated system of underground and/or overhead piping designed in accordance with fire protection standards. The system includes a suitable water supply. The portion of the system above ground is a network of specially sized or hydraulically designed piping installed in a structure or area, generally overhead, and to which automatic sprinklers are connected in a systematic pattern. The system is usually activated by heat from a fire and discharges water over the fire area.
- (13) **Basement.** That portion of a building that is partly or completely below *grade plane*. A basement shall be considered as a story.
- (14) **Bureau of Fire Prevention.** The Bureau of Fire Prevention is made up of the following personnel: The Fire Chief, The Fire Marshal and/or Fire Inspectors, or any other Designee of the Chief.
- (15) **Boarding House.** A building arranged or used as lodging for compensation, with or without meals, not occupied as a single-family unit.
- (16) **Business Group B.** Group B occupancy includes, among others, the use of a building or structure, or a portion thereof, for office, professional or service-type transactions, including storage of records and accounts.
- (17) **Ceiling.** The upper surface of a space, regardless of height. Areas with a suspended ceiling would have two ceilings, one visible from the floor, and one above the suspended ceiling.
- (18) **Code.** A standard that is an extensive compilation of provisions covering a broad subject matter or that is suitable for adoption into law independently of other codes and standards.
- (19) **Combustible Material.** All material not classified as “Noncombustible” are considered combustible. This property of a material does not relate to its ability to structurally perform under fire exposure. The degree of combustibility is not defined by standard fire test procedures.



- (20) **Common Area.** Common area refers to any area in a building that can be accessed by more than one person from different families at one time.
- (21) **Community Based Residential Facility (CBRF).** A community facility where five or more adults who are not related to the operator or administrator and who do not require care above intermediate level nursing care reside and receive care, treatment or services that are above the level of room and board, but that include no more than three hours of nursing care per week per resident.
- (22) **Conditional Approval.** An approval of plans and/or specifications by the AHJ based upon information provided to the AHJ, including but not limited to, any changes required by the AHJ to the above mentioned plans and/or specifications.
- (23) **Consultant(s).** A company, individual or agency hired by the Bureau of Fire Prevention to provide advice to the Bureau of Fire Prevention on fire related issues. Consultants may provide services, which could include plan reviews of fire suppression systems, fire alarm systems, witness tests and/or conduct inspections.
- (24) **Day Care Center.** Any place which receives at any one time for compensation four or more children under the age of seven years, for care and supervision, for less than twenty-four (24) hours a day or more than ten days a month, without the attendance of a parent, relative or legal guardian.
- (25) **Dwelling or Dwelling Unit.** A single unit providing living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. For the purpose of this code, **dwelling unit** includes apartments and condominiums but does not include hotel and motel rooms, guest suites, dormitories, boarding rooms, or sleeping rooms in nursing homes.
- a. **Single Family Dwelling.** A detached building containing only one dwelling unit and designed for one family.
  - 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 common basement.
- (26) **Educational Group E.** Group E occupancy includes, among others, the use of a building or structure, or a portion thereof, by six or more persons at any one time for educational purposes through the 12th grade.
- (27) **Factory Industrial Group F.** Group F occupancy includes, among others, the use of a building or structure, or a portion thereof, for assembly, disassembly,

fabricating, finishing, manufacturing, packaging, repair or processing operations that are not classified as Group H occupancy.

- a. **F-1** Moderate-Hazard occupancy.
  - b. **F-2** Low-Hazard occupancy.
- (28) **False Alarm.** The willful and knowing initiation or transmission of a signal, message or other notification of an event of fire when no such danger exists.
- a. **Malicious Alarm.** A false alarm of fire deliberately sounded by someone in order to inconvenience the Fire Department.
  - b. **Accidental Alarm.** An alarm set off and transmitted through accidental operation of an automatic or manual fire alarm device.
  - c. **Good Intent False Alarm.** An alarm that turns out to be false but was reported in good faith.
- (29) **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.
- (30) **Fire Alarm Annunciation Device.** A device connected to a fire alarm to signal either a fire or trouble condition. Fire Alarm Annunciation Devices could include visual devices, horn/strobes, horns, bells, and/or annunciator panels.
- (31) **Fire Alarm Initiating Device.** A device connected to a **Fire Alarm System** that causes a trouble, supervisory and/or alarm signal to be initiated. Fire Alarm Initiating Devices could include: smoke, heat, flame, ionization, or photoelectric detectors, water flow, low air, low temperature, low water, or supervisory switches.
- (32) **Fire Alarm System.** A system or portion of a combination system that consists of components and circuits arranged to monitor and annunciate the status of the fire alarm or supervisory signal-initiating devices to activate notification appliances throughout the protected premises and to initiate the appropriate response to those signals.
- (33) **Fire Control System.** A system designed and constructed with the intent of controlling or limiting a fire. Fire Control Systems may be automatic or non-automatic. Fire Control Systems could include *Automatic Fire Sprinkler Systems*, standpipe systems, chemical agent systems, fire hydrants and/or any other system acceptable to the AHJ.

- (34) **Fire Department Connection (FDC).** A part of a sprinkler, standpipe, deluge and/or combination system to be used by the Fire Department to pump additional water into the system(s) it is connected to.
- (35) **Fire Door Assembly.** Any combination of a fire door, frame, hardware, and other accessories that together provide a certain degree of fire protection to the opening.
- (36) **Fire Resistive.** That property of materials or their assemblies that prevents or retards the passage of excessive heat, hot gases or flame under conditions of use. Materials are tested as prescribed in [Section 703](#) of the Wisconsin Enrolled Building Code. <http://docs.legis.wisconsin.gov/statutes/statutes/703>
- (37) **Firewall.** A fire-resistance-rated wall having protected openings, which restricts the spread of fire and extends continuously from the foundation to or through the roof, with sufficient structural stability under fire conditions to allow collapse of construction on either side without collapse of the wall.
- (38) **Floor Area or Square Footage of a Building.** Refers to the total square footage of the sums of all basement, 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 of the mezzanine multiplied by the width of the mezzanine.
  - 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.
  - e. For the purpose of determining close proximity the following will hold true:
    1. Single story buildings – Thirty (30) feet apart or less.
    2. Two story buildings – Sixty (60) feet apart or less.
    3. Three story buildings – Sixty (60) feet apart or less.
    4. All other multiple story buildings – Sixty (60) feet apart.
    5. Buildings of variable height next to each other – Thirty (30) feet apart or less.

- f. For the purpose of determining square footage a Fire Wall which has a fire resistance rating of not less than four hours and which subdivides or separates a building to restrict the spread of fire, including a three foot parapet wall is an approved area divider.
- (39) **Floor, Ground.** That level of a building on a sloping or multilevel site which has a floor line at or not more than three feet above exit discharge grade for at least ½ of the required exit discharges.
- (40) **Frequenter.** Means every person, other than an employee, who may go in or be in a place of employment or public building under circumstances which render such person other than a trespasser. Such term includes a pupil or student when enrolled in or receiving instruction at an educational institution.
- (41) **Grade Plane.** A reference plane representing the average of finished ground level adjoining the building exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building.
- (42) **Height, Building.** The vertical distance from the *Grade Plane* to the average height of the highest roof surface.
- (43) **Hazardous Group H.** Group H occupancy includes, among others, the use of a building or structure, or a portion thereof, that involves the manufacturing, processing, generation or storage of materials that constitute a physical or health hazard in quantities in excess of those found in [Tables 307.1\(1\) and 307.1\(2\) of the International Building Code](#).
- a. **H-1** Buildings and structures which contain materials that poses a detonation hazard.
  - b. **H-2** Buildings and structures which contain materials that pose a deflagration hazard or a hazard from accelerated burning.
  - c. **H-3** Buildings and structures which contain materials that readily support combustion or pose a physical hazard.
  - d. **H-4** Buildings and structures which contain materials that are health hazards.
  - e. **H-5** Semiconductor fabrication facilities and comparable research and development areas in which hazardous production materials are used and the aggregate quantity of materials is in excess of those listed in [Tables 307.1\(1\) and 307.1\(2\) of the International Building Code](#).

- (44) ***Institutional Group I.*** Group I occupancy includes, among others, the use of a building or structure, or a portion thereof, in which people having physical limitations because of health or age are harbored for medical treatment or other care or treatment, or in which people are detained for penal or correctional purposes or in which the liberty of the occupants is restricted. Institutional occupancies are classified as [I-1, I-2, I-3 or I-4](#), as described in the ***International Building Code.***
- (45) ***Listed.*** Means included in a list published by a nationally recognized testing laboratory, inspection agency, or other organization concerned with product evaluation, that maintains periodic inspection of production of listed equipment or materials and whose listing states either that the equipment or materials meet nationally recognized standards or has been tested and found suitable for use in a specified manner.
- (46) ***Manual Fire Alarm System.*** A system or portion of a combination system that consists of components and circuits arranged to initiate the ***Notification Appliances*** and appropriate response to those signals only after a person manually activates the fire alarm system.
- (47) ***Mercantile Group M.*** Group M occupancy includes, among others, building and structures or a portion thereof, for the display and sale of merchandise, and involves stock of goods, wares or merchandise incidental to such purposes and accessible to the public.
- (48) ***Mezzanine or Mezzanine Floor.*** An intermediate level or levels between floor and ceiling of any story with an aggregate floor area of not more than one-third of the area of the room or space in which the level or levels are located.
- (49) ***Miscellaneous Group U.*** Buildings and structures of an accessory character and miscellaneous structures not classified in any specific occupancy shall be constructed, equipped and maintained to conform to the requirements of this code commensurate with the fire and life hazard incidental to their occupancy.
- (50) ***Multifamily Dwelling.*** A building or portion thereof containing three or more dwelling units, such as tenements, apartments, or rooming houses. Row houses with fire walls extending from the basement to the underside of the roof separating each living unit are not considered multifamily for the purpose of this chapter.
- (51) ***NFPA.*** The National Fire Protection Association.
- (52) ***Noncombustible Materials.*** A noncombustible material is one which, in the form in which it is used, meets one of the requirements listed below. Materials used adjacent to or in contact with heat producing appliances, warm air ducts,

plenums and chimneys shall be classified as noncombustible only on the basis of requirement a. below. Noncombustible does not apply to the flame-spread characteristics of interior finish or trim materials. No material shall be classified as noncombustible building construction material, which is subject to increase in combustibility or Flame-Spread Classification (FSC) beyond the limits herein established through the effects of age, moisture or other atmospheric conditions. (See flame spread rating in Wisconsin Administrative Code.)

- a. Materials which pass the test procedure of ASTM E-136 for non-combustibility of elementary materials when exposed to a furnace temperature of 1,382° F for a minimum period of five minutes and do not cause a temperature rise of the surface or interior thermocouple in excess of 54° F above the furnace air temperature at the beginning of the test and which do not flame after exposure of thirty (30) seconds.
- b. Materials having structural base of noncombustible material as defined in a. above, with a surfacing not more than 1/8” thick which has a Flame-Spread Classification (FSC) not greater than fifty (50) when tested in accordance with the method of test for surface burning characteristics of building materials (ASTM E-84)

- (53) **Notification Appliance.** A fire alarm system component such as a bell, horn, speaker, light, or text display that provides audible, tactile, visible outputs, or any combination thereof.
- (54) **Occupant(s).** The person or persons, who physically reside, work or are present in a facility.
- (55) **Other Terms.** Other terms not defined herein used in this section shall be as defined in the [International Fire Code Section 202](#) and are adopted herein by reference.
- (56) **Owner.** Includes his duly sworn agent or attorney, a purchaser, devisee, fiduciary or person having a vested or contingent interest in the property in question.
- (57) **Places of Employment.** Includes every place, whether indoors or out or underground and the premises appurtenant thereto where either temporarily or permanently any industry, trade or business is carried on, or where any process or operation, directly or indirectly related to any industry, employed by another for direct or indirect gain or profit, but does not include any place where persons are employed in private domestic service which does not involve the use of mechanical power or in farming.
- (58) **Protected Premises.** The physical location protected by a **Fire Alarm System**.

- (59) **Remodel.** To remodel, alter or both, means to change any building or structure which affects 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 electrical system.
- (60) **Residential Group R.** Group R occupancy includes, among others, the use of a building or structure, or portion thereof, for sleeping accommodations when not classed as an **Institutional Group I**.
- a. **R-1** Residential occupancies where the occupants are primarily transient in nature.
  - b. **R-2** Residential occupancies containing more than two dwelling units where occupants are primarily permanent in nature.
  - c. **R-3** Residential occupancies where the occupants are primarily permanent in nature and not classified R-1, R-2 or I, and where buildings do not contain more than two dwelling units or adult and child care facilities, that provide accommodations for five or fewer persons of any age for less than twenty-four (24) hours.
  - d. **R-4** Residential occupancies shall include buildings arranged for occupancy as Residential Care/Assisted Living Facilities including five but not more than 16 occupants, excluding staff.
- (61) **Roof Spaces.** Buildings with combustible roofs shall have all roof spaces subdivided every 3000 square feet by one-hour rated partitions unless protected by an approved automatic fire sprinkler system. All openings must have a minimum of a one-hour rated self-closing door.
- (62) **Rooming House.** Means any building, which has a room or rooms for sleeping, without permanent provisions for cooking. Rooming House rooms do not include any room in a one or two-family dwelling.
- (63) **Rough Inspection.** Visual observation from the floor and/or ground level of any system and/or component thereof required by this code prior to being concealed in any way by any means.
- (64) **Row House.** A place of abode arranged to accommodate three or more attached side-by- side or back-to-back living units.
- (65) **Shall.** Indicates a mandatory requirement.
- (66) **Should.** Indicates a recommendation or that which is advised but not required.

- (67) **Spacing.** A horizontally measured dimension relating to the allowable coverage limits of fire detectors, automatic sprinkler systems, and fire alarm visual notification devices.
- (68) **Standard.** A document, the main text of which contains only mandatory requirements using the word “shall” to indicate mandatory requirements and which is in a form generally suitable for reference by another standard or code for adoption into law.
- (69) **Storage Group S.** Group S occupancy includes, among others, the use of a building or structure, or portion thereof, for storage that is not classed as Hazardous Group H.
- a. **S-1**(Moderate-Hazard Storage) Buildings occupied for storage uses which are not classified as S-2.
  - b. **S-2** (Low-Hazard Storage) Building used for storage of noncombustible material such as products on wood pallets or in paper cartons with or without single thickness divisions or in paper wrappings. Such products may have negligible amount of plastic trim such as knobs, handles, or film wrapping.
- (70) **Story.** That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. To determine the number of stories in a building, all floors will be counted whether they are above grade or below grade, including basements, sub-basements, and ground floors, but not including penthouses or mezzanines less than one-third (1/3) of a story.
- (71) **Temporary.** Less than one hundred-eighty (180) days.
- (72) **Throughout.** For the purpose of this code, throughout shall mean the following:
- a. **Throughout for automatic fire sprinkler systems** means providing fire sprinkler protection in all areas of a structure as required by [NFPA 13](#).
  - b. **Throughout for automatic fire alarm systems** means installing detection, audible and visual notification devices in all areas of the protected premises installed in accordance with [NFPA 72](#).
  - c. **Throughout for manual fire alarm systems** means installing audible and visual notification devices in all areas of the protected premises installed in accordance with [NFPA 72](#).
- (73) **Water Flow Test.** A test of an available water supply that indicates the quantity of water flowing out of a specific orifice, at a specific pressure, at a specific point in time.



(74) **Welfare.** Includes comfort, decency and moral well-being.

(Ord. of 3-24-2011) [Amended via Ord. 15-025, 11/7/2015]

**Sec. 34.207. Fire Chief.**

- (a) **Authority to enter premises.** The Fire Chief, or any subordinate designated by him/her, may, at all reasonable hours, enter any building or premises within his/her jurisdiction for the purpose of making inspection, or investigation which, under the provisions of this code, he/she or they may deem necessary to be made. Private dwellings shall not be entered without the consent or permission of an adult occupant.
  
- (b) **Inspections of buildings and premises.**
  - (1) It shall be the duty of the Fire Chief to inspect, or cause to be inspected by the fire department officers or members, all buildings and premises, except the interiors of private dwellings. As often as necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or any violations of the provisions or intent of this code and of any other ordinance affecting the fire hazard, and to insure compliance in all places of assemble with all laws, regulations and orders dealing with overcrowding, use of decorative materials, maintenance of exit ways, and maintenance of fire alarm and fire detecting systems, and fire extinguishing systems and appliances.
  - (2) The Fire Chief or an inspector thereof, upon complaint of any person or whenever he/she or they deem it necessary, shall inspect any building and premises within their jurisdiction.
  - (3) Frequency of Inspections. Pursuant to Wisconsin Administrative Code Chapter [SPS 314.01\(13\)\(b\)\(3\)](#) "Scheduling of Inspections." Fire inspections shall be conducted at least one in each non-overlapping 6-month period per calendar year, or more often if ordered by the fire chief, in all territory served by the fire department, except at provided in subds 4 to 7.
  
- (c) **Investigation of fires.**
  - (1) The Fire Chief shall investigate the cause, origin, and circumstances of every fire occurring in the village which is of suspicious nature or which involves loss of life or injury to persons by which property has been destroyed or substantially damaged. Such investigations shall begin immediately upon occurrence of such fire by the fire officer in whose district the fire occurs. If it appears that such fire is of suspicious origin, the Fire Chief shall take charge immediately of the physical evidence, shall notify the proper authorities designated by law to pursue the investigation of such matters, and shall further

cooperate with the authorities in the collection of evidence and in the prosecution of the case.

- (2) The village attorney and the police department, upon request of the Fire Chief, shall assist in the investigation of any fire which, in the opinion of the Fire Chief, is of suspicious origin.
- (d) **Fire records.** The Fire Chief shall keep a record of all fires and of all facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, and whether such losses were covered by insurance, and if so, in what amount. Such record shall be made daily from the reports made by the fire department officers and inspectors. All such records shall be public.
- (e) **Annual report.** A report of the fire department shall be made annually and transmitted to the village president and village board. It shall contain all proceedings under this code, with such statistics as the Fire Chief may wish to include therein. The Fire Chief shall also recommend any amendments to the code, which, in his/her judgment shall be desirable.
- (f) **Modifications.** The Fire Chief shall have the power to modify any of the provisions of the fire prevention code upon application in writing by the owner or lessee, or his/her duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the chief of the fire department thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.
- (g) **Appeals.** Whenever the Fire Chief shall disapprove or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the village board within ten days from the date of the decision of the chief. In the event of such appeal, the village board shall set a time and place for hearing thereof and give to the appellant at least ten days notice thereof by mail or personally.
- (h) **New materials, processes, or occupancies which may require permit.** The village president, the Fire Chief, and the village engineer shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in this code. The Fire Chief shall post such a list in a conspicuous place in his/her office and in the office of the clerk, and may distribute copies thereof to interested persons.
- (i) **Fire equipment on private property.** The fire department, through its authorized representatives must approve all fire hydrants, stand pipes, and sprinkler systems for

commercial, industrial, or institutional buildings or properties. A permit must be issued before such equipment may be installed.

- (1) Private Fire Hydrants. All private fire hydrants shall fully comply with the latest revisions of AWWA C502 and with the water utility's current fire hydrant specification in order to provide uniformity and consistency of operation with public fire hydrants. The following specifications will apply to fire hydrants designed to provide fire protection:
  - a. Hydrants shall be as manufactured by Waterous (Pacer model WB67-250), or approved equal.
  - b. Private hydrants shall be painted red.
  - c. Hydrants shall be of the traffic model design consisting of a safety flange and a safety sleeve coupling. The design shall permit rotation of the upper barrel to position the nozzle in any direction. The nozzle placement shall not be restricted by bolt hole placement.
  - d. Hydrant bury depths shall be compatible with the bury depth of the private main(s) to which they are connected, but shall not be less than 7 feet.
  - e. Private fire hydrants shall be designed with a 16 inch break off height.
  - f. Private hydrants nozzles shall extend a minimum of 24 inches and a maximum of 28 inches above the proposed finished grade. The bottom of the break off section shall be a minimum of 2 inches and a maximum of 6 inches above finished grade.
  - g. Hydrants shall be designed for 150 pounds working pressure and tested to 300 pounds hydrostatic pressure test.
  - h. All private fire hydrants shall be of compression type main valve, closing with line pressure.
  - i. Hydrants shall be self-draining and furnished with a positive acting drain. All working parts shall be bronze.
  - j. The private fire hydrant inlet connection shall be a 6-inch mechanical joint.
  - k. Private fire hydrants shall have two - 2 1/2 inch hose nozzles and one - 4 1/2 inch pumper nozzle, each with National Standard threads.

- l. The operating nut shall be 1-1/2 inch pentagon shaped and shall open left (counter clockwise). The hose nozzle caps shall be 1-1/2 inch pentagon shaped with chains.
  - m. The main valve and seating shall be removable through the upper barrel from above ground without disassembling at the ground flanges. The main valve opening shall be 5-1/2 inch in size.
  - n. The stem threads shall be lubricated by removal of a screw located in the operation nut.
  - o. The stuffing box shall have o-rings for seals.
- (2) All private hydrant installations shall include an isolation valve on the hydrant leads that permits water supply to be shut off to the fire hydrant without requiring water to be turned off on the utility distribution system or interruption of metered water supply to the private hydrant owner's facility.
- (3) Private Flushing Hydrants. Private flushing hydrants are necessary in areas such as mobile home parks or multi-family housing complexes to maintain water quality and perform system maintenance. These hydrants are not capable of supply fire flows. The specific design of these hydrants will vary dependant on the size of the connection to the main from which it is supplied. All installations of private flushing hydrants are to be submitted to and approved by the water utility and the S.A.F.E.R. Fire Department. The following requirements apply to flushing hydrants:
- a. Flushing hydrants shall be clearly identified.
  - b. A traffic style with break off is preferred.
  - c. Hydrants shall be self-draining and furnished with a positive acting drain valve.
- (4) All private hydrant installations shall include an isolation valve on the hydrant lead that permits water supply to be shut off to the fire hydrant without requiring water to be turned off on the utility distribution system or interruption of metered water supply to the private hydrant owner's facility.

(Ord. of 3-24-2011; Ord. of 3-19-15) [Amended via Ord. 15-025, 11/7/2015]

**Sec. 34.208. Permits.**

- (a) ***Permission granted - Limitations.*** A permit shall constitute permission to conduct activity authorized by the Fire Chief or his/her designee. Such permit does not take the place of any license required by law.

- (b) ***Approval before issuance.*** Before a permit may be issued, the Fire Chief, or his/her assistants, shall inspect and approve receptacles, vehicles, and building or storage places to be used. In cases where laws or regulations enforceable by departments other than the fire department are applicable, joint approval shall be obtained from all departments concerned.
- (c) ***Applications.*** All applications for a permit required by this code shall be made to the Fire Chief in such form and detail as it shall prescribe.
- (d) ***To be kept on premises.*** Permits shall at all times be kept on the premises designated therein, and shall at all times be subject to inspection by any officer of the fire or police departments.

(Ord. of 3-24-2011) [Amended via Ord. 15-025, 11/7/2015]

**Sec. 34.209. Burning, heating and lighting.**

- (a) ***General prohibition on outdoor burning and refuse burning.*** Open burning, refuse burning, burn barrels, and some outdoor wood boilers (see Village of Weston Municipal Code Sec.. 94.4.09(22)) are prohibited in the Village of Weston, except for:
  - (1) Cooking with gas or charcoal on portable or permanent grills. For multi-family dwellings of three or more separate occupancies, the use of an open or closed outdoor cooking fire, charcoal, or propane cooking device or any open-flame device is prohibited within fifteen feet of the structure or above the ground floor. Smoke from cooking grills shall not create a nuisance for neighboring property owners.
  - (2) Recreational burning in outdoor fireplaces which are fueled by propane or natural gas and are manufactured for this purpose are allowed when they are properly installed to prevent heat or flame from the device igniting nearby structures, grass, leaves, or vegetation. In no event shall any outside fireplace be allowed which utilizes fuel other than natural or LP gas. Additional fuels such as logs, charcoal, coal, wood, paper, vegetation, leaves, or cardboard shall not be added to outdoor fireplaces. Installation of all flame producing devices shall follow manufacturer's specifications and shall comply with any applicable permits required by other sections of the village ordinances of state statutes.
  - (3) Approved training for fire-protection purposes.
  - (4) Even when open burning is one of the allowed exceptions or allowed by permit, the Fire Chief shall be authorized to cease all burning and revoke all permits for burning when climatic conditions would make open flames and fires a danger to adjoining properties or when there would be noxious products of combustion

affecting neighboring properties. When it is necessary to issue such burning bans, the Fire Chief shall issue such notice through publication of the ban in the official newspaper of the village and through public service announcements on the television and radio stations serving the Village of Weston or by direct notice to the property owner.

(b) ***Open fire and burning allowed by permit.*** The Fire Chief shall be authorized to issue permits for open fires and burning for the following specific purposes:

(1) Controlled burning of agricultural materials, forestry debris or prairie areas on parks, farms, wildlife sanctuaries, and cemeteries; provided such burns are issued a current permit by the fire department, the smoke and products of combustion do not create a hazard to nearby streets or a noxious atmosphere for neighbors, the burns are attended by personnel who have readily available firefighting equipment, and the Fire Chief has not declared a no burn period due to dry conditions or other unfavorable weather. Such burns shall be restricted to properties of at least five acres under single ownership, and this permit process shall not be construed to allow property owners to burn leaves, grass, trees, or landscape debris from their individual properties.

(2) Recreational fires and permits.

a. Intent. It is the intent of the village that citizens shall have the opportunity to have recreational fires at single-family and two-family dwellings provided that such fires are in strict compliance with restrictions relating to recreational fires. It is further the intent of the village that the police and fire departments shall strictly enforce these restrictions so as to insure that such fires do not compromise safety or annoy neighbors. Such enforcement shall require an investigation into any complaint and an independent determination by either the police department or the fire department as to whether a particular recreational fire is in compliance with these regulations.

b. Definitions. The following words, terms, and phrases when used in this section shall have the meaning ascribed to them in the subsection, except where the context clearly indicates a different meaning:

1. ***Fire pit*** include both a below-ground and a portable device intended to control outdoor wood fires.

2. A ***recreational fire*** is a small outdoor fire intended for recreation or cooking.

c. No recreational fire may be started or allowed to continue burning unless such recreational fire is contained in a fire pit.

- d. All recreational fires shall not have a diameter larger than three feet nor may the fire extend more than two feet above the fire pit. All below-ground fire pits shall be at least four inches in depth and shall be surrounded on the outside, above ground, by a noncombustible material such as concrete block, rock, or metal. A portable device shall be placed upon a noncombustible surface and secured.
- e. Portable fire pits such as devices commercially designed and intended to control and contain outdoor wood fires, may be used in accordance with the manufacturer's specifications, and these regulations, and must be based upon a noncombustible surface at ground level.
- f. Only clean, dry wood, untreated and unpainted lumber is permitted to fuel a recreational fire. If anything else is used, the fire department may respond and extinguish the fire and a citation may be issued.
- g. No recreational fire shall be closer than twenty-five feet from any building, structure, shed, garage, combustible fence or any combustible material, or ten feet from any lot line.
- h. No recreational fire shall be started or allowed to continue burning when the wind directions or wind speed causes smoke, embers, or other burning materials to be carried by the wind toward any building or other combustible materials, nor any time when the wind speed exceeds seven miles per hour. Smoke from any recreational fire shall not create a nuisance for neighboring property owners. The fire shall be completely extinguished immediately upon complaint of any smoke nuisance. The police and fire department shall strictly enforce this section so as to comply with the intent of subsection (2) a.
- i. Adequate fire suppression equipment shall be immediately available to control or extinguish the recreational fire.
- j. All recreational fires shall be attended at all times by at least one responsible person of age eighteen or older from the ignition of the fire until the fire is completely extinguished.
- k. The property owner and/or person who have started the recreational fire shall hold the village harmless from any and all damages caused by a recreational fire.
- l. A person utilizing or maintaining an outdoor fire shall be responsible for all suppression costs and any other liability resulting from damage caused by the fire.

- m. No recreational fire may be started or allowed to continue between 12 a.m. and 12 p.m. Any such fire is presumed unreasonable and must be extinguished upon demand.
- (3) Use of wood-fired apparatus by businesses, commercial establishments, and organizations or if used in conjunction with community events.
- (4) The Fire Chief or any authorized officer, agent, employee or representative of the Village of Weston who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance. Note: If this owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with Wis. Stat. § [66.0119](#).
- (5) Any person who violates, disobeys, neglects or refuses to comply with any of the provisions of this section shall be subject to a forfeiture as provided in Section 1.111 of this Code.
- (c) **Authority to extinguish fires.** The Fire Chief or designee shall have the authority to order open burning and fires extinguished when such fires are deemed to present a hazard to life, property, or health. The fire department shall have the authority to extinguish fires or open flames to protect the lives, property, and health of the village and its citizens.
- (d) **Open flame.** No person shall take an open flame or light into any building, barn, vessel, boat, or any other place where highly flammable, combustible, or explosive material is kept, unless such light or flames shall be well secured in a glass globe, wire mesh cage, or similar approved device.
- (e) **Apparatus capable of igniting flammable material prohibited.** No heating or lighting apparatus or equipment capable of igniting flammable materials of the type stored or handled shall be used in the storage area of any warehouse storing rags, excelsior, hair, or any other highly flammable or combustible material; nor in the work area of any shop or factory used for the manufacture, repair, or renovating of mattresses or bedding, nor in the work areas of any establishment used for the upholstering of furniture.
- (f) **Chimneys and heating appliances.** All chimneys, smokestacks, or similar devices for conveying smoke or hot gasses to the outer air and the stoves, furnaces, fire boxes, or boilers to which they are connected shall be constructed and maintained in such a manner as not to create a fire hazard.
- (g) **Use of torches or flame producing devices.** Any person using a torch or other flame or heat-producing device for removing paint from any building or structure shall provide one approved fire extinguisher or water hose connected to the water supply on the premises where such burning is done. In all cases, the person doing the burning



shall remain on the premises one hour after the torch or flame producing device has been used.

(Ord. of 3-24-2011) [Amended via Ord. 15-025, 11/7/2015]

**Sec. 34.210. Combustible Materials.**

- (a) ***Hot ashes and other dangerous materials.*** No person shall deposit hot ashes, cinders, smoldering coals, or greasy or oily substances liable to spontaneous ignition into any wooden receptacle or place the same within ten feet of any combustible materials, except in metal or other non-combustible receptacles. Such receptacles, unless resting on a non-combustible floor or on the ground outside the building, shall be placed on non-combustible stands, and in every case must be kept at least two feet away from any combustible wall or partition.
- (b) ***Accumulation of waste materials.*** Accumulation of waste- paper, hay, grass, straw, weeds, litter, combustible, or flammable waste or rubbish of any kind shall not be permitted to remain upon any roof or in any court, yard, vacant lot, or open space. All weeds, grass, vines or other growth, when same endangers property, or is liable to be fired, shall be cut down and removed by the owner or occupant the property it is on.
- (c) ***Handling readily combustible materials.*** No person making, using, storing or having in charge, or under his/her control any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw or combustible waste materials shall fail or neglect at the close of each day to cause all such materials which are not compact baled and stacked in an orderly manner to be removed from the building or stored in suitable vaults or in metal lined, covered, receptacles or bins.
- (d) ***Storage of readily combustible materials.*** Storage in buildings shall be orderly, shall not be within two feet of the ceiling, and not so located as to endanger exit from the building. Storage in the open shall not be more than twenty feet in height, shall be so located, with respect to adjacent buildings, as not to constitute a hazard, and shall be compact and orderly.
- (e) ***Flammable decorative materials in stores.*** Cotton batting, straw, dry vines, leaves, trees, or other highly flammable materials shall not be used for decorative purposes in show windows or other parts of stores unless flame proofed; provided however, that nothing in this section shall be held to prohibit the display of saleable goods permitted and offered for sale. Electric light bulbs in stores shall not be decorated with paper or other combustible materials unless such materials shall first have been rendered flame proof.
- (f) ***Christmas Tree Sales.*** For the purpose of this paragraph, the following minimum standards shall apply to the storage, handling, and display of live Christmas Trees and Foliage.

- a. Trees and foliage shall be stacked not closer than ten feet from any gasoline pump or other device for the transfer of petroleum products.
- b. Aisles or clear spaces of not less than three feet shall be maintained at all times.
- c. A fire extinguisher with a “2A-10BC” rating or greater shall be provided by the merchant for each seventy-five (75) feet of travel display and/or storage area.
- d. All storage and sales of live Christmas Trees and Foliage shall be held outside of buildings.
- e. It shall be unlawful to light a match or any flame-producing device, or to smoke or carry a lighted cigar, cigarette, or pipe in areas where live Christmas trees or foliage is displayed, sold, or stored. The person in charge of the Christmas tree sales shall post a “NO SMOKING” sign in locations designed to give persons entering the area a notice of this regulation.

(Ord. of 3-24-2011) [Amended via Ord. 15-025, 11/7/2015]

**Sec. 34.211. Fire Hazards.**

- (a) ***Orders to eliminate.*** Whenever any officers, members, or inspectors of the fire department as mentioned in Section [34.207\(b\)](#), shall find in any building or upon any premises dangerous or hazardous conditions as follows, he/she or they shall order such dangerous conditions or materials to be removed in such manner as may be specified in the order:
  - (1) Dangerous or unlawful amounts of combustibles or explosive matter;
  - (2) Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive matter;
  - (3) Dangerous accumulations of rubbish, waste paper, boxes, shavings, or other highly flammable materials;
  - (4) Accumulations of dust or waste material in air conditioning systems or of grease in kitchen exhaust ducts;
  - (5) Obstructions to or on fire escapes, stairs, passageways, doors, or windows, liable to interfere with the operations of the fire department or egress of occupants in case of fire;
  - (6) Any building or other structure which for want of repairs, lack of sufficient fire escapes or other exit facilities, automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause, creates a fire hazard or a threat to life and safety.

(b) ***Service of orders.***

- (1) The service of such orders as mentioned in Section [34.209 \(a\)](#) may be made upon the owner, occupant or other person responsible for the conditions, either by delivering a copy of same personally or by delivering the same to and leaving it with any person in charge of the premises or by mailing such orders to the owner or other responsible person. Whenever it may be necessary to serve such an order upon the owner of premises such order may be served either by delivering to and leaving with the person a copy of the order, or, if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy to the owner's last known post office address.
- (2) If buildings 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 code shall apply to the occupant thereof, except where the rules or orders require the making of additions to or changes in the premises themselves, such as would immediately become real estate and be the property of the owner of the premises; in such cases the rules or orders shall affect the owner and not the occupant unless it is otherwise agreed between the owner and occupant.
- (3) Receipt of such orders by the owner or occupant shall be sufficient to effect compliance with the order.

(c) ***Revocation.***

- (1) The AHJ may revoke any permit issued in accordance with this Code in any case where they may find that any of the conditions for the issuance have not been maintained or where there has been false statement or misrepresentation of any material fact in the application or plans on which the issuance was based.
- (2) The AHJ shall promptly notify the permit holder of the request for revocation and, if so requested by the permit holder, the effective date of the revocation shall be deferred pending a hearing before the Chief of the Fire Department. The decision of the Chief for revocation, following the hearing, shall be final.

(d) ***Closing and Vacating Buildings.***

- (1) The AHJ may order the compliance with this section and all other lawful orders or laws relating to fire prevention and fire protection in existing building and structures.
- (2) Where the public is exposed to immediate danger, the AHJ shall order the closing and vacating of the building at once.

(Ord. of 3-24-2011) [Amended via Ord. 15-025, 11/7/2015]

**Sec. 34.212. Enforcement.**

- (a) **Fire chief to enforce.** The fire prevention code shall be enforced by the Fire Chief and such subordinates in the fire department as the Fire Chief shall designate.
- (b) **Liability.** This code shall not be construed to affect the responsibility of any person owning, operating, or installing any equipment for damage to persons or property caused by any defect therein, nor shall the municipality be held as assuming any such liability by reason of the inspection or re-inspection authorized herein or permit issued as herein provided or by reason of the approval or disapproval of any equipment authorized herein.

(Ord. of 3-24-2011) [Amended via Ord. 15-025, 11/7/2015]

**Sec. 34.213. Places of assembly.**

- (a) **Inspection of exits.** Not more than ninety minutes prior to the scheduled commencement of any non-continuous activity, event, performance, show, meeting, function, or other occasion for which persons will gather at a Class A or B commercial place of assembly (as defined in the 2006 Edition of the Life Safety Code – [NFPA No. 101\\*](#)), the owner (or designee pursuant to written authority, instructions, or procedures), shall inspect every required exit, ways of approach thereto, and way of departure therefrom. If such inspection reveals that any required means of egress is obstructed, inaccessible, locked, fastened, or otherwise unsuited for immediate use, the scheduled program shall not begin, nor shall admittance to the place of assembly be permitted until necessary corrective action has been completed.
- (b) **Announcements.** Immediately prior to the start of the program, the owner or an authorized agent shall orally notify all attendees concerning the location of the exit(s) to be used in case of fire or other emergency.
- (c) **Records.**
  - (1) Accurate records of all inspections, corrections, and notifications made pursuant to this chapter shall be kept and retained for at least two years in the offices of the building owner. The records shall contain:
    - a. A brief description of each activity, event, performance, etc., including date, time, and location;
    - b. The name and signature of the person who performed each requirement of this chapter; and
    - c. The date and time when each requirement was performed.

- (2) Such records shall be made available upon request to the State Fire Marshal, deputies, assistants, or any fire inspector of the village.
- (d) **Alternative.** In cases of practical difficulty or undue hardship, or in which compliance with this chapter would not significantly increase life safety, the village fire inspector may approve or accept alternative means of accomplishing the objectives of this chapter.

\* Available from the National Fire Protection Association, NFPA Fulfillment Center, 11 Tracy Drive, Avon, MA 02322; Phone 1-800-344-3555; [www.nfpa.org](http://www.nfpa.org).

(Ord. of 3-24-2011) [Amended via Ord. 15-025, 11/7/2015]

**Sec. 34.214. General fire safety requirements.**

- (a) **Tents.**
  - (1) **Permit required.** No tent exceeding two hundred forty square feet in area shall be erected, maintained, operated, or used without a permit when erected, maintained, operated, or used in or on a commercial property.
  - (2) **Fire watchers to be employed.** One or more qualified persons to serve as fire watchers shall be employed by all circuses, carnivals, or other exhibitions where large crowds assemble. They shall familiarize themselves with all fire protection facilities, fire prevention features and with the conditions of exits, and shall patrol the entire tent area during the time of occupancy. They shall see that aisles and exit ways are kept open and that “No Smoking” rules are enforced.
  - (3) **Tents for assembly to conform to recognized safe practices.** The design, construction, flame proofing, location, maintenance, and use of tents for assembly shall be in accordance with Wisconsin Administrative Code, [SPS 314](#). Compliance with the American Standard of Outdoor Assembly, Grandstands and Tents, as adopted by the National Fire Protection Association, shall be considered prima facie evidence of compliance with such recognized safe practices.
- (b) **Access boxes.**
  - (1) Access boxes of the fire department-approved type (Knox® brand) shall be installed in an approved accessible location for all structures or areas that have fire alarm systems, automatic fire suppression systems, or where access is difficult because of security.
  - (2) Elevator key boxes shall be of fire department-approved type (Knox® brand) and shall be installed in a fire department-approved location as required by Wisconsin Administrative Code, [SPS 318.1702\(10\)\(b\)3.b](#).

- (c) **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 fire 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 portion thereof.
- (1) **Inspection.** The owner, agent, or occupant of a commercial building shall schedule an appointment with a fire inspector for an inspection of the building and occupied space(s). Any violations of this chapter or any portion of the Weston Municipal Code observed at the time of inspection shall be corrected prior to the new tenant taking occupancy.
- (d) **Tavern licensing.** All licensed taverns with the Village of Weston shall be inspected for compliance with this code at least four months prior to the renewal of their license. Any violations at the time of this inspection shall be corrected within the time stated on such order. A final copy of all orders shall be submitted for review at the time of renewal. Failure to comply with any written order may result in the suspension of, or non-issuance of their license by the village board or any other municipal authority. The occupancy person load number shall be placed/written on the license.
- (e) **Fireworks/pyrotechnics.**
- (1) There shall be no indoor or outdoor display of fireworks/pyrotechnics within the village of Weston without a permit from the fire department. An officer of the fire department must inspect the fireworks/pyrotechnics before they are used.
- (2) Anyone caught using pyrotechnics without the appropriate permits is subject to the penalties as set forth in Section 34.214(e)(7).
- (3) The use of fireworks allowed by Wis. Stat. § [167.10](#) does not require a permit.
- (4) State law adopted. Wis. Stat. § [167.10](#), regulating the sale and use of fireworks, exclusive of penalties, is adopted by reference as part of this Code.
- (5) Wholesale sales. Nothing in Wis. Stat. § [167.10](#), shall be construed to prohibit any resident wholesaler, dealer or jobber from selling fireworks at wholesale, provided the same are shipped or delivered directly outside the limits of the village subject to the following:
- a. Fire extinguishers, approved by the chief of the fire department, shall be provided where fireworks are stored or handled.
- b. Smoking shall be prohibited where fireworks are stored or handled.

- c. exposing for sale, within the village, fireworks of any description to immediately notify the chief of the fire department of the receipt of such stock of fireworks, or upon removal from one location to another, and the location where the stock of such fireworks is stored. No such fireworks shall be stored in any building or portion thereof used for dwelling purposes or in any building situated within 50 feet of any building used for dwelling purposes or places of public assemblage.
- (6) Use or storage of dangerous materials. No person shall use dangerous materials or devices such as Class 1 Explosives as defined by the United States Department of Transportation or unattended gas (propane, natural gas, butane, white gasoline, or fuel oil) heaters in construction projects, or store Class 1 Explosives or similar explosive materials, including initiators, in the village without first notifying the police and fire departments. In accordance with applicable Wisconsin Department of Administration SPS Codes.
- (7) Penalties. Any person violating this section shall, upon conviction, forfeit not less than \$30.00, or not more than \$500.00.

(Code 1982, § 4.156(f); Ord. of 7-16-2001, § 1; Ord. of 3-24-2011; Ord. of 3-19-15)

- (f) ***Elevators.*** All passenger and freight elevators in all buildings and structures hereinafter constructed, except one and two family residential occupancies, shall:
  - (1) Provide at least one elevator to all floors of such size and arrangement to accommodate a twenty-four (24) inch by eighty-five (85) inch ambulance stretcher in the horizontal open position.
  - (2) The elevator arranged to accommodate an ambulance stretcher shall be identified by the “Star of Life”. This symbol shall not be less than three inches in height and shall be placed on both sides of the hoist way door frame.
- (g) ***Addresses and door labeling.*** See Chapter 14 Buildings and Building Regulations.
- (h) ***Door, floor and stairway identification.*** Any occupancy having more than five means of egress and or more than two floors in height, shall number the individual egress areas according to this section:
  - (1) An identifying number shall be placed on the interior and exterior of each means of egress doorway, not less than six inches high in contrasting color and light reflective. The main entrance or means of egress shall be numbered one with each additional means of egress, progressing clockwise around the exterior of the structure to reflect its relationship to the main entrance. All means of egress leading into the structure shall be numbered, not just the required exit egress.

- (2) Each interior door providing access to an enclosed stairway that is considered part of an accessible means of egress shall be identified with numbers and letters not less than three and one half inches high in the following manner:
  - a. Have a sign indicating floor level posted on both sides (inside and outside) of the egress door in a location acceptable to the Fire Department.
  - b. Have a sign indicating the exterior exit door assigned in compliance with Section [34.214\(h\) \(1\)](#) located on both sides of the egress door in a location acceptable to the Fire Department.
- (i) ***Standpipes.***
  - (1) Where required. A standpipe shall be provided in all new structures over two stories in height and in accordance with this section.
  - (2) Installation. The installation of standpipes shall be in accordance with this Section and [NFPA 14](#).
    - a. The class and location of standpipe and Fire Department connections shall be determined by the AHJ.
    - b. The location of standpipe connections shall be accessible and shall be so located that all portions of the building are within thirty (30) feet of a nozzle attached to one hundred (100) feet of hose.
    - c. When required by the AHJ, an approved standpipe shall be installed as construction progresses to make them available for fire department use in the top most floors constructed. Temporary standpipes shall be provided in place of permanent standpipes, when required, during the period of construction on buildings over three stories in height.
    - d. The location of fire department connections for the standpipe shall be approved by the AHJ.
    - e. The fire department connections shall be located at least forty (40) feet from all electrical transformers, gas meter, or propane storage.
- (j) ***Additions to, change of use, or remodeled buildings.***
  - (1) If fifty (50) percent or more of the total floor area of a building is remodeled and/or added, the entire building shall be brought into compliance with the requirements of this code.



- (2) If twenty-five (25) to forty-nine (49) percent of the total floor area of a building is remodeled and/or added, that part of the building which is remodeled and/or added shall be brought into compliance with the requirements of this code.
- (3) If less than twenty-five (25) percent of the total floor area is remodeled and/or added, the requirements of this code need not be provided unless the area includes dwelling units. If the total floor area includes dwelling units, that part of the building which is remodeled and/or added shall be brought into compliance with this code. The area added must comply with the requirements as they pertain to the original floor area.
- (4) All percentages of additions or remodeling shall be cumulative as applied to (1), (2), and (3) above.
- (5) If the use of and/or contents of any existing building is changed and becomes more hazardous as determined by the Building Inspector, Zoning Administrator and/or Fire Chief, the building shall be brought into compliance with this code.
- (6) Those portions, elements, systems, or components of existing buildings and structures to be altered or modified on or after the effective date of the rules under this code and where the alteration, modification, or the addition affects a building element or component relating to subject matters regulated by this code, shall be designed, constructed, and maintained in accordance with the applicable rules of this code as the rules exist on one of the following:
  - a. The date plans for the alteration or modification are conditionally approved by the Building Inspector, Zoning Administrator and/or Fire Chief.
  - b. The date the local building permit is issued.
  - c. The date the replacement is initiated, where Section (1) do not apply.
- (k) ***Notification of use or occupancy change.*** See Chapter 14 Buildings and Building Regulations.
- (l) ***Fire Damaged Buildings (Securing).*** All dwellings and buildings within the Municipality damaged from fire shall be secured within twenty-four hours of release of the property by the AHJ. The owner of the damaged property shall assume the liability for the protection of the public until the property is secured.

(Ord. of 3-24-2011) [Amended via Ord. 15-025, 11/7/2015]

**Sec. 34.215. Possession of ignition devices prohibited.**

- (a) Definitions. For purposes of this section, the following terms shall mean:
  - (1) “**Ignition Device**” means matches, lighters and, any other material used for the purpose of ignition.
  - (2) “**Minor**” means any person who has not yet attained the age of eighteen (18) years.
- (b) Possession Prohibited. No minor may possess any ignition device, unless under the direct supervision of an adult.
- (c) Delivery Prohibited. No adult shall permit an ignition device to be served, sold, dispensed, given away, or made available to any minor, unless such minor is accompanied by a parent, guardian, or spouse who has attained the age of eighteen (18) years.
- (d) Confiscation. Any ignition device possessed by a minor, contrary to subsection (2), may be confiscated by a police officer.
- (e) Penalty. Any person who violates any provision of this section shall forfeit twenty-five dollars (\$25.00) for the first violation and fifty dollars (\$50.00) for the second and subsequent violation, together with the costs of the prosecution and, in default of payment thereof, by imprisonment in the Marathon County Jail until such forfeiture and costs are paid, but not more than the number of days set forth in Wis. Stat. § [800.095\(4\)](#), or by suspension of the defendant’s operating privilege, pursuant to Wis. Stats. §§ [343.30](#) and [345.47](#).
- (f) Education Program. In addition to or in lieu of any other penalties provided for in this Code, the Judge of any court of competent jurisdiction may order any person found guilty of violating this section to any education programs, as the court deems appropriate, and include as part of the penalty thereof that such person pay the costs of such education program.

(Ord. of 3-24-2011) [Amended via Ord. 15-025, 11/7/2015]

**ARTICLE III. FALSE FIRE ALARMS**

**Sec. 34.300. Purpose.**

- (a) The purpose of this Article is to encourage Alarm Users and Fire Alarm Contractors to properly install, use and maintain Fire Alarm Systems in order to improve the reliability of such Systems and thereby reduce or eliminate False Fire Alarms.

- (b) This Chapter governs the use of Fire Alarm Systems intended to summon the S.A.F.E.R Fire Department to properties within the Village of Weston; requires registration of such Systems; allows for the assessment of Service Fees; and provides for civil penalties.

[Created via Ord. 15-025, 11/7/2015]

**Sec. 34.301. Definitions.**

- (a) *Adopted Code(s)* means the 2003 International Fire Code as amended by the Village of Weston, as found in Chapter 34 of the Code of the Village of Weston.
- (b) *Alarm User* means any person; whether owner, occupant, or tenant, upon whose premises a Fire Alarm System is maintained or operated within the Village of Weston.
- (c) *Department* means the S.A.F.E.R Fire Department.
- (d) *Enforcement Official* means the S.A.F.E.R. Fire Chief or his/her designated representative.
- (e) *False Fire Alarm* means the activation of any Fire Alarm System not caused by heat, smoke or fire, resulting in response by the Department. A False Fire Alarm includes, but is not limited to activation of a Fire Alarm System through any of the following:
  - (1) negligent or intentional use or misuse of the System;
  - (2) mechanical failure;
  - (3) malfunction; or
  - (4) improper installation.

A False Fire Alarm does not include an alarm caused by naturally occurring weather, seismic or other condition; interruptions of electrical or telephone service to the Alarm User; or malicious or criminal activity by a third party who is not an agent or employee of the alarm user.

- (f) *Fire Alarm Contractor* means any individual, partnership, corporation or other entity appropriately licensed as a Fire Alarm Contractor by the State of Wisconsin, Department of Safety and Professional Services, Industry Services Division.
- (g) *Fire Alarm Registration* means the documentation required by the Department to register a Fire Alarm System.
- (h) *Fire Alarm System* means any device or equipment designed to signal visibly, audibly, electronically, mechanically or by any combination of these methods the presence of a heat, smoke or fire hazard to which the Department is trained to respond. The term Fire

Alarm System does not include an alarm designed to alert only the inhabitants of a Premises.

- (i) *Letter for Excessive False Fire Alarms* means a notification provided to an Alarm User by the Department for three (3) or more False Fire Alarms. This warning notice will require that the Fire Alarm System be inspected and/or serviced within fifteen (15) days, and that written documentation be submitted to the Department certifying that the Fire Alarm System is in working order. Failure to provide this written documentation will result in a Service Fee for excessive False Fire Alarms.
- (j) *Premises* means any building, structure or combination of buildings and structures, in which a Fire Alarm System is installed.
- (k) *Qualified Fire Alarm Technician* means any person who inspects, installs, repairs or performs maintenance on Fire Alarm Systems and is factory trained and licensed by the State of Wisconsin.
- (l) *Record of Completion* means the form required to be filed with the Department pursuant to the National Fire Protection Association's National Fire Alarm Code (NFPA 72).
- (m) *Service Fee* means the monetary charge payable to the Village of Weston to defray the expenses of implementing the purposes of this Chapter.
- (n) *Report of Service/Repair* means the appropriate documentation in a format acceptable to the Enforcement Official that verifies proper repairs or maintenance have been performed by both the Fire Alarm Contractor and the Alarm User.

[Created via Ord. 15-025, 11/7/2015]

### **Sec. 34.302. Registration of Fire Alarm Systems.**

- (a) *Registration Required.* All newly-installed Fire Alarm Systems shall be required to be registered at the time that a Record of Completion is prepared, in accordance with Adopted Codes. The Alarm User or his duly authorized agent shall complete and deliver the Fire Alarm Registration in the required format to the Enforcement Official before the Fire Alarm System is activated. For all existing Fire Alarm Systems as of the date of adoption of this Ordinance, Fire Alarm Registration shall occur not later than one hundred eighty (180) days after the effective date of this Chapter.
- (b) *Change in Registration Information.* When any information contained in the Fire Alarm Registration Form is no longer accurate for any reason, the Alarm User shall re-register the Fire Alarm System not later than fifteen (15) days after the Alarm user becomes aware of any such change, noting all necessary changes on said Registration Form.
- (c) *Transfers Prohibited.* Fire Alarm Registrations shall not be transferable from one Premise to another or from one Alarm User to another.

- (d) *Notice to Department of Existence of System; Notice to Alarm User.* Every Fire Alarm Contractor shall notify the Enforcement Official of the existence of a Fire Alarm System before the Fire Alarm System is put into operation. It is the responsibility of the installing Fire Alarm Contractor to provide the Alarm User with notice of the existence of this Article, a Fire Alarm Registration form and a copy of the Fire Alarm System operation instructions in accordance with Adopted Codes, as well as the manufacturer's instructions.

[Created via Ord. 15-025, 11/7/2015]

**Sec. 34.303. Display of Fire Alarm Registration.**

The Fire Alarm Registration shall be kept on the Premises serviced by the Fire Alarm System and shall be displayed upon request of the Enforcement Official or a member of the Department.

[Created via Ord. 15-025, 11/7/2015]

**Sec. 34.304. Responsibility for Compliance; Requirement of Alarm Users to Respond to Scene.**

- (a) Unless otherwise stated herein, the Alarm User shall be responsible for complying with all provisions of this Chapter.
- (b) The Alarm User or any person identified on the Fire Alarm Registration Application shall appear at the Premises upon request of the Department when a Fire Alarm System has been activated.

[Created via Ord. 15-025, 11/7/2015]

**Sec. 34.305. False Fire Alarms.**

- (a) *Notification to Alarm User.* If the Department records three (3) or more False Fire Alarms at one (1) Premises within a thirty (30) day period, a Letter for Excessive False Fire Alarms shall be mailed by first class mail to the Alarm User and any Fire Alarm Contractor. Said notice shall direct that the Alarm User submit a Report of Service/Repair within fifteen (15) calendar days of receipt of said letter stating that:

- (1) The Fire Alarm System has been examined by a Qualified Fire Alarm Technician;  
and

- (2) A bona fide attempt has been made to identify and correct any defect of design, installation or operation of the Fire Alarm System which was identified as a possible cause of the False Fire Alarm.
- (b) No Fee shall be assessed for the first two (2) False Fire Alarms at the same premises requiring response by the Department within a thirty (30) day period.
- (c) Failure of the Alarm User to return a satisfactory Report of Service/Repair to the Enforcement Official within said fifteen (15) day period shall result in the imposition of a Service Fee.
- (d) A Fire Alarm Contractor, Alarm User, or any other individual shall not conduct testing or perform repair work on any Fire Alarm System, sprinkler system or fire suppression system without first notifying the Marathon County Dispatch Center that such testing or repair work is being performed. Violation of this subsection shall result in the imposition of a Service Fee.
- (e) False Fire Alarms activated by any components connected to the Fire Alarm System shall be included in computing the total number of False Fire Alarms for purposes of this Chapter.
- (f) During the fifteen (15) day period after receipt of a Letter for Excessive False Fire Alarms any additional False Fire Alarms will not be counted toward the year's total False Fire Alarms, provided that the provisions of subsection a. above have been met.

[Created via Ord. 15-025, 11/7/2015]

**Sec. 34.306. Service Fees.**

- (a) The provisions of this Chapter shall not apply to any newly installed Fire Alarm System for a period of forty-five days (45) from the date of installation. In an existing building the forty-five (45) days begin when the installation of the new system is completed. In new construction the forty-five (45) days begin when the installation of the system is completed and an occupancy permit is issued. The provisions of this Chapter shall apply from and after the expiration of the initial forty-five (45) day period following the issuance of the occupancy permit and/or completed installation.
- (b) Should any Service Fee assessed pursuant to this Chapter remain unpaid in excess of thirty (30) days, a Late Fee shall be assessed and shall be payable in addition to the Original Service Fee.
- (c) The Service Fees established by this Chapter shall be calculated periodically based on employee labor rates, equipment costs and the Department service costs and established by the Village Public Safety Committee via a fee schedule adopted by the Village Board.

[Created via Ord. 15-025, 11/7/2015, Amended by Ord. No 18-001, 1/20/2018]

**Sec. 34.307. Conflict with Other Village Ordinances.**

If the provisions of this Chapter conflict with any ordinance or resolution previously adopted by the Village, the provisions of this Chapter shall control.

[Created via Ord. 15-025, 11/7/2015]

**Sec. 34.308. Penalties.**

A violation of this Chapter shall be a Civil Infraction.

[Created via Ord. 15-025, 11/7/2015]