

ORDINANCE NO. 16-10

**AN ORDINANCE REPEALING AND RECREATING
CHAPTER 24 FIRE PREVENTION**

The Common Council of the City of Platteville, Wisconsin do ordain as follows:

Section 1. Chapter 24 Fire Prevention is hereby repealed and recreated as follows:

**CHAPTER 24
FIRE PREVENTION**

24.01 - RESPONSIBILITY.

The responsible party for every new and existing building, structure or premises shall construct, arrange, equip, maintain and operate in accordance with this chapter to provide a reasonable level of life safety, property protection, and public welfare from the actual and potential hazards created by fire, explosion and other hazardous conditions. Compliance with this chapter does not relieve the responsible party from compliance with other ordinances or Wisconsin Statutes and Administrative Rules.

24.02 - ENFORCEMENT AND PENALTY.

- (a) *Enforcement.* The authority having jurisdiction (AHJ) shall be authorized to ascertain and cause to be corrected any condition liable to cause fire or any violation of any law or order relating to the fire hazard or to the prevention of fire. This chapter shall be administered and enforced by the fire department fire chief, fire officers and fire inspectors.
- (b) *Notice of violations.* Whenever the AHJ determines violations of this chapter, a written notice shall be issued to confirm such findings.
- (c) *Serving notice of violation.* Any order or notice of violation issued pursuant to this chapter shall be served upon the owner, operator, occupant, registered agent, or other person responsible for the condition or violation by one of the following means:
 - (1) Personal service.
 - (2) Emailed to last known address of the owner, operator, or registered agent or other person responsible for the condition or violation.
 - (3) Mailed to last known address of the owner, operator, or registered agent or other person responsible for the condition or violation.

- (d) *For unattended or abandoned locations.* A copy of such order or notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises, and the order or notice shall be disseminated in accordance with one of the following:
 - (1) Emailed to last known address of the owner, operator or registered agent, or other person responsible for the condition or violation.
 - (2) Mailed to last known address of the owner, operator or registered agent, or other person responsible for the condition or violation.
 - (3) Published in a newspaper of general circulation wherein the property in violation is located.
- (e) *Duty to correct.* Upon notification of a violation, the responsible party shall have the duty to correct the violation(s) within the time specified by the AHJ.
- (f) *Failure to comply.* Any person who fails to comply with the provisions of this chapter, fails to carry out an order made pursuant to this chapter, or violates any condition attached to a permit, approval or certificate shall be subject to the penalties established by the AHJ.
- (g) *Citations.* The fire department chief, fire officers and fire inspectors are authorized to issue citations for violations of the provisions of this chapter. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time as determined and set by the AHJ. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. Each day upon which a provision of this chapter shall be violated shall constitute a separate offense.

24.03 - CODES ADOPTED.

- (a) *Adoption of National Fire Protection Code (NFPA) 1, Fire Code.* The provisions of the NFPA 1, Fire Code, the referenced publications of NFPA 1 Chapter 2 and the Annexes, as published on or before the effective date of this chapter, or as they may be amended or renumbered from time to time, are hereby adopted by reference and the rules and regulations contained therein are hereby made a part of this chapter as though they were fully set forth herein.

Note: A copy of National Fire Protection Code (NFPA) 1, Fire Code, is on file in the offices of the fire department and the legislative reference bureau. Copies of NFPA 1, Fire Code, may be purchased from the National Fire Protection Association at 11 Tracy Drive, Avon, MA 02322; and may be purchased or accessed free of charge at www.nfpa.org.

- (b) *Adoption of International Fire Code (IFC).* The provisions of the International Fire Code (IFC), the referenced publications of IFC Chapter 45 and the Appendixes, as published on or before the effective date of this chapter, or as they may be amended or renumbered from time to time, are hereby adopted by reference and the rules and regulations contained therein are hereby made a part of this chapter as though they were fully set forth herein.

Note: A copy of the International Codes (ICC) adopted is on file in the offices of the fire department and the legislative reference bureau. Copies of the International Codes may be purchased from the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, (708) 799-2300, website www.iccsafe.org.

- (c) *Adoption of Wisconsin Department of Safety and Professional Services Codes.* The provisions of Wisconsin Administrative Codes, published on or before the effective date of this chapter, or as they may be amended or renumbered from time to time, are hereby adopted by reference and the rules and regulations contained therein are hereby made a part of this chapter as though they were fully set forth herein. The following Wisconsin Administrative Codes in effect on the date of adoption of this chapter, or as they may be amended or renumbered from time to time, are adopted by reference, enforced and incorporated into this chapter as if fully set forth herein:

SPS 303	Petition for variance procedures
SPS 305	Licenses, certification and registration
SPS 307	Explosive materials and fireworks manufacturing
SPS 308	Mines, pits and quarries
SPS 314	Fire prevention
SPS 316	Electrical
SPS 318	Elevator code
SPS 320-325	Uniform Dwelling Code
SPS 326	Manufactured home communities
SPS 328	Smoke detectors
SPS 330	Fire department safety and health standards
SPS 332	Public employee safety and health
SPS 333	Passenger ropeways
SPS 334	Amusement rides and attractions
SPS 335	Infectious agents
SPS 340	Gas systems
SPS 341	Boilers and pressure vessels
SPS 343	Anhydrous ammonia
SPS 345	Mechanical refrigeration
SPS 361-366	Wisconsin Commercial Building Code
SPS 370	Historic buildings
SPS 371	Solar energy systems
SPS 375-379	Existing buildings

- (d) *Adoption of the Wisconsin Agriculture, Trade and Consumer Protection Codes.* The provisions of Wisconsin Administrative Codes, published on or before the effective

date of this chapter, or as they may be amended or renumbered from time to time, are hereby adopted by reference and the rules and regulations contained therein are hereby made a part of this chapter as though they were fully set forth herein. The following Wisconsin Administrative Codes in effect on the date of adoption of this chapter, or as they may be amended or renumbered from time to time, are adopted by reference, enforced and incorporated into this chapter as if fully set forth herein:

ATCP 93	Flammable and combustible liquids
ATCP 94	Petroleum products
Note: Copies of the Wisconsin Department of Safety and Professional Services Codes and the Wisconsin Agriculture, Trade and Consumer Protection Codes respectively are available from:	
https://docs.legis.wisconsin.gov/code/toc/sps	
https://docs.legis.wisconsin.gov/code/toc/atcp	

24.04 - RAPID ENTRY KEY LOCK BOX SYSTEM

- (a) *Definition:* When used in this Chapter “Rapid Entry Key Lock Box” means a high security key vault master keyed to the key configuration provided by the Platteville Fire Department.
- (b) *Required Installation of Rapid Entry Key Lock Boxes.* The following structures shall be equipped with a Rapid Entry Key Lock Box at a highly visible location approved by the fire chief or his or her designee at or near the main entry to the structure:
 - (1) All buildings within the City of Platteville having an automatic alarm system or equipped with an automatic fire suppression system, except one, two or three family residential structures.
 - (2) All multiple family residential structures containing 4 or more living units, whether rental units or condominiums.
 - (3) All buildings or structures having floors at or above 50 feet above ground level.
 - (4) All commercial and industrial buildings not openly accessible 24 hours a day.
- (c) *Permitted Installation of Rapid Entry Key Lock Boxes.* Any structure may be equipped with a Rapid Entry Key Lock Box. If so equipped the Rapid Entry Key Lock Box shall be placed at a highly visible location approved by the fire chief or his or her designee at or near the main entry to the structure.
- (d) *Rapid Entry Key Lock Box Contents.*
 - (1) *Required Keys.* The owner of a structure required to have a Rapid Entry Key Lock Box shall at all times keep a key or keys in the Rapid Entry Key Lock Box for access to all of the following:

- (a) Common lobbies or vestibules.
- (b) Common hallways.
- (c) Rooms or spaces housing mechanical equipment serving the structure.
- (d) Alarm panels for any fire or entry alarm systems.
- (e) Multi-Unit Housing complexes of 4 or more units are required to have a master key to allow fire department access to each residential unit.

(2) *Permitted Keys.* The owner of a structure required to have a Rapid Entry Key Lock Box may keep a key or keys in the Rapid Entry Key Lock Box for access to individual spaces within the structure.

(3) *Marking and Placement of Keys.* Keys placed in a Rapid Entry Key Lock Box shall be clearly marked and their placement in the Rapid Entry Key Lock Box shall be organized in a manner approved by the fire chief or his or her designee.

- (e) *Exception.* Any building or structure having on-site 24-hour security personnel may be exempted from the requirements of this chapter by the fire chief.
- (f) *New Construction.* All new construction subject to the requirements of this chapter shall have a Rapid Entry Key Lock Box installed prior to the issuance of a certificate of occupancy.
- (g) *Existing Structures.* All structures in existence on the effective date of this chapter to which the regulations of this chapter apply shall have 6 months from the effective date of this chapter to have a Rapid Entry Key Lock Box installed and operational.

24.05 PERMIT FOR BURNING A BUILDING BY THE PLATTEVILLE VOLUNTEER FIRE DEPARTMENT.

- (a) *Permit.* The Council may issue a special written permit allowing a building within the City limits to be burned by the Platteville Volunteer Fire Department as a training exercise. All permits requested shall be granted only upon the written petition of the owner or legal agent of said owner, accompanied by the written approval of the Fire Chief.
- (b) *Application for Permit.* Application for the permit shall be made to the City Clerk and shall be accompanied by a fee of \$50.00 and shall state the location of the building, the owner thereof, and the names and addresses of the owners of real estate within 200 feet of the lot lines of the lot upon which the building proposed to be burned is located. All such applications shall be made at least three weeks prior to the Council meeting at which the permit will be acted upon. Small buildings not over one story with dimensions of 20 feet by 20 feet or less shall be granted a permit for a fee of \$20.00.

- (c) Notice to Neighbors. The City Clerk shall send notice to the owners of all property within the City limits of the City of Platteville where property is within 200 feet of the property lines of the lot upon which the building proposed to be burned is located by certified mail, with a copy of the petition for the burning permit and stating the date of the Council meeting at which the granting of the permit will be considered.
- (d) Disposition of Fees. All fees so collected shall go into the general fund of the City of Platteville.

24.06 BURNING REFUSE.

No person shall burn garbage, leaves, rubbish, refuse or trash of any kind within the City limits of the City of Platteville, Wisconsin.

24.07 OPEN BURNING.

- (a) Except as provided in sub-paragraph (b) below, all persons shall obtain a permit from the Fire Chief before kindling or maintaining of any open burning or authorizing the kindling or maintaining of any open burning within the limits of the City of Platteville, Wisconsin.
- (b) No permit shall be required for recreational fires. Recreational fires shall be defined as a fire in an enclosure specifically designed for ember and flame containment, such as rocked-in pits, fireplaces and barbecue grills, which allow a fire area of no more than thirty-six inches in diameter. No more than one recreational fire or fire area may be constructed or maintained upon any premises. In addition, such fire shall:
 - (1) use only clean wood or charcoal as the material to be burned; scrap lumber, wood treated with preservatives, construction or demolition debris, furniture, fencing material or any other treated, coated, varnished, painted, glued or resin impregnated, or finished wood is prohibited;
 - (2) be maintained so that flames do not exceed 4 feet in height or excessive smoke produced;
 - (3) be under the supervision of and attended by an adult at all times until the fire is extinguished. No fire may be left unattended at any time; and
 - (4) be no closer than 15 feet from any building or structure.

Fires which do not comply with these regulations shall be extinguished at the discretion of the Fire Chief or the Fire Chief's designee.

24.08 FIRE INSPECTIONS.

CHAPTER 24 Fire Prevention

- (a) *Statute adopted.* Wisconsin Statutes Section 101.14 is hereby adopted by reference.
- (b) *Inspection Fees.* A fire inspection fee is hereby established according to the fee schedule as established from time to time by a resolution of the Common Council.

An initial inspection fee (up to one hour) is included in the license fee paid for premises subject to the licensing requirements of Chapter 36 Intoxicating Liquor, Fermented Beverages, and Other Beverages.

An additional inspection fee shall be charged if a premise is required to be inspected more than once in a calendar year.

- (c) *Exemption From Fees.* All buildings, structures, and premises in the Platteville Fire District owned by the townships, University of Wisconsin-Platteville, Platteville School District and other units of government shall be exempt from initial and first re-inspection fees. Fees charged for second and subsequent re-inspections shall apply. All buildings, structures, and premises owned by the City of Platteville and the federal government shall be exempt from paying any fees for fire inspections.
- (d) *Special Charge.* The fire inspection fee shall constitute a special charge against the real property for the services rendered under Wisconsin Statutes 66.0627. Any fees remaining unpaid as of November 1 of each year shall be placed on the annual tax roll for collection as a special charge together with an administrative charge per parcel in the amount as established from time to time by a resolution of the Common Council.

24.09 OUTDOOR SOLID OR LIQUID FUEL HEATING DEVICES.

All outdoor solid or liquid fuel fired heating devices constructed or installed after the effective date of this ordinance, including replacements of outdoor solid or liquid fuel fired heating devices constructed or installed prior to that date, shall be considered a public nuisance within the City of Platteville and are banned. For purposes of this section, an outdoor solid or liquid fuel fired heating device shall include any outdoor device or structure designed for solid or liquid fuel combustion and for the purpose of providing indoor heat including but not limited to combination fuel furnaces or boilers which burn solid or liquid fuel.

24.10 PENALTY AND ENFORCEMENT.

The penalty for violation of any provision of this chapter shall be a forfeiture as hereinafter provided, together with the costs of prosecution and any penalty assessment. The penalty for violation of any provision of this chapter shall be as set forth in the forfeiture schedule adopted by Section 1.10 of this Code, with a maximum forfeiture of \$750.00. Any person maintaining a fire deemed by the Fire Chief or the Chief's designee to be in violation of this ordinance shall immediately extinguish such fire. In addition to the penalty provided

CHAPTER 24 Fire Prevention

herein, in the event of a Fire Department response to the location of the fire, the person responsible shall be assessed a fee equal to the then current charge for a Fire Department response.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

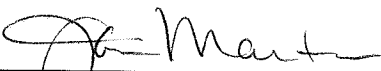
Approved and adopted by the Common Council of the City of Platteville on a vote of 7 to 0 this 26th day of April, 2016.

CITY OF PLATTEVILLE,



By: Eileen Nickels, Council President

ATTEST:



Jan Martin, City Clerk

Published: May 4, 2016