

ORDINANCE NO. 21-10

**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 Chapter 24 Fire Prevention is hereby repealed and recreated as follows: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 AND PROTECTION

24.01 DEFINITIONS. Terms used in this section have the following meanings:

- (a) City: City of Platteville, Wisconsin
- (b) Council or Common Council: The Common Council of the City of Platteville
- (c) Department: Platteville Fire Department or the Fire Department of the City of Platteville
- (d) Fire District: Geographical area where the Platteville Fire Department has the responsibility for providing fire protection services by ordinance or through contracted fire service agreements.
- (e) Authority Having Jurisdiction (AHJ) - Means an individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or procedure. The AHJ as it pertains to this section refers to the Fire Chief or the Fire Chief's designee.
- (f) Chief - Means the Fire Chief of the Platteville Fire Department.
- (g) Key Box - Means a key vault of a type approved by the Department, installed by the property owner, in an accessible location approved by the AHJ, for the purpose of containing keys or other access devices for the Department use only, to gain quick access to all areas of the premises without having to damage property.
- (h) Public Building - Means any structure, including the exterior parts of such building, such as a porch, exterior platform, or steps providing means of ingress or egress, used in whole or in part, as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public or by three or more tenants except for one- and two-family dwellings.
- (i) Open Fire - Means any fire involving any type of combustible material, whether for cooking, pleasure, or any other purpose, located anywhere within the City of Platteville, on public or private property.
- (j) Outdoor Cooking Apparatus - Means a charcoal grill, barbecue grill, gas grill, camping stove, barbecue pit, or similar apparatus designed exclusively for cooking food.
- (k) Recreational Fire - Means any noncommercial burning of materials other than rubbish for pleasure, religious, ceremonial, cooking, or similar purposes.
- (l) Waste and Refuse - Means all rubbish, garbage, and residual matter of any kind, including grass trimmings and leaves.
- (m) Outdoor Solid or Liquid Fuel Heating Device - Means 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.

24.05 FIRE DEPARTMENT ESTABLISHED. The City of Platteville Fire Department, known as Platteville Fire Department, shall be recognized as the Fire Department of the City of Platteville and shall be responsible for the duties of firefighting, rescue, fire prevention and education, and preserving life and property for the citizens and property within the Platteville Fire Department fire district.

24.06 FIREFIGHTER ASSOCIATION. The City of Platteville recognizes the Platteville Fire Department, Inc., a non-stock non-profit 501(c)(3) corporation, and their mission to support the volunteer firefighters in their mission to provide rapid, professional, and humanitarian fire and rescue services essential to the protection of property, safety, and well-being of the citizens they protect.

The Platteville Fire Department, Inc. agrees to provide a copy of their annual report and financial report to the Common Council upon its completion or no later than April 1st of the succeeding year.

24.10 ORGANIZATION. (a) *General.* The Fire Department shall consist of a Fire Chief and Fire Inspector as well as a further complement of volunteer members or paid-on-call or paid members as authorized by the Common Council.

(b) *Regulation.* The organization and internal regulation of the Fire Department shall be governed by the provisions of this chapter and by policies and procedures adopted by the Fire Department and reviewed by the Police and Fire Commission, except as otherwise provided by law or ordinance.

(c) *Chief of the Fire Department.* The Police and Fire Commission shall appoint the Fire Chief of the Fire Department, who shall hold office during good behavior, subject to suspension or removal by the Commission for cause. The City Manager shall be the supervisor of the Fire Chief and the day-to-day operations of the Fire Department.

(d) *Selection of Officers.* Officers of the Fire Department shall be appointed by the Fire Chief subject to approval by the Police and Fire Commission.

(e) *Subordinates.*

(1) Volunteer members of the Fire Department shall be authorized by the Fire Chief subject to approval by the Police and Fire Commission.

(2) Full-paid members of the Fire Department shall be hired by the City subject to approval by the Police and Fire Commission as prescribed in Section 62.13, Wis. Stats.

24.15 APPROPRIATIONS. The Common Council shall appropriate funds for, but not limited to, department operations, apparatus, equipment, training, fire prevention, and any fire station/facilities for the Fire Department to perform its duties.

24.20 COMPENSATION. The officers and members of the Fire Department shall receive such compensation from the City as is fixed annually by the Common Council within the Fire Department budget.

24.25 POWERS AND DUTIES OF FIRE CHIEF. (a) *General Supervision.* The Fire Chief shall have command of the Fire Department and provide general supervision of the Department, which shall be subject to and not conflict with this chapter and the Department policies and procedures and shall enforce observance of this chapter, the Department policies, and procedures, and SPS 314 of the Wisconsin Administrative Code. The Fire Chief shall be responsible for the members and overall operation of the Fire Department.

(b) *Presiding Officer.* The Fire Chief, or designee, shall preside at department meetings, call special meetings, preserve order, and decide all points of order that may arise.

(c) *Command at Incidents.* The Fire Chief or Officer in Command shall have complete command of, and responsibility for all Fire Department operations, plan the control of the same, direct the action of the Fire Department when it arrives at an incident and observes that the Department does its duty.

(d) *Additional Resources.* The Fire Chief, or designee, shall have the authority to request any additional resources from other jurisdictions under mutual aid or Mutual Aid Box Alarm System (MABAS) agreements.

- (e) *Enforcement of Fire Prevention Ordinances.* The Fire Chief, or designee, shall enforce all fire prevention ordinances of the City, state laws, and regulations pertaining to fire prevention.
- (f) *Incident Reporting.* The Fire Chief, or designee, shall prepare an incident report of every incident to which the Department was called and shall enter in the report the information required by National Fire Incident Report System (NFIRS) and submit such completed report as required to the NFIRS reporting system.
- (g) *Apparatus and Equipment Inventory, Maintenance, and Use.* The Fire Chief shall:
 - (1) Keep an inventory of all apparatus and equipment.
 - (2) Order the repair of apparatus and equipment.
 - (3) Have control of the use of all apparatus used by the Fire Department and approve the use of apparatus or equipment that it may be used for responding to incidents, training, fire prevention, or other activities as deemed appropriate.

24.30 AUTHORITY OF FIRE DEPARTMENT AT INCIDENTS. (a) *Command at Incidents.*

The Fire Department shall operate under the incident command system and the Fire Chief or Officer in Command shall have complete command of, and the responsibility for all Department operations, plan the control of the same, direct the action of the Department when it arrives at an incident, and observe that the Department does its duty.

- (b) *Police Powers at Incidents.* The Fire Department Officers in Command at any incident shall have full and complete police authority at incidents. Any Fire Department Officer may order the arrest of any person who fails to give the right-of-way to the Department in responding to an incident.
- (c) *Control at Incidents.* The Fire Department Officers in Command may prescribe certain limits in the vicinity of any incident within which no person except emergency personnel and others authorized by the Officer in Command may be within those limits. The Officer in Command may also cause the removal of any property whenever it becomes necessary for the preservation of property from an incident, or to prevent the spread of fire or damage, or to protect the adjoining property. During the progress of any incident, the Officer in Command may order the removal or destruction of any property necessary to prevent the further spread of fire or damage. The Officer in Command may also 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 or safety of the Department during the progress of an incident.
- (d) *Entering Premises.*
 - (1) Any firefighter acting under the direction of the Officer in Command may enter upon the incident premise, premises adjacent to or in the vicinity of any building or other property on fire to extinguish such fire, and if any person hinders, resists, or obstructs a firefighter in the discharge of their duty, the person so offending may be charged with obstructing a firefighter in the discharge of their duties. This also applies to other types of emergency incident calls.
 - (2) When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for lifesaving or firefighting purposes, the Fire Chief, or designee, may require a key box to be installed as per Section 24.70 of this code.
- (e) *Damage to Equipment.* No person shall willfully damage any hose, hydrant, fire apparatus, or any other equipment belonging to the Fire Department or City. Furthermore, no vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street, private driveway, or other place to be used at any incident without consent of the Fire Department office in command.

24.35 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.

24.40 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 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) *Penalty.*

1) The Fire 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.

2) The penalty for violation of any provisions 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 set forth in the forfeiture schedule adopted by Section 1.10 of City Code.

3) Any person maintaining a fire deemed by the Fire Chief or Fire Chief's designee to be in violation of this ordinance shall immediately extinguish such fire. In addition to the forfeiture provided herein, in the event of a Fire Department response to the location of the fire, the person responsible may be assessed a charge equal to the then current charge for a Fire Department response.

24.45 COST RECOVERY FOR SPECIAL SERVICES AND MATERIALS. (a) Costs for special services associated with an incident response including, but not limited to, firefighting foam, absorbents, and private vendor services, that exceed \$500.00, shall be recoverable by the City against the property owner of record.

(b) When, in the opinion of the Authority Having Jurisdiction (AHJ), a danger exists, the AHJ shall be authorized to order the occupants to vacate, or temporarily close for use or occupancy, a building, the right-of-way, sidewalks, streets, adjacent buildings, or nearby areas. The AHJ shall be authorized to employ the necessary resources to perform the required work to mitigate the danger. Costs incurred by the AHJ in the performance of emergency work shall be the responsibility of the property owner of record or other responsible party creating such danger.

24.50 HAZARDOUS MATERIALS INCIDENT RESPONSE REIMBURSEMENT. (a) *Prohibited Discharges.* No person, firm, or corporation shall discharge or cause to be discharged, leaked, leached, or spilled on any public or private street, alley, public or private property, or unto the ground, surface waters, subsurface waters or aquifers, or within the City, except those areas specifically licensed for waste disposal or landfill activities and licensed to receive such materials, explosives, flammable or combustible solid, liquid or gas, any radioactive material at or above Nuclear Regulatory Restriction levels, etiologic agents or any solid, liquid or gas creating a hazard, potential hazard or public nuisance or any solid, liquid or gas having a deleterious effect on the environment.

(b) *Containment, Cleanup, and Restoration.* Any person, firm, or corporation in violation of Section 24.50 (a), shall so notify the Fire Department and begin immediate actions to contain, cleanup, and remove to an approved repository the offending material(s) and restore the site to its original condition, with the offending person, firm, or corporation being responsible for all expenses incurred. Should any person, firm, or corporation fail to engage the necessary personnel and equipment to comply or complete the requirements of this section, the Fire Chief or the office of emergency government director may order the required actions to be taken by public or private sources and allow the recovery of any and all costs incurred by the City as action imposed by Section 24.50(c).

(c) *Emergency Services Response.* Emergency services response includes, but is not limited to, fire service, emergency medical service, law enforcement, and public works. A person, firm, or corporation who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall be responsible for reimbursement to the responding agencies for actual and necessary expenses incurred in carrying out their duties under this chapter. Actual and necessary expenses may include, but are not limited to, replacement of equipment damaged by the hazardous substance, cleaning, decontamination and maintenance of the equipment specific to the incident, costs incurred in the procurement and use of specialized equipment specific to the incident, specific laboratory expenses incurred in the recognition and identification of hazardous substances in the evaluation of response, decontamination, clean up, medical surveillance, and incurred costs in future medical surveillance of response personnel as required by the responding agency's medical advisor.

(d) *Site Access.* Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to Fire Department personnel, law enforcement personnel, and office of emergency government personnel for the purpose of evaluating the threat to the public and monitoring containment, clean up and restoration activities.

(e) *Public Protection.* Should any prohibited discharge occur which threatens the life, safety, or health of the public at, near, or around the site of a prohibited discharge, and the situation is so critical that immediate steps must be taken to protect the health, safety, and welfare of the community, the Fire Chief, their designee, or the senior law enforcement official on the scene of the emergency may order an evacuation of the area or take other appropriate steps for a period of time until the emergency government director or Common Council can take appropriate action.

(f) *Enforcement.* The Fire Chief, Fire Chief designee, or emergency government director shall have authority to issue citations or complaints under this chapter.

- (g) *Civil Liability.* Any person, firm, or corporation in violation of this chapter shall be liable to the City for any expenses incurred by the City for loss or damage sustained by the City by reason of such violations.

24.55 CODES ADOPTED. (a) *Adoption of National Fire Protection Association 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:

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|-------------|---|
| SPS 305 | Licenses, Certification and Registration |
| SPS 307 | Explosive Materials and Fireworks Manufacturing |
| 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 and Carbon Monoxide Detectors |
| SPS 330 | Fire Department Safety and Health Standards |
| SPS 334 | Amusement Rides and Attractions |
| SPS 340 | Gas Systems |
| SPS 343 | Anhydrous Ammonia |
| SPS 361-366 | Wisconsin Commercial Building Code |
| SPS 371 | Solar Energy Systems |
| SPS 375-379 | Buildings Constructed Prior to 1914 |

(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> and <https://docs.legis.wisconsin.gov/code/toc/atcp>

(e) *Conflicting Provisions.* In case of a conflict between the provisions of this section or between this section and existing City Ordinances, the strictest provisions shall apply.

(f) *Penalty.* The failure or refusal of any person to obey the requirements of the Wisconsin Administrative Code provisions incorporated in this section by reference shall subject that person to penalties in the form of monetary forfeitures expressed therein or, if none, to the general penalty provisions under Chapter 1.10 of City Code.

24.60 FIRE INSPECTIONS. *Statute Adopted.* Wis. Stats. 101.14 is hereby adopted by reference.

(a) *Inspection Fees.*

- 1) 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.
- 2) An additional inspection fee shall be charged if a premise is required to be inspected more than once in a calendar year.

(b) *Exemption From Fees.* All buildings, structures, and premises in the Platteville Fire Department fire district that are owned by the Platteville School District, University of Wisconsin – Platteville, Townships, or any other units of government, shall be exempt from initial inspection fee and first re-inspection fee. Fees charged for second and subsequent re-inspections shall apply. Furthermore, all buildings, structures, and premises owned by the City of Platteville and United States Government shall be exempt from any fees for fire inspections.

(c) *Special Charge.* The fire inspection fee shall constitute a special charge against the real property for services rendered under Wis. Stats. § 66.0627. Any fees remaining overdue and 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 according to the fee schedule as established from time to time by a resolution of the Common Council.

24.65 FREQUENCY OF FIRE PREVENTION INSPECTIONS. In accordance with Wis. Adm. Code Section SPS 314.01(13)(b)7, fire prevention inspections of all public buildings and places of employment within the Platteville Fire Department fire district shall be conducted at least once per calendar year or more often as is ordered by the Fire Chief, provided the interval between such inspections shall not exceed fifteen (15) months.

24.70 KEY BOXES. (a) *Requirements for Access by the Department.* As required in Section 24.30(d)(2), when access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for lifesaving or firefighting purposes, the Fire Chief may require a key box to be installed in an accessible location as approved by the AHJ. The key box shall be of a type approved

by the AHJ and shall contain master key(s) as required by the AHJ to gain necessary access. The type, number of, and location of key boxes shall be approved by the AHJ.

- (b) *Contents of Key Boxes.* The key box shall contain master key or keys or other devices to allow access as required by the AHJ.
- (c) *Notification in Event of Change in Means of Access.* If keys or devices for access are changed, new keys or devices shall be provided to the Fire Department within three business days.
- (d) *Key Boxes Required.* The AHJ shall require key boxes in the following instances:
 - 1) In all public buildings that are locked for security reasons that have common corridors serving individuals.
 - 2) All buildings having an automatic fire alarm system or equipped with an automatic fire suppression system, except one- and two-family residential structures.
 - 3) All multiple family residential structures containing 3 or more living units, whether rental or condominiums.
 - 4) All commercial and industrial buildings not openly accessible 24 hours a day.
 - 5) The size or construction of a building, or the physical barriers or terrain around the building may dictate more than one key box at the discretion of the AHJ.
- (e) *Inspections.* During a fire safety inspection, the keys or other devices stored in a key box may be accessed to ensure access to all areas of the structure.
- (f) *Exception.* Any building or structure having on-site 24-hour security personnel may be exempted from the requirements of this section by the Fire Chief.
- (g) *New Construction.* All new construction subject to the requirements of this section shall have a key box installed prior to the issuance of a certificate of occupancy.
- (h) *Penalty.* Failure or refusal to comply may result in assessment of penalty in accordance with Section 1.10 of City Code.

24.75 SMOKE DETECTORS AND FIRE PROTECTION DEVICES. Any building or structure occupied for sleeping purposes shall have smoke detectors installed and maintained in accordance with the laws of this state. Reference Wis. Admin. Code § SPS 321.09, § SPS 328, and § SPS 351.245.

- (a) No unauthorized person shall tamper with, alter, or remove any detector, fire extinguisher, fire protection apparatus, or alarm system from any building, structure, or unit as required by this section or required by the laws of this state, except for necessary testing or maintenance.

24.80 BUILDING NUMBERING REQUIRED. (a) All buildings in the City shall be numbered in accordance with the following:

- 1) Numbers shall be easily seen from the street the building is addressed.
- 2) Numbers shall contrast with their background, be of Arabic numbers or letters with a minimum of 4 inches in height with a minimum stroke width of 0.5 inch.
- 3) Where access is by private road and/or the building cannot be viewed from the public way, a monument, pole, or other sign or means shall be used to identify the structure.
- 4) Multiple dwelling units shall have each individual apartment identified with Arabic numbers or letters with a minimum height of 3 inches.
- 5) When practical, the required numbers shall be placed as close to the main entry door as possible but are not to be placed on garage doors or in similar locations on a building that may become covered or nonvisible.

- (b) All new buildings shall meet the minimum requirements of this section prior to occupancy being granted.
- (c) All existing buildings shall meet the minimum requirements of this section.

24.85 REQUIRED ACCESS FOR FIRE APPARATUS.

(a) General Requirements

- 1) *Suitable Access.* All premises, public or private, which the Fire Department may be called upon to protect in case of fire and which are not readily accessible from public roads shall be provided with access roads and/or fire lanes with suitable gates so that all buildings on the premises are accessible for fire apparatus and/or firefighters.
- 2) *Fire Lanes.* Fire lanes shall be provided on public or private property devoted to Fire Department use for all buildings used for human habitation or occupancy which are set back more than 100 feet from any roadway access or exceed 30 feet in height and are set back more than 50 feet from a roadway. Fire lanes may also be designated on those private roadways where it is found by the Fire Chief that such access is necessary for fire apparatus and/or firefighters.
- 3) *Width.* Fire lanes shall be at least 20 feet in width with the closest edge of the lane at least 10 feet and no more than 30 feet from the building.
- 4) *Dead-End Roads.* Any dead-end road more than 300 feet long shall be provided a turnaround at the closed end of the roadway.
- 5) *Turning Radius.* Curves and turnarounds shall be designed for a 45-foot turning radius.
- 6) *Designation, Marking and Maintenance of Fire Lanes.* The designation, marking and maintenance of fire lanes shall be accomplished as specified by the Fire Department. The current Department of Transportation standards for roadway marking shall be used as guidelines in designating and marking any fire lanes.
- 7) *Accessibility.* Fire lanes and access roadways shall remain accessible to the Fire Department at all times of the year. During winter months, fire lanes shall be maintained by the property owner or occupant to include proper and timely snow and ice removal.

(b) Designated Fire Lanes

- 1) Designated fire lanes shall be marked with signs within 5 feet of the beginning and end of the fire lane, with spacing between signs not to exceed 75 feet. The curb shall be painted red; if there is no curb, a 4-inch-wide stripe shall be painted the full length of the fire lane. Fire lane signs shall be affixed to a stationary pole or object and be plainly visible.
- 2) Roadways identified exclusively as fire lanes shall be identified with approved fire lane signs on each side facing forward and the pavement area between the signs shall be striped with 4-inch-wide red stripes.
- 3) It shall be unlawful for any person or firm to post a fire lane sign without the approval of the Fire Department. Vehicles parked in a fire lane shall be cited with a notice of violation using a City parking violation. This citation may be issued by a member of the Police Department or Fire Department who have been granted citation authorization.
- 4) Vehicles will be permitted to temporarily stop in a fire lane while actively loading or unloading provided the driver is present. When this requirement is met, a reasonable amount of time may be allowed for the completion of loading or unloading of a vehicle.

(c) Fire Lane Parking Regulated

- 1) *Removal of Parked Vehicle.* Any vehicle that is parked within a fire lane designated and marked in accordance with Section 24.85(b) shall be removed at the vehicle owner's expense. Vehicles will be towed away under the following circumstances:
 - a. When a vehicle repeatedly violates fire lane regulations by habitually parking in a fire lane.
 - b. When a vehicle blocks the ingress/egress of a building such as, but not limited to, a business, theater, nightclub, apartment complex, gymnasium, or place of public assembly.
 - c. When the vehicle's presence threatens the safety of the public by impeding the ability of fire apparatus and/or emergency medical services to respond to an emergency.
 - d. Removal of a vehicle under such circumstances may be authorized by the person in lawful possession of the property or by the Fire Chief or their designee. The Police Department may order the towing of a vehicle at any time that the above conditions exist.
- 2) *Obstructions other than Vehicles.* An inspection report with warning notice shall be issued to the property owner, occupant or responsible party requiring that if the obstruction is not removed within the specified time period, the Fire Department may cause the removal of the obstruction with the cost of removal billed to the person or firm responsible for the obstruction.
- 3) *Obstruction of a Fire Lane for Construction, Remodeling or Repair.* When it becomes necessary to obstruct a fire lane for construction, remodeling or repair, site approval shall be required, and permission obtained from the Fire Department.

24.90 FIRE HYDRANTS.

- (a) *Required.* When a municipal water system is available in any portion of a commercial, residential, or industrial area in which the building is set back more than 400 feet from the municipal fire hydrants, the owner shall install at their expense approved fire hydrants. The setback distance shall be determined by measuring the travel distance from the municipal hydrant, along the centerline of a municipal street, private road suitable for travel by fire apparatus, or fire lane.
- (b) *Location.* Hydrants determined to be necessary in accordance with Section 24.90(a) shall be freestanding and in compliance with the standards of the City water utility. A hydrant shall be located at the main entryway to such building or complex and additional hydrants shall be provided around the perimeter of the building or complex, so no hydrant is more than 400 feet from any other approved hydrant. No hydrant shall be placed within 25 feet of the building.
- (c) *Approval.* All water mains, hydrants and locations shall be approved by the Fire Department and City Utility Superintendent and installed in compliance with the standards of the City and City Water Utility specifications.
- (d) *Maintenance.* All owners of private property who have private fire hydrants located upon their property which are not serviced, maintained, flushed, or tested by the City Water Utility shall on an annual basis service, flush, test, repair and maintain the private fire hydrant to ensure that the hydrant is in proper working order in the event of emergency use. Records of all annual service, testing, flushing, maintenance, and repairs shall be made available to the Fire Department upon request.

24.95 OPEN BURNING.

- (a) *Prohibited Open Burning.*
 - 1) No person shall burn or cause to be burned any leaves, grass, wood, rubbish, or other combustible material on any street, alley, or sidewalk within the City at any time.
 - 2) The use of drums, barrels, or any containers used to burn leaves, yard waste, rubbish, garbage, other household wastes or hazardous materials upon any premises within the City is prohibited.

- 3) No person shall burn or cause to be burned any leaves, grass, wood, rubbish, structure, or other combustible material outdoors on any lot or parcel of land within the City at any time without a burning permit. The provisions of this subsection, however, shall not apply to controlled outdoor burning as set forth in paragraph (4) below, and to subsections (b) and (c) below.
 - 4) A burning permit may be issued by the Fire Chief for prescribed vegetation management purposes subject to reasonable conditions to mitigate fire hazards. The fee for a prescribed vegetation management burn shall be as set forth in the City of Platteville Fee Schedule. If inspection or supervision is required, inspection and supervision costs shall be billed to the owner of the property.
- (b) *Outdoor Cooking Apparatus and Open Fires used for Cooking* are allowed only under the following circumstances:
- 1) Outdoor cooking apparatuses are allowed but are limited to charcoal and gas grills, freestanding fireplaces (clay or metal) or fire pits.
 - 2) Fire pits used for cooking must comply with all requirements of recreational fires.
 - 3) Use of outdoor cooking apparatuses on decks is only allowed for one or two-family dwellings.
- (c) *Recreational Fires* are allowed only under the following circumstances:
- 1) Natural gas or propane burning fire pits, fire tables or similar devices must be Underwriter Laboratory (UL) listed, have at least 36 inches of clearance from the perimeter of the unit to any combustible sidewalls, ceilings, or materials, and shall adhere to the recommended clearances and use as listed by the manufacturer.
 - 2) Only clean and clear (unpainted, unfinished, untreated) wood, split firewood, tree limbs or charcoal may be burned. No rubbish, yard waste, leaves, garbage, household wastes or hazardous materials may be burned.
 - 3) No recreation fire shall be in an area larger than three feet in diameter (three feet by three feet).
 - 4) Only one recreational fire or fire area may be constructed or maintained upon any premises.
 - 5) Shall be a minimum of 15 feet from any structure and/or other combustible material and at least 10 feet of any lot line unless approved by the Fire Chief.
 - 6) No accelerants such as gasoline, kerosene, or any other accelerant may be used, with the exception of charcoal lighter fluid.
 - 7) A fire extinguisher or water hose shall be available nearby at all times until the fire is completely extinguished.
 - 8) When burning, all burning material must be completely contained within the freestanding fireplace or fire pit and shall not extend beyond the confines of such container and the flame height shall not exceed 4 feet from the base of the fire.
 - 9) If a fire pit is used, the construction and use of the fire pit shall, in addition to the above requirements, comply with the following requirements:
 - a. The diameter of the pit shall not exceed three feet.
 - b. The depth of the pit shall be a minimum of six inches.
 - c. The rim of the pit shall be lined with rock, concrete, brick or steel.
 - 10) The smoke from the fire shall not create a nuisance for other properties or obstruction of vehicle travel due to decreased or diminished visibility.

- 11) Any open fires shall be attended by a least one person eighteen (18) years old or older when lighting the fire and at all times until the fire is completely extinguished.
- 12) Open flames and embers must be completely extinguished before the open fire is vacated.
- (d) Fires set by the Platteville Fire Department for practice and instruction of firefighters are allowed with authorization from the Fire Chief.
- (e) The Fire Chief is granted the authority to issue burning permits at a fee established according to the fee schedule as established from time to time by a resolution of the Common Council. Such permit shall allow open burning other than those authorized in Sections 24.95(b-c). The Fire Chief shall not issue a permit to burn any material that could result in a health hazard. Each permit shall indicate what material will be burned, when the material can be burned, where it will be burned, where it can be burned, under what wind and other climatic conditions and shall include such other or further restrictions that the Fire Chief may require to protect the health and safety of the public.
- (f) The Fire Chief is granted the authority as a delegation of power by the Common Council under Section 323.11, Wis. Stats., to declare a fire emergency in the City, during which open flames are prohibited, for such period of time during which the emergency conditions exist or are likely to exist.
- (g) *Extinguishment.* The Fire Department may extinguish any fire ignited or maintained contrary to this section on authority of the Fire Chief or their designee.
- (h) *Liability.* Persons utilizing and maintaining open fires shall be responsible for any liability resulting from damage caused by such fires.
- (i) *Penalty.* Violations of this section are punishable under Chapter 1.10 of City Code and citations for such violations may be issued by the Fire Chief or their designee as well as the Police Department.

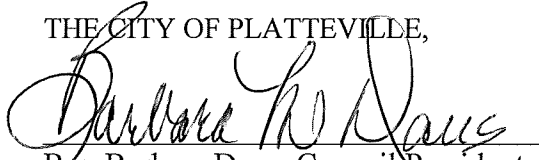
24.100 COST RECOVERY FOR NUISANCE FIRE DEPARTMENT RESPONSES. Any person, industry, commercial property, apartment complex or other who shall cause for the response of the Fire Department that is deemed a nuisance to include, but not limited to, illegal burning, multiple false alarms, disorderly act, shall forfeit to the City the sum of all costs incurred for the response to the reported nuisance. The person, industry, commercial property, apartment complex or other entity responsible for the nuisance may also be assessed a charge equal to the current charge for a Fire Department response as established according to the fee schedule established from time to time by a resolution of the Common Council.

24.105 OUTDOOR SOLID OR LIQUID FUEL HEATING DEVICES.


- (a) All outdoor solid or liquid fuel fired heating devices constructed or installed after February 2, 2017, including replacements of outdoor solid or liquid fuel fired heating devices constructed prior to that date, shall be considered a public nuisance within the City of Platteville and are hereby banned.

Approved and adopted by the Common Council of the City of Platteville by a vote of 6 to 0 this 9th day of November 2021.

THE CITY OF PLATTEVILLE,


By: Barbara Daus, Council President

ATTEST:


Candace Klaas, City Clerk

Published: November 17, 2021