

CHAPTER 3
FIRE PROTECTION AND PREVENTION CODE

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SUBCHAPTER 1: FIRE PROTECTION SERVICES

3.01 COMPOSITION OF FIRE DEPARTMENT. Fire protection within the Town shall be provided by the Verona Fire Department operated by the City of Verona ("Fire Department") pursuant to the Intergovernmental Agreement between the Town and the City of Verona effective January 1, 2014.

3.02 POWERS AND DUTIES OF FIRE CHIEF.

(1) **COMMAND OF FIRE FIGHTING OPERATIONS.** The Chief of the Fire Department ("Fire Chief") or his/her designee shall be present at all fires, and have complete command and entire responsibility of all firefighting operations,

(2) **REPORTS TO THE FIRE PROTECTION BOARD.** The Fire Chief shall submit a written report to the Town Board not later than October 15 of each year, and at such times provide a summary of the previous year's operations, plans for future purchases and staffing, an overview of future goals, and a proposed budget for the coming year.

(3) **ENFORCEMENT OF FIRE PREVENTION ORDINANCES.** The Fire Chief shall assure the enforcement of all fire prevention ordinances of the Town and the state laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and on the activities of the Fire Department.

(4) **FIRE RECORD.** The Fire Chief shall keep a record of every fire call to which the Fire Department has responded in the Town and shall enter in such record the location of the fire or emergency, the time the alarm was received, the cause of the fire, where the fire started, the cause of delay, if any, in responding Information concerning all calls for service shall be entered into the Fire Department's records management system.

3.03 FIRE DEPARTMENT BUDGET. The City of Verona shall file with the Town Board by October 15 a detailed annual operational budget for the Fire Department that includes: an estimate of the appropriations needed for the conduct of the Fire Department during the ensuing fiscal year; anticipated revenues available to offset Fire Department expenses; the Town's Variable Cost Component, Fixed Cost Component and any applicable Facility Utilization Cost Component and Impact Fees; and sufficient information to explain the items included in the budget figures.

3.04 POLICE POWER OF FIRE DEPARTMENT.

(1) **POLICE AUTHORITY AT FIRES.** The Fire Chief and all assistants or officers in command at any fire are vested with full and complete police authority at fires. Any officer of the Fire Department may cause the arrest of any person interfering with the activities of the Fire Department in responding to a fire or other emergency.

(2) **CONTROL OF FIRES.** The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons excepting firefighters and police officers and those admitted by order of any officer of the Fire Department shall be permitted to enter. The Fire 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 to order the removal or destruction of any property necessary to prevent the further spread of the fire. The Fire Chief may also cause the removal of all wires or other facilities and the disconnection of all electric or other services where the same impedes the work of the Fire Department during the progress of a fire or other emergency.

(3) **ENTERING PREMISES.** Any firefighter while acting under the direction of the Fire Chief or other officer in command may enter upon the premises adjacent to or in the vicinity of any building or other property when on fire for the purpose of extinguishing such fire and no person shall hinder, resist or obstruct any firefighter in the discharge of his or her duty.

(4) **DESTRUCTION OF PROPERTY TO PREVENT THE SPREAD OF FIRE.** During the progress of any fire, the Fire Chief or his assistant shall have the power to order the removal or destruction of any property necessary to prevent the further spread of fire; provided that it is inevitable that, unless such property is removed, other property is in danger of being destroyed by fire.

3.05 FIRE INSPECTORS.

(1) **FIRE CHIEF TO BE FIRE INSPECTOR.** The Fire Chief shall hold the office of Fire Inspector of the Town and shall have the power to appoint one or more Deputy Fire Inspectors, who shall perform the same duties and have the same powers as the Fire Inspector. As used elsewhere in this Chapter, the term "Fire Inspector" means the Fire Inspector or any appointed Deputy Fire Inspector.

(2) **DUTIES OF THE FIRE INSPECTOR.** The Fire Inspector shall perform all duties required of the Fire Inspectors by the laws of the State and rules of the Department of Safety and Professional Services, particularly §101.14, *Wis. Stats.*, and §SPS 314.01(13), *Wis. Admin. Code*.

(a) Routine Inspections. The Fire Inspector shall conduct routine inspections at each public building and place of employment at least as often as required by §101.14(2), *Wis. Stats.*, or rules of the Wisconsin Department of Safety and Professional Services 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 once in six (6) months in the Town unless otherwise requested by the Fire Chief and approved by the Town Board. Each six (6) month period shall begin on January 1 and July 1 of each year. The Fire Inspector shall enforce the provisions the Fire Prevention Code contained in Subchapter II of this Chapter.

(b) Fire Investigations. The Fire Investigator working for the Fire Department shall investigate the cause, origin and circumstances of fires occurring within the Town to determine whether they are the result of intentional acts, carelessness or design flaws. Such investigations may begin immediately upon the occurrence of such a fire, and if it appears to the officer making such an investigation that such fire is of suspicious origin and of a significant nature, the Fire Chief shall be notified of the facts. The Fire Investigator shall notify the proper authorities designated by law to pursue the investigation of such matters, shall file a fire incident report pursuant to §101.141, *Wis. Stats.*, and § SPS 314.01(11), *Wis. Admin. Code*, and shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case. The Fire Investigator shall produce a written report of damage associated with every structure fire in a timely manner. It shall contain a statement of all facts relating to the cause and origin and circumstances of such fire and other relevant information and be made available to the Town.

(3) RIGHT OF ENTRY.

(a) The Fire Inspector may, at all reasonable hours, enter any place of employment and/or public building, as those terms are defined under §101.01, *Wis. Stats.*, subject to this chapter for the purpose of making any inspection or investigation deemed necessary to administer and enforce this chapter.

(b) Inspections and/or investigations shall be conducted to determine whether any violations of the provisions of this chapter and/or the codes or standards adopted by reference exist on the premises and to order corrections of the violations observed.

(c) The Fire Inspector, upon the complaint of any person or whenever he or she shall deem necessary, shall inspect any place of employment and/or public building and premises subject to this chapter.

(d) The interiors of dwelling units will not be inspected unless an inspection is specifically requested by the owner or occupant, unless otherwise permitted by law.

(4) CLOSING AND VACATING BUILDINGS. The Fire Inspector may order compliance with this chapter and all other lawful orders or laws relating to fire prevention and fire protection in existing building and structures. Where the public is exposed to immediate danger due to a violation of this chapter or an order issued under this chapter, the Fire Inspector may order the immediate closing and vacating of any building subject to the violation.

(5) WRITTEN RECORD OF INSPECTIONS. The Fire Inspector shall make and keep on file a record of each property inspected. Said record shall conform to the requirements of the Wisconsin Department of Safety and Professional Services. The Fire Inspector may use the fire inspection report forms developed by the Wisconsin Department of Safety and Professional Services.

(6) CORRECTION OF FIRE HAZARDS. Should the Fire Inspector find that any provisions of this Code relating to fire hazards and prevention of fires are being violated, or that a fire hazard exists which should be eliminated, it shall be his or her duty to give such directions for the abatement of such conditions as he or she shall deem necessary. When any inspection by the Fire Inspector reveals a fire hazard, the Fire Chief or Fire Inspector may serve a notice in writing upon the owner or occupant of the property ordering said person to remove the fire hazard within a reasonable time period. If the fire hazard is not removed within the time allowed, it shall be deemed a nuisance and the Fire Chief or the Fire Inspector may have the same removed in an action by the Town against the owner or occupant of the property and the cost thereof may also be entered on the tax roll as a special charge against the property.

3.06 FIRE INSPECTION FEES.

(1) FEES CHARGED FOR INSPECTION SERVICE. Fees may be charged for inspection services provided by the Fire Inspector. The Fire Inspector will provide a fees schedule, subject to approval of the Town Board, that will be filed with the Town Clerk-Treasurer.

(2) FILING OF INSPECTION AND SERVICE RECORD REPORTS. Owners of public buildings and places of employment, as those terms are defined under §101.01, *Wis. Stats.*, shall file all inspection reports, service records, notices of violation, and any other information requested by the Fire Inspector, at a location and in a manner to be determined the Fire Inspector, subject to approval of the Town Board. Property owners will be notified at least 30 days prior to the effective date of any change in the filing requirements. Property owners who fail to comply with these requirements will be subject to an additional inspection fee according to a fees schedule provided by the Fire Chief, subject to approval by the Town Board.

3.07 FEES RELATING TO FIRE PROTECTION SYSTEMS. The Town Board may establish fees for permits, approvals, and other functions performed under this chapter, in addition to inspection services. Such fees shall accompany each application for such approval, permit, or other fee related code provision.

3.08 DUTY OF PUBLIC TO COOPERATE WITH DEPARTMENT.

(1) INTERFERENCE WITH DEPARTMENT PERSONNEL PROHIBITED. No person may hinder, resist or obstruct any Department personnel in the discharge of their duties. In addition, no person may interfere with fire-fighting, as provided under §941.12, *Wis. Stats.*

(2) DUTIES OF BYSTANDERS. Every person who shall be present at a fire shall be subject to the orders of the Fire Chief or officer in command and may be required to render assistance in fighting the fire or removing or guarding property. Such officer may cause the arrest of any person refusing to obey said orders.

(3) DAMAGE TO EQUIPMENT PROHIBITED. No person shall willfully damage in any manner any fire hose, hydrant or fire apparatus, and no vehicle or railroad equipment shall be driven over any unprotected fire hose when laid down on any street, private driveway, track or other place, to be used at any fire or alarm of fire, without the consent of the officer in command.

(4) NO PARKING NEAR FIRE. It shall be unlawful for any person, in case of fire, to drive or park any vehicle in proximity of the place of fire without the consent and authority of the Fire Chief or any police officer. For this subsection, "in proximity of" shall mean the greater of within 500' of the place of the fire, or a distance specified by the Fire Chief or any police officer.

(5) COOPERATION WITH FIRE INSPECTOR. No person shall deny any Fire Inspector free access to any public building or place of employment, as those terms are defined under §101.01, *Wis. Stats.*, within the Town at any reasonable time for the purpose of making fire inspections. No person shall hinder or obstruct the Fire Inspector in the performance of any inspection or the performance of any other duty, or refuse to observe any lawful direction given by the Inspector.

3.09 PROHIBITION AGAINST IMPEDING FIRE EQUIPMENT.

(1) IMPEDING FIRE EQUIPMENT PROHIBITED. No person shall impede the progress of a fire engine, fire truck or other fire apparatus of the Fire Department along the streets or alleys of the Town at the time of a fire or when the Fire Department is using the streets or alleys in response to a fire alarm or for practice.

(2) RIGHT OF WAY OF FIRE APPARATUS. The officers and members of the Fire Department, with their fire equipment of every kind, when going to or are on duty at a fire, shall have the right of way over all other vehicles upon Town streets, and the operator of any other vehicle, whether motor or otherwise, upon the approach of such fire apparatus, shall immediately drive such other vehicle as far as possible to the right of the thoroughfare and shall keep such vehicle stationary until such fire apparatus shall have passed. Except when responding to a fire alarm or other emergency call, or when

on duty at a fire, or when being used to practice emergency response, the apparatus and vehicles of the Fire Department shall, however, have no special right of way or other privileges of any kind, but shall be subject to all traffic regulations applied to other vehicles.

(3) INTERFERENCE WITH USE OF HYDRANTS PROHIBITED. No person shall occupy any portion of such streets or alleys with a motorized or other vehicle between such fire engine or fire truck or other fire apparatus or any hydrant to which a fire hose may be, or may be about to be, attached.

SUBCHAPTER II: FIRE PREVENTION CODE.

3.20 PURPOSE AND INTENT. The purposes of this subchapter are to:

(1) Provide comprehensive regulations to improve public safety by attempting to control, limit, restrict and/or eliminate fire hazards.

(2) Improve safety for employees, firefighters, and frequenters of places of employment and public buildings.

(3) Regulate the installation, use and maintenance of equipment, and the use of structures, occupancies and open areas with respect to fire protection hazards.

(4) Require the removal and/or reduction of fire hazards, establish responsibilities and procedures for code enforcement, and set minimum standards for compliance and achievement of these objectives.

(5) Protect property from the hazards of fire and explosion by establishing minimum standards for the use, operation, maintenance and inspection of buildings, structures and premises so they relate to such hazards.

3.21 ADOPTION OF WISCONSIN ADMINISTRATIVE CODES AND DEFINITIONS.

(1) The most current versions of the Wisconsin Administrative Code, stated below, and as may be amended from time to time are hereby incorporated into this subchapter:

(a) SPS 305	Licenses, certification and registration
(b) SPS 307	Explosives and fireworks
(c) ATCP 93	Flammable, combustible and hazardous liquids
(d) SPS 314	Fire prevention
(e) SPS 316	Electrical
(f) SPS 318	Elevators, escalators and lift devices
(g) SPS 328	Smoke detectors and carbon monoxide detectors
(h) SPS 340	Gas systems

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|-----------------|-------------------------------------|
| (i) SPS 345 | Mechanical refrigeration |
| (j) SPS 361-366 | Commercial Building Code |
| (k) SPS 375-379 | Buildings Constructed Prior to 1914 |

(2) In cases of conflict between any provision of this chapter and any regulation contained in the Wisconsin Statutes or Administrative Code, the most restrictive provisions shall apply.

(3) Except as otherwise provided in this chapter, definitions of terms are those provided in the NFPA 1 version currently adopted and modified under the Wis. Admin. Code, Chapter SPS 314, Fire Prevention, and those additional terms provided in § SPS 314.03, Wis. Admin. Code. When used in this chapter, NFPA refers to the National Fire Protection Association, and the number following NFPA refers to a code published by the association.

3.22 APPLICABILITY.

(1) The provisions of Part A of this subchapter shall apply to all individuals and properties within the jurisdiction of the Town, except as otherwise provided. The provisions of Part B of this subchapter apply only to public buildings and places of employment in the Town, as those terms are defined under §101.01, *Wis. Stats.*

(2) Nothing contained in this chapter 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, or as applying to the military forces of the United States.

(3) Subject to [sec. 3.29](#) of this Chapter, the provisions of Part B shall apply equally to new and existing conditions, except that conditions existing at the time of enactment of this subchapter that are not in strict compliance with the terms of this subchapter shall be permitted to continue only where the Fire Inspector determines that the conditions do not pose a distinct hazard to life or adjoining property.

(4) The requirements of this subchapter apply equally to the property owner and occupants of a building and property.

PART A – REGULATIONS GOVERNING ALL PROPERTIES

3.23 OPEN BURNING. No person shall kindle, or cause to be kindled, any fire in or upon any street, alley, public way, park or any other outdoor public or private ground within the Town, except as permitted by this section.

(1) **BURNING OF TRASH PROHIBITED.** No person may burn any trash, garbage, plastics, shingles, foam, furniture, wire, metal, aluminum, vinyl products, rubber products, oil-based products, or any other waste within the Town, except for dry paper and dry, untreated, natural wood. Burning of the following items is allowed: brush, leaves, needles, grass, clean wood, unrecyclable paper, and unrecyclable cardboard.

(2) PERMISSIBLE OUTDOOR BURNING.

(a) Barbecue Grills. Hibachis, gas-fired grills, charcoal grills and similar devices may be used for cooking, provided that no such device operating with an open flame shall be used or kindled on any balcony or under any overhanging portion of any building other than a one- or two-family dwelling. Grilling on ground level is permissible on all private property and in designated areas of Town parks, provided that the grill is at least 10 feet away from any structure. The operator of any such device shall assure that smoke is controlled so as not to unreasonably disturb others in the vicinity or cause dangers on public roadways. Electrical ranges, grills or similar electrical apparatus listed by a nationally recognized testing organization are exempt from the locational requirements of this paragraph.

(b) Recreational Fires. Fire pits, outdoor fireplaces, chiminea units, and similar devices or structures may be used outdoors for recreational purposes. Recreational fires shall be subject to the following restrictions, unless otherwise approved by the Fire Inspector and operated under conditions determined by the Fire Inspector to be necessary to provide an equivalent level of fire prevention:

1. Definition. For purposes of this section, a “unit” means a fire pit, outdoor fireplace, chiminea, or other device or structure used outdoors for recreational fires.
2. All fires shall be supervised at all times by an adult and have the proper means available to extinguish the fire. No fire shall be left unattended at any time.
3. Flammable or combustible liquids shall not be used to ignite the fire. This subdivision shall not apply to products designed and sold specifically to assist in the ignition of charcoal fires when used to ignite a fire permitted by this section.
4. The operator of any such fire shall assure that smoke is controlled so as not to unreasonably disturb others in the vicinity or cause dangers on public roadways. The fire department can require that fires producing nuisance smoke be extinguished.
5. Portable fire pits, outdoor fireplaces, chiminea units, and similar devices may be used only if listed by a nationally recognized testing organization or approved by the Fire Inspector, and must be used according to the manufacturer’s recommended requirements for the unit.

6. Fire pits, fireplaces and similar devices shall be used only on concrete or other noncombustible surfaces. The use of a unit on a wooden deck, porch, patio, or under a balcony or overhang is prohibited.
7. No fire of any kind shall be kindled or maintained under any balcony or overhanging portion of a building or nearer than the following distances from any portion of a building or other structure:
 - a. Portable fire pits: 10 feet.
 - b. Other fires: 25 feet.
8. Fuel burned shall be limited to commercially sold fire logs, dry natural firewood or tree trimmings, leaves, yard wastes, paper, or cardboard; but shall not include construction materials, garbage, lumber, pallets, or scrap chemically treated wood.

(3) OPEN BURNING PROCEDURES.

- (a) Wisconsin Department of Natural Resources (DNR) permits are required for the burning of vegetative debris. DNR annual burning permits are available at no cost and are issued for burning on the ground and in barrels. The permits are good for a calendar year and are non-transferable.
- (b) Special burning permits for commercial contractors may be issued by the DNR for larger quantities, all day burning, and broadcast burns.
- (c) All open burning shall be performed in a safe, pollution-free manner, when wind and weather conditions are such as to minimize adverse effects, and in conformance with local and state fire protection regulation. The fire department can require that fires producing nuisance smoke be extinguished.
- (d) Any ashes created by burning such material as is lawful under this Section are to be disposed of in a manner authorized by law.
- (e) Open burning shall be constantly attended and supervised by a competent person of at least sixteen (16) years of age until such fire is extinguished. This person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire while burning and/or extinguishing such fire.
- (f) The Fire Chief shall have the authority to determine whether the burning is being performed in a safe, pollution-free manner, and to

impose conditions on any burning to the extent necessary to provide an adequate level of safety and fire prevention.

(4) **LIABILITY.** Nothing in this section shall be construed to create or increase any liability which might otherwise be imposed upon the Fire Chief, the Fire Department or any of its officers or members, the Town or any of its boards, committees, officials or employees to any third party. A person who starts a fire may be held liable and responsible for all suppression costs if the fire escapes and starts a wildfire.

3.24 RESTRICTIONS ON THE SALE, STORAGE AND DISCHARGE OF FIREWORKS.

(1) **STATE LAW ADOPTED.** Section §167.10, 2013-2014 *Wis. Stats.*, regulating the sale and use of fireworks, exclusive of any penalty imposed thereby, is adopted by reference and made a part of this section as though set forth in full. In this section, “fireworks” means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:

- (a) Fuel or a lubricant.
- (b) A firearm cartridge or shotgun shell.
- (c) A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.
- (d) A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
- (e) A cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
- (f) A toy snake which contains no mercury.
- (g) A model rocket engine.
- (h) Tobacco and a tobacco product.
- (i) A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects or to produce audible and visible effects.
- (j) A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.

(k) A fuseless device that is designed to produce audible or visible effects or audible and visible effects, and that contains less than one-quarter grain of explosive mixture.

(l) A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects, or audible and visible effects.

(m) A cylindrical fountain that consists of one or more tubes and that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.

(n) A cone fountain that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.

(p) A novelty device that spins or moves on the ground.

(2) FIREWORKS USE OR DISPLAY. No person shall use or display fireworks, except as authorized by a fireworks display permit granted under this section.

(3) SALE AND POSSESSION OF FIREWORKS. No person shall sell, or possess with the intent to sell, fireworks, except as authorized by a fireworks sales permit issued under this section. This paragraph shall not apply to persons transporting fireworks through the Town to a city, town, village or county where the possession of the fireworks is authorized by permit or ordinance if the fireworks remain in the Town for less than 12 hours. A permit for the sale of fireworks authorizes such sales only by persons or organizations legally qualified to sell products within the Town.

(4) FIREWORKS PERMITS. Permits for the display or sale of fireworks under pars. (2) and (3) shall be issued as provided in this paragraph.

(a) Application. Applications for permits under this subsection shall be filed with the Town Clerk-Treasurer, on a form provided by the Town Clerk-Treasurer, at least 10 days prior to the requested date(s) of possession, sale, use or display. The application shall be accompanied by a non-refundable application fee in an amount determined from time to time by the Town Board by ordinance or resolution. The application shall contain the following information:

1. The applicant's name, permanent residence address, telephone number, driver's license number and issuing state. A copy of the driver's license shall be attached to the application by the Town Clerk-Treasurer;
2. The name, address and telephone number of any business entity on whose behalf the applicant is applying, including the telephone number

of the person who will set off the fireworks for the business entity at the time and on the date of the requested permit;

3. The date, or alternate date if the original date is unsuitable, and address or other location description of the property where the permitted activities will be conducted;
4. Specific identification of the products to be sold, stored or used in the permitted activity;
5. A drawing or other adequate description of the methods and facilities to be used to store and secure the fireworks before, during and after the completion of the permitted activities, as applicable.
6. A statement whether the applicant or the business for which the application is made has been charged with or convicted of a violation of a state or federal law or municipal ordinance relating to the use, possession or sale of fireworks or firearms, or of any criminal offense, within the previous five (5) years, and the details of each such charge or conviction.

(b) Investigation of Applications. Upon receipt of each application, the Town Clerk-Treasurer or Deputy Clerk-Treasurer shall immediately investigate any statements made therein and promptly forward them to the Town Board Chair or designee for a determination on the application.

(c) Decision on Applications. The Town Board Chair or designee shall review the application and any supporting documentation and shall approve, deny or conditionally approve the requested permit within 45 days of the date of application and notify the Town Clerk-Treasurer of such decision. No application shall be approved, and no permit shall be issued, unless the Town Board Chair or designee determines all of the following:

1. The application is complete, and all information required by sub. (4)(a) has been provided.
2. All information contained in the application appears to be accurate and is not materially misleading or otherwise untrue.
3. The applicant and any entity on whose behalf the applicant has applied have not been found guilty of violating any criminal law or ordinance involving the improper handling, storage, sale, use or other activities involving fireworks, firearms or explosives, or which otherwise involved circumstances directly related to the fitness of the applicant to conduct the activities authorized by the permit, within the previous five (5) years.

4. Based on the application and the reports, no charges are currently pending against the applicant or any entity on whose behalf the applicant has applied, alleging a violation of a federal or state law or regulation, or any municipal ordinance, regulating the handling, storage, sale, use or other activities involving fireworks, firearms or explosives, unless the Town Board Chair or designee has cause to believe that the charges cannot be proven.
5. The Town Board Chair or designee may consider reports alleging a violation of a federal or state law or municipal ordinance regulating the handling, storage, sale, use or other activities involving fireworks, firearms or explosives by the applicant, which reports did not result in a conviction of or a charge against the applicant.
6. The Town Board Chair or designee may consider complaints received with regard to fireworks usage by the applicant including, but not limited to, noise, traffic, parking, consumption of alcohol, and deposit of spent fireworks beyond the applicant's property.
7. Based on the application and the reports, the Town Board Chair or designee is satisfied that the activities authorized by the permit will be conducted at a place and in a manner which adequately protects the public from significant risk of harm to persons or property and from unreasonable annoyance.

(d) Conditions on Approval. The hours of usage of fireworks are limited to 9:30 AM to 10:30 PM on the day of permitted use. The Town Board Chair or designee may impose any conditions deemed reasonably necessary to assure that the permitted activities conform to the representations contained in the application and all applicable laws, and to otherwise protect the public health, welfare and safety.

(e) Appeals. Any person aggrieved by the decision to grant or deny an application under this subsection may appeal to the Administrative Review Appeals Board under Chapter 17, not later than 20 days following the date of the decision.

(f) Liability and Insurance. No permit under this subsection shall be issued until the applicant has agreed in writing to indemnify and hold the Town of Verona harmless from any claims or liability, including attorney fees and other defense costs, which may arise from the applicant's possession, use, or display of fireworks. The Town Board Chair or designee may require the applicant to file with the Town Clerk-Treasurer an indemnity bond with good or sufficient sureties or a policy of liability insurance for the payment of all claims that may arise by reason of injuries to person or property from the

handling, use or discharge of fireworks under the permit. An indemnity bond or a policy of liability insurance, in an amount to be determined by the Town Board Chair or designee, may be required if the Town Board Chair or designee determines that any of the following conditions exist:

1. An indemnity bond or policy of liability insurance is necessary to protect the public health, welfare and safety;
2. The size, quantity or type of fireworks create a significant risk of injury or damage;
3. The methods of storage, securing, and operating the fireworks described in the application create a significant risk of injury or damage; or
4. The applicant or the applicant's agent or operator has caused injury to a person or property damage during a fireworks display or while transporting or storing fireworks, within the last ten years.

(g) Display of Permit Cards. The Town Clerk-Treasurer shall issue a permit card to each permittee whose application is approved under this subsection, containing sufficient information to identify the permittee and specifying the activities allowed, and the dates during which they are allowed, by the permit. A copy of the permit shall be forwarded by the Town Clerk-Treasurer to the Fire Chief prior to the effective date of the permit. A permit card issued under this paragraph shall be prominently displayed at the site of the permitted activities at all times while the permit holder is engaging in the permitted activities.

(5) GENERAL REGULATIONS. A permit issued under this subsection is not transferable from person to person or from one location to another.

No permit shall be issued under this subsection to any person under the age of 18 years.

Smoking and the use of matches, lighters or other flame or spark producing devices shall not be allowed in or within 25 feet of any fireworks storage area, outdoor tent sales area or firework display areas requiring a permit under this subsection, and "No Smoking" signs shall be posted accordingly.

At least one portable fire extinguisher approved by a certified extinguisher inspector shall be located within 50 feet of all fireworks storage or display areas requiring a permit under this subsection.

The Town Chair or designee may cancel a permit based on dangerous conditions arising at the time of the permitted usage.

(6) **ENFORCEMENT.** Any law enforcement officer, the Fire Chief or any other fire inspector may immediately suspend any permit issued under this subsection if he or she finds a violation of the terms of the permit, or any state, federal or Town law, regulation or ordinance governing the safe and lawful sale, storage, use or handling of fireworks. All permittees shall comply with all lawful orders of such officials and shall immediately discontinue all activities requiring a permit under this subsection when the required permit is suspended. Decisions by such officers may be appealed as provided in par. (4)(e) of this section.

3.25 PROHIBITION OF COMBUSTIBLE MATERIALS. No person shall permit on premises he or she controls any empty boxes, waste paper, excelsior, rags or other combustible materials in such quantities or manner as to create a fire hazard.

3.26 GASOLINE, BENZINE, NAPHTHA, ETC. All gasoline stations, bulk gasoline storage facilities, and any facility for storing benzene, naphtha or any other volatile liquid shall be constructed and maintained in conformity with the regulations prescribed by the state statutes and the rules and regulations of the Wisconsin Department of Agriculture, Trade and Consumer Protection, including Chapter ATCP 93, Wis. Admin. Code.

3.27 EXPLOSIVE MATERIALS. All explosive materials, as defined by § SPS 307.20(13), Wis. Admin. Code, shall be stored in conformance with the most recent version of the NFPA 495, *Explosive Materials Code.*, and with pars. (1) - (3) below.

(1) **SMOKELESS PROPELLANTS, GUNPOWDER AND BLACK POWDER PROPELLANTS.** No person shall keep or store more than fifty (50) pounds total of smokeless propellants, gunpowder and black powder at any place within the Town without the written permission of the Fire Inspector.

(a) All smokeless propellants, gunpowder and black powder propellants shall be stored in a safely constructed and accurately labelled box, with the type of propellant printed or painted thereon in clearly legible letters not less than five (5) inches in height, and equipped with handles so that the same may be readily moved in case of fire, and such box shall be kept in such location as may be directed by the Fire Inspector.

(b) Personal Use. No person may keep more than fifty (50) pounds total of smokeless propellants, gunpowder and black powder within any residence. Smokeless propellants, gunpowder and black powder intended for personal use and kept in the owner's residence shall be stored as follows:

1. Quantities not exceeding 20 (twenty) pounds may be stored in their original container.
2. Quantities greater than 20 (twenty) pounds and not exceeding 50 (fifty) pounds shall be stored in a wooden box or cabinet having walls of at least

one (1) inch thickness.

(c) Commercial Use. Commercial establishments or vendors that have the written permission of the Fire Inspector shall store smokeless propellants, gunpowder and black powder propellants according to the requirements in NFPA 495 and any requirements of the Fire Inspector. The Fire Inspector may direct the place and the manner of keeping of the same and the precautions to be observed in connection therewith.

(2) DYNAMITE. No person shall keep or store within the Town any nitroglycerine, dynamite, giant powder or other explosives more violent than gunpowder without the written permission of the Fire Inspector or otherwise than in accordance with the conditions prescribed in such permission as granted and in no case shall more than twenty-five (25) pounds of any such explosive be stored or kept within three hundred (300) feet of any dwelling or other occupied building. The Fire Inspector may direct the place and the manner of keeping the same and the precautions to be observed in connection therewith. This par. shall not apply to the keeping by a person with a valid prescription of a prescribed amount of medical nitroglycerine for angina.

3.28 LIABILITY FOR DAMAGES. Nothing in this Chapter shall be construed to affect the responsibility of any persons owning, operating, or installing equipment, for injury to persons or damage to property caused by any defect therein, nor shall the Fire Chief, any Fire Inspector, the Fire Department, the Town, any person, firm, company or agent(s) for the Town be deemed to have assumed any liability by reason of any inspection or re-inspection authorized herein or any permit issued as herein provided or by reason of the disapproval or approval of any equipment and/or system.

PART B – REGULATIONS GOVERNING PUBLIC BUILDINGS AND PLACES OF EMPLOYMENT.

3.29 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 construction requirements of this subchapter.

(2) If twenty-five (25) but less than fifty (50) 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 construction requirements of this subchapter.

(3) If less than twenty-five (25) percent of the total floor area of a building is remodeled and/or added, the construction requirements of this chapter need not be met unless the building 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 subchapter.

(4) Paragraphs (1) - (3) of this Section shall be applied to the cumulative area of additions and/or remodeling occurring on or after the effective date of this ordinance.

(5) If the use of and/or contents of any existing building is changed in a manner that increases the fire hazards presented as determined by the Fire Inspector, the building shall be brought into compliance with this subchapter.

(6) Those portions, elements, systems or components of existing buildings and structures to be altered or modified on or after the effective date of this subchapter shall, to the extent the alteration, modification or the addition affects a building element or component relating to subject matters regulated by this subchapter, be designed, constructed and maintained in accordance with the applicable provisions of this subchapter in effect on later of the following:

(a) The date plans for the alteration or modification are conditionally approved by the Fire Inspector.

(b) The date the local building permit is issued.

(c) The date the replacement is initiated, where paragraphs (a) and (b) do not apply.

3.30 PLAN SUBMITTALS.

(1) No Fire Protection, Fire Alarm, Fire Control, and/or Fire Suppression System and/or any portion thereof shall be installed, altered, added on to, or have any appliance removed until plans therefore are submitted to and conditionally approved by the Building Inspector and a permit issued under sec. 3.31 of this Chapter.

(2) All plans for Fire Protection, Fire Alarm, Fire Control, and/or Fire Suppression Systems and/or any portion thereof must meet or exceed the applicable NFPA and Fire Inspector requirements.

(3) A minimum of three copies of each plan, specification, and required calculation shall be submitted. Two copies of each may be retained by the Building Inspector.

(4) An AutoCAD electronic file of the plans shall also be submitted to the Building Inspector with each submittal and upon the completion of each project with the as-built conditions.

(5) A completed permit application must accompany all plan submittals.

(6) All plan reviews shall be for general code compliance only. Plan reviews do not affect the responsibility and/or liability of any contractor, architect, engineer, designer or any other responsible party for the system(s) reviewed. The Town, its

agents and/or firm or persons hired by the Town to review plans are not responsible for and do not accept any responsibility and/or liability for the system(s) reviewed.

3.31 REQUIRED PERMITS.

(1) A building permit shall be obtained from the Building Inspector prior to the start of installation and/or alteration of any portion of a Fire Protection, Fire Alarm, Fire Control, and/or Fire Suppression System.

(2) The permit application shall be signed by the individual assuming complete responsibility for the system(s) included in the plans.

(3) The permit application for all fire sprinkler and standpipe systems shall be signed by an individual holding a valid Wisconsin Automatic Fire Sprinkler Contractors License, and permits may be issued only to applicants so qualified.

(4) The applicable permit, inspection and/or plan review fees shall be submitted with each permit application. Plans will not be reviewed until all fee(s) have been received by the Town of Verona.

(5) An operational permit issued by the Building Inspector is required for the use of any building or portion thereof as a high-piled combustible storage area exceeding five-hundred (500) square feet.

(6) Any person who begins installation and/or alteration of any system regulated by this section prior to obtaining the required permit will be charged two (2) times the applicable permit fee.

(7) A permit shall be issued under this section by the Building Inspector upon a review and determination by the Building Inspector that the submitted application and plan complies with all applicable fire codes and the requirements of this Chapter.

3.32 INSPECTION AND TESTING.

(1) Every Fire Suppression System and Fire Alarm Systems required under this chapter shall be inspected by the Building Inspector prior to having any of its parts concealed in any manner whatsoever. The Building Inspector shall be provided forty-eight (48) hours' notice prior to any requested system inspection.

(2) The Building Inspector shall witness all tests of Fire Control Systems, Fire Alarm Initiating Devices, Notification Appliances, and any other required system requiring an operational test. The Fire Inspector shall be given forty-eight (48) hours' notice prior to any system test.

3.33 NOTIFICATION OF USE OR OCCUPANCY CHANGE.

(1) Whenever there is a change in use or occupancy of a public building or place of employment, other than a building used exclusively for residential purposes both before and after the change, a new certificate of occupancy shall be required. The owner shall submit notification of the changes in writing to the Building Inspector within five working days after the change. The information shall consist of the following:

- (a) Name and address of occupancy;
- (b) Owner's name, address and phone number(s);
- (c) Agent's name, address and phone number(s);
- (d) A description of the nature of the change in use or occupancy; and,
- (e) Other information as required by the Building Inspector.

(2) No change shall be made in the use or occupancy of any building or structure, or any space within a building, structure, or space of a building or structure either in a different division of the same occupancy group or in a different occupancy group, unless the building or structure complies with the requirements of this Chapter and the Building and Construction Ordinance for the new occupancy, and all applicable zoning regulations. This subsection shall not apply to temporary use changes authorized under sub. (4) or changes approved in advance by the Fire Inspector and Building Inspector which result in a new occupancy that will be less hazardous, based on life and/or fire risk, than the existing use.

(3) An inspection by the Fire Inspector shall be required for any new or changed use or occupancy, including temporary use changes. Upon an owner submitting notification of a change in use or occupancy to the Building Inspector, the Building Inspector shall promptly notify the Fire Inspector of the notification and the need for an inspection by the Fire Inspector, who shall promptly perform such inspection. Upon the Fire Inspector completing an inspection, and having determined that the new occupancy meets the requirements of this Chapter, a new certificate of occupancy shall be issued by the Building Inspector unless the Building Inspector determines that the building or structure is in violation of the Building and Construction Ordinance or any applicable zoning regulations.

(4) **TEMPORARY USE.** The Fire Inspector and Building Inspector may permit a building or portion of a building to be used temporarily in a manner that differs from the approved use for the building or space, or may approve a temporary building to be used by the public, subject to all of the following provisions:

(a) The Fire Inspector and Building Inspector shall determine the timeframe within which the temporary use is permitted, based on the extent to which hazards are created by the temporary use.

(b) The Fire Inspector shall enforce the maximum occupancy load as determined by the Building Inspector.

(c) The temporary use meets the building requirements of the Building and Construction Ordinance and all applicable zoning requirements.

(5) FIRE SAFETY. The Fire Inspector may condition approval of a certificate of occupancy and temporary use on the installation of fire protection and control devices, and other life safety provisions that the Inspector shall determine reasonably necessary to minimize the risk to the occupants from fire or explosion.

3.34 REVOCATION OF PERMITS AND CERTIFICATES.

(1) The Fire Inspector shall revoke any permit or certificate issued under this chapter in any case where he or she finds that any of the conditions for the issuance have not been met or 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 Fire Inspector shall promptly notify the permit or certificate holder of the revocation and, if so requested by the permit or certificate holder, the effective date of the revocation shall be deferred pending a hearing before the Fire Chief. The decision of the Fire Chief for revocation, following the hearing, shall be final subject to review under Chapter 17 of this Code.

3.35 SERVICE OF CORRECTION ORDERS.

(1) The service of correction orders shall be made upon the owner. Service may be accomplished by personal delivery to the owner or by leaving the order with a person apparently in charge of the premises. If an owner is absent from the jurisdiction of the Town, service may be accomplished by mailing a copy of the order to the owner's last known post office address.

(2) Conditions that pose imminent threats to life or safety of the occupants shall require immediate correction. All other violations shall be corrected within a specified time period or by a specified date, as the Fire Inspector shall determine.

(3) If an owner of any property, after issuance and proper service of an order by the Fire Inspector, fails to comply with the order, the Town may cause the work to be completed and the cost of such work shall constitute a special charge against the property upon which the work is done and shall be levied against such property pursuant to §66.60(16), *Wis. Stats.*

(4) No person shall refuse to permit, or shall prevent or interfere with, any entry into or upon any building or premise by the Fire Inspector who is lawfully on the premises or interfere with any such inspection. If consent to enter onto personal or real properties which are not public buildings or places of employment, or to portions of public or places of employment buildings which are not open to the public, has been denied, the Fire Inspector shall seek a special inspection warrant under §66.0119, *Wis. Stats.*

3.36 VARIANCES.

(1) The Fire Inspector shall have the power to grant variances to any of the provisions of this subchapter upon application in writing by the owner or occupant, or an authorized agent, when there are practical difficulties preventing strict compliance with this subchapter, provided that the spirit of this subchapter shall be observed, public safety secured, and substantial justice done. The Fire Inspector shall enter the terms of such variance upon the records of the Town Building Inspector, and a signed copy shall be furnished to the applicant and the Fire Department.

(2) The Fire Inspector may require tests as proof that a requested variance will comply with the intent of this subchapter. Such tests shall be made by an approved agency at the expense of the person requesting approval of the variance.

(3) If technical expertise is unavailable within the Town because of new-technology, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to inspection by the Fire Inspector under this chapter, the Fire Inspector may require the owner or the person in possession or control of the building or premises to provide a technical opinion and report on any matter relevant to fire safety as determined by the Fire Inspector. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire safety organization, acceptable to the Fire Inspector, and shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, and prescribe the necessary recommended changes. The Town may independently acquire technical assistance from any consultant and may charge the cost thereof to the applicant for the variance.

(4) Town approval of a variance does not obviate the need of an owner or occupant to seek approval of the variance by the Department of Safety and Professional Services, pursuant to Wis. Admin. Code § SPS 314.01(4), Fire Prevention.

3.37 MISCELLANEOUS CONSTRUCTION PROVISIONS.

(1) INSPECTIONS, TESTING AND RECORD KEEPING.

(a) The Fire Inspector shall inspect all fire alarm system installations. All equipment must be inspected prior to any equipment being installed. The Fire

Inspector must be notified at least forty-eight (48) hours prior to any fire alarm component being concealed.

(b) The Fire Inspector may witness all acceptance tests. The Fire Inspector must be notified within forty-eight (48) hours prior to any testing.

(c) Two copies of the completed fire alarm system record of completion required by NFPA 72 must be provided to the Fire Inspector prior to final acceptance.

(d) Permanent records shall be provided in accordance with NFPA 72. This includes a completed "Fire Alarm System Inspection and Testing" form.

(2) **FIRE DEPARTMENT ACCESS ROADS, FIRE LANES, AND PUMPER PADS.** Unobstructed fire lanes that are accessible from a public road shall be provided for every building or portion of a building in accordance with this subchapter.

(a) Fire lanes shall have an unobstructed width of twenty-four (24) feet. The edge of the lane closest to the building shall be at least 10 feet from the building.

(b) It shall be unlawful for any persons to park a motor vehicle on, or otherwise obstruct any fire lane.

(c) Where any part of a multi-family building is two (2) or more stories in height, the minimum unobstructed width of the fire lane parallel to one side of the building shall be twenty (20) feet.

(d) For occupancies where a special hazard exists or where the size or configuration of the building or the building contents limits normal fire apparatus access, the Fire Inspector may require the installation of a fire pumper pad.

3.38 OPEN FLAMES IN RETAIL ESTABLISHMENTS PROHIBITED. No person shall light a match or other flame-producing device in any retail mercantile establishment except in areas approved for such purposes by the Fire Inspector. It shall be the duty of the person in charge of such an establishment to enforce the regulations of this section. A plainly printed notice of the provisions of this section shall be posted in a conspicuous place in all retail mercantile establishments.

3.39 CHRISTMAS TREE SALES. For the purpose of this paragraph, the following minimum standards shall apply to the storage, handling, and display of natural Christmas trees and foliage:

(1) Trees and foliage shall be stored not closer than ten feet from any gasoline pump or other device for the storage or transfer of petroleum products.

(2) Aisles or clear spaces of not less than three feet shall be maintained in the storage area at all times.

(3) 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 areas.

(4) All storage and sales of live Christmas trees and foliage shall be held outside of buildings.

(5) It shall be unlawful to operate any ignition device, or to smoke or carry lighted smoking materials or open flames in areas where live Christmas trees or foliage are 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.

3.40 ACCESS BOX REQUIREMENTS.

(1) DEFINITION. A "key box" is a steel lock box with a high security lock manufactured by Knox-Box Company, Newport Beach, California, designed to be surface mounted or recess mounted to a building to secure keys to such building. Order forms for key boxes must be obtained from the Verona Fire Department.

(2) KEY BOX REQUIRED AND LOCATION. A key box shall be installed in any building within the scope of this Section in an accessible location as approved by the Fire Chief. The key box shall be a type approved by the Fire Chief and shall contain the following keys necessary to provide emergency access:

(a) Keys to locked points of ingress and egress whether on the interior or exterior of the building.

(b) Keys to all locked mechanical equipment rooms, electrical rooms, and elevator controls.

(c) All keys needed to open any alarm panels.

(d) Floor plans or maps as required by the Fire Inspector.

(e) Keys to other areas as determined necessary by the Fire Inspector to assure sufficient access for firefighting purposes.

(3) KEY BOX TO BE MAINTAINED. The owner of any building within the scope of this Section shall maintain the key box in good working order. Where key box is found not to be in working order the Fire Chief or his designee may require that key box to be repaired and/or replaced. The building owner shall be responsible to assure that keys maintained within the key box are current keys to the existing locks in the

building. When a change of locks within a building is necessary, the owner shall advise the Fire Chief thereof and place new keys in the key box.

(4) COMPLIANCE. Unless construction has commenced prior to the effective date of this Section, the following buildings may not be occupied, used or rented unless they comply with this Section:

(a) Commercial or industrial structures protected by an automatic alarm system or automatic fire suppression system, or which are secured in a way that restricts access during an emergency.

(b) Multifamily residential structures that have restricted access through locked doors and have a common corridor for access to the living units.

(c) Nursing homes, CBRFs and other health care facilities.

(d) All educational occupancies.

(e) Any other structure determined by the Fire Inspector to present unreasonable difficulties in obtaining prompt access during an emergency.

(5) All structures in existence on the effective date of this section and which are subject to this section, and where it is determined that access to or within said structure or enclosed area thereof is unduly difficult in its current condition, shall install an access box within a reasonable time as determined by the Fire Inspector.

(6) UNAUTHORIZED REMOVAL OF KEYS PROHIBITED. No person, except authorized fire department, emergency medical service, or law enforcement personnel, shall remove any key from a key box without the authorization of the owner of the building.

3.41 FLAMMABLE, COMBUSTIBLE, AND HAZARDOUS MATERIALS.

(a) The following items shall not be stored in any multi-family building except in locations, and under conditions, approved by the Fire Inspector:

1. Charcoal, unless stored in a metal container equipped with a metal cover.
2. Oily rags or oily dust mops.
3. Flammable liquids, other than small quantities of household cleaning products, painting supplies and similar consumer items stored in their original containers and maintained for use by individual residents.

4. Bottles gases, including propane, acetylene, oxygen or other substances of a similar combustible nature.
5. Gasoline, diesel fuel and other motor fuels, whether stored in separate containers or contained within motor driven equipment.
6. Dangerous or hazardous amounts of flammable, combustible or explosive material as determined by the Fire Inspector.
7. Dangerous accumulations of rubbish, waste paper, boxes, shavings, or other highly flammable materials as determined by the Fire Inspector.
8. Dangerous accumulations of dust or waste materials in HVAC systems, dryer ducts or other locations susceptible to ignition sources.

SUBCHAPTER III: ENFORCEMENT AND APPEALS

3.50 PENALTIES.

(1) Any person who violates any of the provisions of this Chapter, or who fails to comply with any order made hereunder, or who builds in violation of any detailed statement of specifications or plans submitted and conditionally approved hereunder, or any permit issued hereunder, shall for each and every violation and noncompliance be subject to forfeitures as provided in Chapter 16 of this Code.

(2) FALSE ALARMS. If the Fire Department responds to three or more false alarms to any parcel of real property in any 12-month period, the owner of such property shall be liable to the Town for the actual cost of equipment and personnel that was used to respond to the alarm.

3.51 APPEALS.

(1) Except as it relates to fireworks permits under sec. 3.24 of this Chapter, any person aggrieved by a decision of the Fire Inspector or any other administrative officer in interpreting or applying this Chapter may appeal the decision as provided in this section.

(2) Appeals shall be submitted in writing to the Fire Chief for a review of the initial determination within 30 days from the date of the decision appealed from.

(3) The decision of the Fire Chief shall be final, subject to review under Chapter 17 of this Code.

Amended June 7, 2016 by Ordinance 2016-2
Amended December 26, 2018 by Ordinance 2018-7