

CHAPTER 11

FIRE PROTECTION AND PREVENTION

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FIRE PROTECTION AND PREVENTION

Sec. 11.01 Fire And Rescue Department

1. **RECOGNITION.** The Plover Fire/EMS Department is hereby officially recognized, and the duty of conducting the Fire Department is hereby delegated to such organization, which may also be referred to as the Fire Department. The organization and internal regulations of the Fire Department shall be governed by the organization, insofar as they do not conflict with the provisions of this Municipal Code.
2. **OPERATIONS.** The Fire Department shall be responsible and authorized to conduct all manner of operation intended to protect life and property, which includes, but is not limited to operations involving fire suppression, rescues, hazardous materials, disaster mitigation, assisting medical personnel, traffic incident management, training, search and rescue, inspections, investigations, mutual and automatic aid, and other emergency and nonemergency calls for service and activities designated by the Fire Chief.
3. **DEFINITIONS.** In this section, the following words and phrases are defined as follows:
 - a. **Inspectable Property** means any structure subject to fire prevention and safety inspections as provided for under chapter 101 of the Wisconsin statutes, chapter Comm. 30 of the Wisconsin Administrative Code, or other provisions of this Municipal Code.
 - b. **Key Lock Box System** means a lockable and secure system for storage of keys, key cards, access codes, or other entry devices for use by the Fire Department, of a type approved by the Fire Chief.
 - c. **Authorized Alternative Method**, means a method that allows for rapid emergency access of a construction or design that differs from the key lock box system, of a type approved by the Fire Chief. It may also refer to an alternate marking system of a type approved by the Fire Chief.
 - d. **Person**, means any human being, collective unit of persons, any business, property owner, corporation, association, lessee or renter, or other legal or actual entity.
 - e. **Occupant**, means any person legally occupying a property including, but not limited to, renters, leasers, sub-leasers, transient occupants, contractors, or any person, company, corporation, or entity utilizing a property or building for a personal, public, or commercial use.
 - f. **Department**, means the Village of Plover Fire/EMS Department, unless otherwise specified.
 - g. **Other words and phrases** have the meaning as they are defined under the adopted documents found in this Chapter

Sec. 11.02 Adoption Of Statutes, Codes, And Regulations

1. **General.** The following sections, chapters, and publications of Wisconsin State Statute, Wisconsin Administrative Code, and National Fire Protection Association standards and practices are made a part of this Municipal Code as if fully set forth herein. Any act required to be performed or prohibited by these publications are respectively required or prohibited by this Municipal Code. This includes the current versions of said publications, and any changes as may be lawfully made from time to time. This in no fashion limits the power and authority of the Fire Department or Fire Chief where otherwise authorized by law.
2. **Wisconsin State Statutes.**
 - a. §101.123(4), Designation of smoking areas.
 - b. §101.14, Fire inspections, prevention, detection and suppression.
 - c. §165.55, Arson investigation
 - d. §167.10, Regulation of fireworks
 - e. §167.11, Hazardous substances
 - f. §213.095, Enter property or premises.
 - g. §346.41, Crossing fire hose.
 - h. §940.24, Injury by negligent handling of dangerous weapon, explosives or fire.
 - i. §941.10, Negligent handling of burning material.
 - j. §941.11, Unsafe burning of buildings.
 - k. §941.12, Interfering with firefighting.
 - l. §941.13, False alarms.
 - m. §941.30, Recklessly endangering safety
 - n. §941.37, Obstructing emergency or rescue personnel.

- o. §941.375, Throwing or discharging bodily fluids at public safety workers.
 - p. §943.02, Arson of buildings; damage of property by explosives.
 - q. §943.03, Arson of property other than building.
 - r. §943.05, Placing of combustible materials an attempt.
3. Wisconsin Administrative Code.
 - a. Chapter Comm. 10, Flammable, Combustible, and Hazardous Liquids.
 - b. Chapter Comm. 14, Fire Prevention.
 - c. Chapter Comm. 28, Smoke Detectors.
 - d. Chapter Comm. 30, Fire Department Safety and Health
 - e. Chapters Comm. 50 through 64, Building Code
 4. National Fire Protection Association.
 - a. NFPA 1, Uniform Fire Code
 - b. NFPA 291, Recommended Practice for Fire Flow Testing and Marking of Hydrants.
 - c. NFPA 704, Standard System for the Identification of the Hazards of Materials for Emergency Response.

Sec. 11.03 Police Power Of The Department

1. POLICE AUTHORITY AT FIRES.
 - a. The Fire Chief and officers in command at any fire are hereby vested with full and complete police authority at fires. Any officer of the Department may cause the arrest of any person failing to give the right-of-way to the fire department in responding to a fire.
 - b. The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting firefighters and law enforcement officers and those admitted by order of any officer of the Department, shall be permitted to come.
 - c. The Chief shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire or to prevent the spreading of fire or to protect the adjoining property, and during the progress of any fire he shall have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work of the Department during the progress of a fire.
2. FIRE INVESTIGATIONS
 - a. The Fire Chief shall be vested with the full authority provided by law to investigate all fires relative to cause and origin, on both public and private property.
 - b. No person may hinder, evade, prevent, obstruct, impede, or otherwise interfere with any such lawful investigation.
3. FIRE INSPECTION DUTIES.
 - a. While action as fire inspector pursuant to Wisconsin law, the Fire Chief, or any officer of the Department designated by the Fire Chief, shall have the right and authority to enter any building or upon any premises in the Village of Whiting at all reasonable hours for the purpose of making inspections or investigation which, under the provisions of this Code of Ordinances, he may deem necessary.
 - b. The Chief of the Department is required, by himself or by officers or members of the Department designated by him as fire inspectors, to inspect all buildings, premises, and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of any law or ordinance relating to the fire hazard or to the prevention of fires. Such inspections shall be made at least annually, in all of the territory served by such Fire and Rescue Department, or more often as may be required by law or in such territory as the Village Board or Chief of the Fire Department orders. In all cases, the interval between any inspections shall not exceed 15 months
 - c. Written reports of inspections shall be made and kept on file in the office of the Chief of the Department in the manner and form required by the Department of Commerce.
 - d. No person may hinder, evade, prevent, obstruct, impede, or otherwise interfere with any such lawful inspections.

Sec. 11.04 Burning Restrictions

1. **INCINERATOR USE.** The use of rubbish burners or incinerators for burning are prohibited within the limits of the Village of Whiting.
2. **OPEN BURNING.** Other provision of this ordinance notwithstanding, the open burning of any material is prohibited within the limits of the Village of Whiting.
3. **AUTHORIZED BURNING ON PRIVATE PROPERTY.**
 - a. Outdoor cooking and campfires which comply with state law and local regulations are permitted with the restrictions listed below.
 - b. Such fires shall be restricted to the use a 36-inch ring of materials so arrayed for burning.
 - c. Such fires shall be maintained on private property, and shall be conducted with the consent of the property owner.
4. **DEPARTMENT MAY PROHIBIT.** The Department is permitted to prohibit any or all outdoor fires when atmospheric or other conditions or local circumstances make such fires hazardous, or when smoke or ash residue infringes on other persons or property.
5. **BURNING PUBLIC PROPERTY.** No materials may be burned upon any street, curb, gutter, sidewalk, or other public property.
6. **AUTHORIZED DEPARTMENT TRAINING.** This section shall not apply to burning conducted as part of authorized Department training.
7. **MATERIALS FOR BURNING.**
 - a. Only clean and untreated wood may be burned.
 - b. There shall be no burning of leaves, grass, treated wood, rubbish, trash, garbage, any material made of, or coated with, any petroleum based material, flammable or combustible liquids, or other materials likely to produce objectionable smoke or odors when burned.
 - c. Fuels for any such burning shall consist of dry material only and shall not be ignited with flammable or combustible liquids.
8. **LIABILITY.** Persons utilizing, maintaining, or authorizing any fires shall be responsible for any liability resulting from damage caused by the fire or its byproducts, or for the costs of suppression efforts relating to negligence or violation of this ordinance.

Sec. 11.05 Notification Required.

1. No persons or organizations with responsibility over conditions listed below shall fail to notify, or fail to cause notification to be made to, the Department by the quickest means available should any of the following situations occur:
 - a. The activation of a locally recognized industrial fire brigade or other organized industrial firefighting unit responding to a fire alarm or the report of a fire.
 - b. The evacuation of students from a school due to a fire alarm or the report of a fire, except during officially sanctioned fire drills.
 - c. The activation of any automated or manual fire alarm at any State supervised or licensed nursing home, community based residential facility, child day care facility, school or other place of instruction.
2. The Fire Chief may waive any such requirement for notification for a specific location if he/she are satisfied that there are adequate safeguards in place.

Sec. 11.06 Fire Lanes

1. The Fire Chief shall have the authority to restrict parking by designating fire lanes on all public property, and private property held open for public use, if such parking may interfere with the rapid access to an area by emergency vehicles.
2. During an emergency, the Fire Chief or Fire Department officer in charge may order vehicles to be immediately moved, or towed from the area at the owner's expense, if they interfere with such access by emergency vehicles.
3. The Fire Chief may order the posting of particular places listed in this section with appropriate signs designating an area as "NO PARKING" and "FIRE LANE" or similarly approved signs. No property owner shall fail to comply with such orders within 30 days of such order.

4. No person may leave a vehicle, attended or unattended, in an area that has been designated and posted as a "FIRE LANE", or in front of the vehicle or pedestrian access doors to the Department, within 15 feet of the driveway entrance to the fire station, or directly across the highway from such an entrance.
5. Interference shall be considered the placing of any vehicle, occupied or unoccupied, in such a location as to actually or potentially obstruct the largest emergency vehicle that may reasonably be called to a fire, rescue or other emergency situation from the most rapid access to a particular area.

Sec. 11.07 Fire Hazards

1. The Fire Chief shall have the authority to order property owners to remove actual or potential fire hazards on both public and private property, should such hazards endanger or potentially endanger the public. No property owner shall fail to comply with such orders of the Fire Chief.
2. The owner, operator, or occupant of a building or other property that is deemed unsafe by the Department shall abate, through corrective action approved by the Department, the condition causing the building or property to be unsafe either by repair, rehabilitation, demolition or other corrective action approved by the Department.
3. Should any property owner fail to remove such hazards as outlined in the subsection above, the Fire Chief may remove, or cause the removal of, such a hazard. The property owner shall then be responsible for any costs associated with the removal of the hazard and any applicable fines plus costs, fees and assessments.
4. The Fire Chief shall notice the owner of the property of such a hazard in writing, or orally followed by written notice. Such a notice shall include a reasonable date and time which such a hazard must be removed.

Sec. 11.08 Uniform Building Numbering

The rapid response to fires, rescues, crimes, and other emergencies requires a standardized, uniform, and visible method of rapid building identification for all emergency responders and other public officials.

1. Definitions. In this section, unless otherwise specified, all words and terms used shall have the same meanings found in the Wisconsin Administrative Code, any referenced or adopted model fire codes as amended or applicable state statute.
2. All new or existing buildings within the limits of the Village of Whiting shall have prominently displayed approved address numbers.
3. Such numbers shall be assigned by the Village of Whiting, and shall conform to an existing or established system. It shall be the responsibility of the Village Building Inspector, or designee, to assign such numbers.
4. Such numbers shall be displayed in Arabic numerals or English alphabet letters, and shall contrast with the background on which it is placed.
5. Other provisions of this Code notwithstanding, such numbers shall be affixed to the building and be placed in a position which makes them easily read by a person standing on the centerline of the roadway that faces the building.
6. Any structure that is not easily seen from the roadway due to vegetation or other obstructions, or is set back further than two hundred feet from the roadway, shall have the address numbers displayed within ten feet of the driveway which leads to the building in addition to those affixed to the building. Such numbers shall directly face the roadway to which the driveway adjoins, and shall otherwise conform to the requirements of this section.
7. Any structure that is under construction shall display a building number which conforms to the requirements listed above, except that no numbers are required to be affixed to the building. Such approved numbers shall be obtained prior to the start of any construction.
8. The following structures are exempt from displaying address numbers:
 - a. Temporary construction or job site trailers.
 - b. Detached garages or storage buildings not used for commercial purposes.
 - c. Tents, awnings, or other temporary structures.
 - d. Cellular telephone, radio, utility, or other similar towers.
9. Where multiple buildings are present on a single property, and such property has been assigned a single address number by the Village of Whiting, each separate building shall display the address number in addition

to additional characters or numbers to set each apart from the others. The principle address number shall be displayed in conformity with this section as specified above.

10. Where a single building has multiple but separate occupancies within the confines of the building, then each occupancy shall display a separate and distinct letter or number which shall set each apart from the others.
11. Where the entrances to the occupancies are on the exterior of the building, such letters or numbers shall be displayed on the outside of the building within six feet of the primary entrance.
12. Where the entrances to the occupancies are on the interior of the building, such letters or numbers shall be displayed within three feet of the primary entrance.
13. Property owners, renters, lessees, and occupants are each individually responsible for the provisions of this section. Each day that a building is found to be in violation shall be considered a separate offense. Any person found to be in violation of this section shall forfeit not less than \$10, and not more than \$100 for each violation.
14. This section shall be enforced by the Fire Chief, Building Inspector, or their designees.

Sec. 11.09 Emergency Access System

1. PURPOSE AND PUBLIC POLICY.

- a. **PURPOSE.** The Village Board has recognized the importance of providing the Department with rapid entry into locked buildings. The delay in gaining entry can result in substantial property damage, the potential for rapid-fire extension, the increased danger of fire and smoke inhalation for disabled or infirmed persons, and an increased danger for the fire fighters. Therefore, this section is meant to provide a means of emergency access to locked buildings within the Village of Whiting during a fire or other emergency.
- b. **NOTICE.** Under chapter 893 of the Wisconsin statutes, the Village of Whiting hereby advises all persons that as a matter of policy it shall disinclined to favorably consider any claims for damages to properties that are damaged in good faith by the Department during entry, or by any delayed response to a fire alarm or other such emergency, if such structure so required is not properly equipped with a key lock box system.

2. AUTHORITY AND ENFORCEMENT

- a. **ENFORCEMENT.** The Building Inspector, Fire Chief, or their designees shall have the primary authority to enforce this chapter through the use of lawful orders, written notices to comply, revocation or denial of issuance of any permit, certificate, or other similar document, or through municipal citation. This does not limit the authority of other persons to take any lawful action otherwise provided for under law, administrative code, or ordinance.
- b. **INSPECTABILITY.** This provision of the Municipal Code shall be subject to inspection at any time by the Fire Department, Building Inspector, or other authorized official of the Village of Whiting.
- c. **EXEMPTIONS AND EXTENSIONS.** Upon written application by a property owner, and after showing good cause, the Fire Chief may at his or her sole discretion exempt a property from immediate installation of a key lock box system, and provide for a reasonable time extension for its installation beyond what is provided for below. The Fire Chief may require the property owner to provide any and all relevant proof supporting such a request prior to final approval.

3. EFFECTIVE DATE. This ordinance becomes effective immediately upon passage.

4. KEY LOCK BOX SYSTEM

- a. **PROPERTY.** Notwithstanding other provisions of this chapter, after the passage of this ordinance, all inspectable properties shall be equipped with a key lock box system.
- b. **SYSTEM APPROVAL.**
 1. Any such key lock box system shall be of a design approved by the Fire Chief.
 2. Any such key lock box shall be installed within six feet of the primary entrance of the structure, and between six and seven feet above the ground. Any gate or other vehicular barrier shall have the device installed within 6 feet from the gate. The Fire Chief may approve any variance to these requirements.
 3. All devices used in connection with this system will be identified with a reflective decal, sign, or marker of a type approved by the Fire Chief, facilitating rapid location and recognition, unless otherwise approved by the Fire Chief.

- c. The Fire Chief and Building Inspector may establish such reasonable procedures as may be necessary for correct installation and inspection.
- d. **CERTIFICATION AND PERMITS**
 - 1. Upon request of the Building Inspector, the Fire Chief shall provide certification to the Building Inspector that any such key lock box has been properly installed to the satisfaction of the Fire Department and this ordinance.
 - 2. No building permit or other type of permit or authorization issued by the Village of Whiting or any department or body there under constituted shall be issued or permissible unless and until any inspectable property required to be equipped with a key lock box is in compliance with this section.
- 5. **AUTHORIZED ALTERNATIVE METHOD.** The Fire Chief may approve and authorize an alternative method to the key lock box system, as well as any required marking system. This includes, but is not limited to, key switches, padlocks, and cabinets. The Fire Chief shall have sole authority to determine any alternative method.
- 6. **CONTENTS.** The owner or occupant of a structure required to have a key lock box shall, at all times, keep a key, key card, access code, or similar access device in the lock box that will allow for immediate access to the structure. Owners and occupants are encouraged to also voluntarily place contact information and special instructions in the key lock box as well.
- 7. **INSTALLATION AND MAINTENANCE.**
 - a. The installation of any key lock box shall be done at no cost to the Village of Whiting.
 - b. Once installed, any key lock box shall be properly maintained and unobstructed. Any maintenance shall be done at no cost to the Village of Whiting.
 - c. The Village of Whiting shall assume any costs listed in this section where the Village of Whiting or any constituent component is the property owner or occupant.
- 8. **REGULATIONS.** The Fire Chief shall be authorized to implement rules and regulations for the use of the key lock box system.
- 9. **VOLUNTARY PROGRAM**
 - a. The Village of Whiting encourages property owners that are not immediately subject to this section to voluntarily participate in this Key Lock Box Program. This especially includes, but not limited to, existing commercial properties, schools and churches, nursing homes and community based residential facilities, and private homes with elderly, infirmed, or other persons subject to medical emergencies.
 - b. The Fire Department shall provide any property owner, whose property is not subject to this section, with equal access to information, resources, and courtesy inspections.
 - c. Any person who wishes to voluntarily participate in the Key Lock Box Program shall substantially comply with all applicable provisions of this ordinance.
 - d. Notwithstanding other provisions of Municipal Code or law, no property which is not required to submit to fire prevention and safety inspections shall be subjected to inspection and enforcement under this section, except that the Fire Department may conduct courtesy inspections upon request of a property owner or occupant.
- 10. **PENALTIES**
 - a. No person, so required, shall fail to comply with any portion of this chapter. Unless otherwise expressly provided for, the owner of a property and any occupant of such property are both liable for any violations of this ordinance.
 - b. Any person who violates any portion of this ordinance shall forfeit not less than \$20 and not more than \$200 per violation. Each day that a violation goes uncorrected shall constitute a separate violation.

Sec. 11.10 Identification Of Hazardous Materials

- 1. The Fire Chief shall be authorized to require any inspectable property owner to display a standard hazardous materials marking, as specified in National Fire Protection Association standard, NFPA 704 Standard System for the Identification of the Hazards of Materials for Emergency Response.
- 2. Such determination will be made based on the amounts, flammability, health hazards, volatility, and special hazards present based on the materials legally stored on the premises.
- 3. Exemptions and Exceptions. Upon written application by a property owner, and after showing good cause, the Fire Chief may at his or her sole discretion exempt a property from immediate display of signs required

herein, or provide for a reasonable time for its installation. The Fire Chief may require the property owner to provide any and all relevant proof supporting such a request prior to final approval.

4. Penalties.
 - a. No person, so required, shall fail to comply with any portion of this section. Unless otherwise expressly provided for, the owner of a property and any occupant of such property are both liable for any violations of this ordinance.
 - b. Any person who violates any portion of this ordinance shall forfeit not less than \$50 and not more than \$500 per violation. Each day that a violation goes uncorrected shall constitute a separate violation.

Sec. 11.11 Fire Hydrant Identification

1. Notwithstanding other provisions of this Municipal Code, all fire hydrants within the Village Limits shall be painted and marked in accordance with the provisions of National Fire Protection Association document NFPA 291, Recommended Practice for Fire Flow Testing and Marking of Hydrants. It shall be the responsibility of the owner of the hydrant, public or private, to ensure that these requirements are met.
2. No person shall paint, mark, color, or alter the appearance of any fire hydrant without the direct prior approval of the Fire and Rescue Department or the Public Works Department.
3. EXEMPTIONS AND EXCEPTIONS.
4. Upon written application by the property owner, and after showing good cause, the Fire Chief may, at his or her sole discretion, exempt a property from the marking requirements specified herein, or provide for a reasonable time for its completion. The Fire Chief may require the property owner to provide any and all relevant proof supporting such a request prior to final approval.
5. The Fire Chief may, at his or her sole discretion, also authorize any modification of the specified requirements so long as the hydrant shall be in substantial compliance with this section.
6. PENALTIES AND REMEDIATION.
 - a. No person, corporation, entity, municipality, or other legal entity so required, shall fail to comply with any portion of this section. Unless otherwise expressly provided for, the owner of a property and any occupant of such property are both liable for any violations of this ordinance.
 - b. The Director of Public Works may, after reasonable notice, bring any hydrant within the limits of the Village of Whiting, whether public or private, despite the physical location on public or private property, into compliance with this section. Any costs incurred will then be billed to the property owner and/or included on any subsequent tax collection.
 - c. Any person who violates any portion of this ordinance shall forfeit not less than \$30 and not more than \$300 per violation. Each day that a violation goes uncorrected shall constitute a separate violation.

Sec. 11.12 Miscellaneous Provisions

Notwithstanding any portion of this Municipal Code, the following provisions are also prohibited in addition to the section above:

1. No Department apparatus or equipment shall be used for any purpose except for firefighting, rescue or similar emergencies, or in training thereof. With the approval of the Fire Chief, such apparatus and equipment may be used for purposes other than firefighting and rescue, both within and outside the Village, and shall be reported to the Village Board at least quarterly.