

Chapter 133

Fire Prevention, Protection, and Control

§133-1. General Provisions.

§133-2. Definitions.

§133-3. Adoption of Wisconsin Administrative Code.

§133-4. Adoption of International Code Council (ICC), Inc. Codes.

§133-5. Adoption by reference of National Fire Prevention Association (NFPA) publications.

§133-6. Automatic fire sprinkler control and/or fire suppression system protection.

§133-7. Liability for Damages.

§133-8. Service of correction orders.

§133-9. Variances.

§133-10. Revocation of permits.

§133-11. Closing and vacating buildings.

§133-12. Investigative powers; police powers.

§133-13. Standpipes.

§133-14. Fire alarm systems.

§133-15. Automatic fire protection for cooking areas.

§133-16. Miscellaneous construction provisions.

§133-17. Miscellaneous use provisions.

§133-18. Flammable, combustible, and hazardous materials.

§133-19. Special inspections required.

§133-20. Fire inspection fees.

§133-21. Fees.

§133-22. Violations and penalties.

§133-23. Appeals.

§ 133-1. General Provisions.

A. Intent. The intent of this chapter is:

- (1) To provide the municipality with comprehensive regulations to improve public safety by attempting to control, limit, restrict, and/or eliminate fire hazards.
- (2) To improve life safety for residents occupants, employees, firefighters, and frequenters of places of employment and public buildings.
- (3) To regulate the installation, use and maintenance of equipment; to regulate the use of structures, occupancies, and open areas.
- (4) To require the removal and/or reduction of fire hazards; to establish the responsibilities and procedures for code enforcement; and to set the minimum standards for compliance and achievement of those objectives.
- (5) To 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.

B. Applicability.

- (1) The provisions of this code shall apply to all public buildings and places of employment. Exceptions: The following buildings and uses are not public buildings or places of employment and are not subject to the provisions of this code:
 - a. One- and two-family dwellings.
 - b. Buildings used exclusively for farming as described in §102.04(3), Wis. Stats.

c. Nothing contained in this section 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.

- (2) The provisions of this code shall apply equally to new structures, including additions to existing structures and existing conditions, except that existing conditions not in strict compliance with the terms of this subsection shall be permitted to continue where the exceptions do not constitute a distinct hazard to life or adjoining property as determined by the Authority Having Jurisdiction (AHJ).
- (3) The provisions of this code apply equally to the property owner and/or occupant.
- (4) Sections 133-8, 133-9, 133-10, 133-11, 133-15C: (1), (2), (3), (4), (5), 133-17, and 133-22 apply to all individuals and/or properties within the jurisdiction of the municipality.

C. Additions to, change of use, renovated, altered or remodeled buildings.

- (1) If 50% or more of the total area of a building is renovated, altered or remodeled and/or added to the existing building, the entire building shall be brought into compliance with the requirements of this code.
- (2) If 25% to 49% of the total floor area of a building is renovated, altered or remodeled, the portion of the building that is remodeled shall be brought into compliance with the requirements of this code.
- (3) All percentages of remodeling shall be cumulative as applied to subsection C (1) and (2)-above.
- (4) If any addition is made to an existing building and/or structure that currently has a fire sprinkler, fire suppression, fire control or fire alarm system installed, the addition shall comply completely with this code.
- (5) If any addition is made to an existing building and/or structure that currently has a fire sprinkler, fire suppression, fire control or fire alarm system installed, the addition shall have a fire sprinkler, fire suppression, fire control or fire alarm system installed.
- (6) If the use of and/or contents of any existing building are changed and become more hazardous as determined by the authority having jurisdiction (AHJ), the building shall be brought into compliance with this code.
- (7) Those portions, elements, systems, or components of existing buildings and structures to be renovated, altered, remodeled or modified on or after the effective date of the rules under this code and where the alteration, modification, or the addition affects a building element or component relating to subject matters regulated by this code shall be designed, constructed and maintained in accordance with the applicable rules of this code as it exists on one of the following:
 - a. The date the local building permit is issued.
 - b. The date the replacement is initiated, where Subsection C (7)(a) does not apply.

D. Permits required.

- (1) The fire department shall be responsible for issuing the following permits:
 - a. Fireworks permits.
 - b. Bonfire permits.
 - c. Outdoor burning of yard waste (Outdoor Burning Permit must be purchased from the Office of the City Clerk, Franklin City Hall).
- (2) Certificates of occupancy. The AHJ shall have dual authority with the building inspector in the issuance of certificates of occupancy for multifamily, public buildings, places of employment, commercial structures, places of public assembly and schools to the extent that the AHJ shall inspect and have approval authority over proposed occupancies to ensure compliance with this chapter.

E. Stop-work order.

- (1) The AHJ may request that the building inspector issue a stop-work order upon any permit issued subject to the inspection and approval authority of this chapter, where the AHJ finds that any of the conditions for issuance have not been maintained or where there has been any false statement or misrepresentation of any material fact made in the application or plans upon which the issuance was based.
- (2) If the AHJ determines requirements of this code are not complied with or there may be life safety issues, the AHJ may issue a stop-work order on any project or portion thereof.

F. Inspection and testing.

- (1) All fire suppression systems and fire alarm systems required under this code shall be inspected by an authorized agent of the AHJ prior to having any of their parts covered up or concealed in any manner whatsoever. The authorized reviewing agent shall be given a 72 hour notice prior to any system inspection.
- (2) An authorized agent of the AHJ shall witness all tests of fire control systems, fire alarm initiating devices, notification appliances, and any other required system requiring an operational test. The authorized reviewing agent shall be given a seventy-two (72) hour notice prior to any system witness test.
- (3) All testing shall be conducted in accordance with the NFPA standard applicable to the system being tested.

G. Right of entry.

- (1) The AHJ and/or his or her authorized representative may, at all reasonable hours, enter any place of employment and/or public building within its jurisdiction for the purposes of making any inspection or investigation which, under the provision of this section, is deemed necessary.
- (2) The AHJ shall inspect, or cause to be inspected, all places of employment and public buildings as often as may be necessary, but not less than once a year.
- (3) The purpose of any inspection and/or investigation is to determine if any violations of the provisions or intent of this code and/or the codes or standards adopted by reference exist and to order corrections of the violations observed.
- (4) The AHJ or his or her authorized representative, upon the complaint of any person or whenever he or she deem necessary, shall inspect any place of employment and/or public building and premises within its jurisdiction.
- (5) Any owner or occupant of any place of employment and/or public building who refuses to permit, prevents or interferes with entry into or upon the premises by anyone authorized by the AHJ shall be guilty of violating this chapter and shall be subject to penalties under §133-22. Exception: The interiors of dwelling units will not be inspected unless an inspection is specifically requested by the owner or occupant and/or as allowed by state statutes.

H. Enforcement and documentation.

- (1) The fire chief, as the AHJ, or anyone the fire chief has designated as an authorized representative or agent of the AHJ, shall enforce the provisions of this code.
- (2) Whenever any authorized representative or agent of the AHJ shall discover fire hazards—due to conditions that are not in compliance with the requirements of NFPA 1, this code, and any and all other applicable codes and adopted standards, he or she shall order such conditions or materials to be removed or remedied in such manner as may be specified. These hazards may include, but are not limited to, the following:

- a. Dangerous or unlawful amounts of flammable, combustible, or explosive material as determined by the AHJ.
 - b. Hazardous conditions arising from defective or improperly installed equipment for handling or using flammable, combustible, or explosive material.
 - c. Dangerous accumulations of rubbish, waste paper, boxes, shavings, or other highly flammable materials as determined by the AHJ.
 - d. Accumulations of dust, grease, or waste materials in air conditioning systems, exhaust ducts or vent hoods.
 - e. Obstructions to or in fire escapes, stairs, passageways, doors, or windows liable to interfere with the operation of the fire department or egress of occupants. This includes snow.
 - f. Any building, structure, or premises which for want of repairs, lack of exit facilities, fire alarm apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any cause, creates a fire hazard.
- (3) The AHJ may use any means necessary in documentation of inspections or conditions, including but not limited to the use of electronic equipment.
- I. Notification of use or occupancy changes.
- (1) Whenever there is a change in occupancy or in the agent(s), (property manager, facilities supervisor, after-hours emergency contact, etc.) of that occupancy, the owner or his or her duly authorized agent shall submit the changes in writing to the Fire Department within five working days. The information shall consist of the following:
 - a. Name and address of occupancy.
 - b. Owner's name, address, E-mail address and phone number(s).
 - c. Agent's name, address, E-mail address and phone numbers(s).
 - (2) Whenever a change in the service and/or monitoring company for the alarm system has occurred within the occupancy, the owner or authorized agent shall submit the changes in writing to the fire department within five working days. The information shall consist of the following:
 - a. All information required in Subsection J(1).
 - b. Type(s) of fire protection systems.
 - c. Service company name, address and phone number(s).
 - (3) No change can be made in the use or occupancy of any building or structure, or any space within 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 this code's requirements for the new division of occupancies, as these requirements exist. Exception: This subsection does not apply to an approved temporary use or to a new use that will be less hazardous, based on life and/or fire risk, than the existing use.
 - (4) An inspection by the fire department or an authorized representative or agent of the AHJ shall be required for any new or change of occupancy.
- J. Temporary use. The AHJ may allow 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:
- (1) The AHJ shall determine the time frame within which the temporary use is permitted, based on the extent hazards are created by the temporary use.
 - (2) The AHJ shall determine maximum occupancy load.

- (3) The AHJ shall determine any fire protection and/or control devices and life safety provisions that may be needed.

§133-3 Definitions.

- A. Unless otherwise expressly stated in this code, all definitions, including those of occupancy types, shall be as stated in the most current versions of NFPA 1 (Chapter 3), NFPA 101 (Chapter 3) and/or the NFPA standard(s) or code(s) applicable to the specific subject material, that are legislatively adopted by state statute.

§133-3. Adoption of Wisconsin Administrative Code.

- A. The most current legislatively enacted versions by the State of Wisconsin of the Wisconsin Administrative Code, on the effective date of this Code, shall apply.

- SPS 303 Administrative Procedures
- SPS 305 Licenses, Certification and Registration
- SPS 307 Explosives and Fireworks
- SPS 308 Mines, Pits and Quarries
- SPS 310 Flammable, Combustible and Hazardous Liquids
- SPS 314 Fire Prevention
- SPS 316 Electrical
- SPS 318 Elevators, Escalators and Lift Devices
- SPS 326 Manufactured Home Communities
- SPS 328 Smoke Detectors and Carbon Monoxide Detectors
- SPS 333 Passenger Ropeways
- SPS 334 Amusement Rides
- SPS 335 Infectious Agents
- SPS 340 Gas Systems
- SPS 341 Boilers and Pressure Vessels
- SPS 343 Anhydrous Ammonia
- SPS 345 Mechanical Refrigeration
- SPS 348 Petroleum and Other Liquid Fuel Products
- SPS 361-366 Wisconsin Commercial Building Code
- SPS 371 Solar Energy Systems
- SPS 375-379 Existing Buildings

- B. Any violation of the incorporated provisions constitutes a violation of this code.
- C. In cases of conflict between local and state codes, the most restrictive provisions, as determined by the AHJ, shall govern.

§133-4. Adoption of International Code Council (ICC), Inc., codes.

- A. The latest ICC publication(s) listed below and published on or before the effective date of this code are adopted by reference, enforced, and incorporated into this code as fully set forth herein:
 - 1) International Fire Code (applies only to sections specifically referenced in this code).

§133-5. Adoption by reference of National Fire Prevention Association (NFPA) publications.

- A. The latest version of NFPA 1 (*Fire Code*) that is legislatively adopted by reference by the State of Wisconsin, including all of the publications, codes, standards, and documents adopted by reference by the State of

Wisconsin in Chapter 2 of that code, are hereby adopted by reference, enforced, and incorporated into this code as if fully set forth herein.

§133-6. Automatic fire sprinkler control and/or fire suppression system protection.

- A. Intent. The intent of this section is to require the installation of automatic fire sprinkler fire control and/or fire suppression systems to improve the protection of life and property within the municipality. It will establish a minimum standard for fire safety through the standardization of the design, installation, testing and maintenance requirements for automatic fire sprinkler suppression.
- B. Code Compliance. Automatic fire sprinkler systems shall be required, designed, installed and/or modified, tested, inspected, and maintained as set forth in the most current versions legislatively enacted by the State of Wisconsin of NFPA 1, NFPA 101, NFPA 13, NFPA 13D, NFPA 13R, NFPA 25, the Wisconsin Administrative Code, and any and all other applicable codes and adopted standards.
- C. Code conflicts. If any conflicts exist between this code and any NFPA code and/or standard, the most restrictive, as determined by the AHJ, shall be enforced by the AHJ.
- D. Working plans. Working plans shall be submitted to the fire department or its authorized reviewing agent for conditional approval before any equipment is installed, modified, or remodeled.
 - 1) Deviation from approved plans shall require permission of the AHJ.
 - 2) All working plans submitted for conditional approval must be signed and sealed by at least one of the following:
 - a. An architect registered in the State of Wisconsin.
 - b. An engineer registered in the State of Wisconsin.
 - c. A person who holds a designer of engineering systems permit in the State of Wisconsin.
 - d. An individual who holds a valid automatic fire sprinkler contractor’s license and is responsible for the system installation.
 - 3) Working plans shall be drawn to an indicated scale, on a sheet of uniform size, with a plan of each floor. Plans must comply with the requirements of the most current legislatively enacted version of NFPA 13 adopted by the State of Wisconsin; and plan submissions must include all required design elements, details, calculations, and specifications set forth in Chapter 23 of that standard.
- E. Installation required. Automatic fire sprinkler systems shall be installed in all structures where the floor area exceeds the thresholds established in Table 133-6F of the specific occupancy type and construction type involved, and where required by State codes. For the purpose of determining square footage as it relates to the required installation of fire sprinklers in a building, firewalls shall not be considered dividers unless the firewall is rated at four hours without penetrations and extends a minimum of three feet above the roof.

Table 133-6F					
Occupancy Type	Type I	Type II	Type III	Type IV	Type V
E*	All	All	All	All	All
F-2	5,000 SF	5,000 SF	3,000 SF	3,000 SF	3,000 SF
I-2	All	All	All	All	All
I-3	All	All	All	All	All

I-4	All	All	All	All	All
R-4	All	All	All	All	All
U	5,000 SF	5,000 SF	3,000 SF	3,000 SF	3,000 SF
Note: *excludes single-family-home day cares					

F. Additional automatic fire sprinkler system installations required. An automatic sprinkler system shall be installed in all:

- 1) Parking structures above and below ground with ceilings.
- 2) CBRFs (community based residential facilities).
- 3) Adult family homes.
- 4) Throughout all dormitories, fraternities and sorority houses.
- 5) Throughout every building, new or existing, which by reason of its construction or combustible occupancy involves a life hazard to its occupants or in the judgment of the AHJ constitutes a fire menace.
- 6) Throughout all mini-warehouses and unattached multifamily parking garages that exceed the following:
 - a. Five thousand square feet or more in area on any floor.
 - b. Two stories in height.
 - c. Any portion of the structure is below grade.

G. Basements and garages are to be designed to protect as a minimum, for ordinary hazard occupancy.

H. When an automatic fire sprinkler system is required to be installed by this code but not the Wisconsin Department of Safety and Professional Services (DSPS), in a structure that is not currently serviced by a municipal water source:

- 1) All fire sprinkler systems shall be installed in complete compliance with the appropriate NFPA code(s) and/or standard(s). Exception: An automatic water supply for any fire sprinkler system(s) required to be installed by this code but not required by the Wisconsin Department of Safety and Professional Services Code, if acceptable to the AHJ the automatic water supply shall be allowed to comply with the following:
 - a. The automatic water supply for the automatic fire sprinkler system(s) shall be conditionally approved by the AHJ.
 - b. The fire sprinkler system(s) shall be installed and connected to a conditionally approved automatic water supply.
 - c. The required automatic water supply must be capable of delivering the required quantity of water at the required pressure as determined by hydraulically calculating the system demand in accordance with NFPA 13 for the most hydraulically demanding area.
 - d. A letter from a licensed fire protection engineer or a State of Wisconsin permitted fire protection designer attesting to the ability of the system to comply with the above requirement shall be required prior to occupancy.
- 2) Within 90 days after a municipal water system becomes available, the sprinkler system shall be connected to the municipal water supply.
- 3) For the purpose of this code, an available municipal water supply shall be any of the following:

- a. A municipal water main located at or near the streets adjacent to the property on which the structure that is required to be sprinklered is located.
 - b. A municipal water main located in a utility easement on or near the property on which the structure that is required to be sprinklered is located.
 - c. A municipal water main located at or near the streets within 1,500 lineal feet of any part of the property on which the structure that is required to be sprinklered is located.
 - d. A municipal water main located in a utility easement within 1,500 lineal feet of any part of the property on which the structure that is required to be sprinklered is located.
- I. All automatic fire sprinkler, fire control and/or fire suppression systems shall comply with the following:
- 1) Be designed in accordance with the appropriate NFPA standards and/or codes.
 - 2) Be designed to protect the highest hazard present at any time in the protected area.
 - 3) Be monitored by a Underwriter's Laboratories (UL) listed central station.
 - 4) Have sprinkler control rooms located with adequate access for Fire Department and sprinkler maintenance and inspection personnel, and shall not be located within private dwellings with the exception of NFPA 13D systems.
 - 5) Have direct access from the exterior to the sprinkler control valve acceptable to the AHJ.
 - 6) Have a bell (minimum ten-inch) and strobe installed, located above the Fire Department connection (FDC).
 - 7) The FDC must be located at least 40 feet from all gas meters, electrical-meters and transformers.
 - 8) The FDC must be installed in a location acceptable to the AHJ.
 - 9) Be designed for the hazard being protected or as specifically specified in this code and/or as acceptable to the AHJ.
 - 10) All automatic fire sprinkler systems hydraulic designs are to be based on a maximum of 90% of the available water supply (a minimum of a ten-percent safety margin shall be maintained).
 - 11) All sprinkler systems designed shall be based on the most current water flow test conducted in accordance with NFPA 291 that is acceptable to the AHJ.
 - 12) An authorized representative or agent of the AHJ shall witness all water flow tests.
 - 13) Sprinkler protection for exposed plastics must comply with all FM Global testing and standards.
- J. Application to existing buildings.
- 1) Adult family homes and community-based residential facilities (CBRF), regardless of number of occupants or class, must be retrofitted with fire sprinkler protection complying with NFPA 13.
 - 2) Where the AHJ finds that an existing building, because of current occupancy or a change in occupancy, constitutes a hazard to its occupants or adjoining property, the AHJ may order compliance with the provisions of this section. A hazard shall be determined by the existence of one or more of the following conditions:
 - a. Any building which by reason of its construction or highly combustible occupancy involves a hazard to its occupants or, in the judgment of the AHJ, constitutes a fire menace, e.g., paint shop and other occupancies involving processing, mixing, storing, and dispensing of volatile liquids or solids.
 - b. Non-fire-resistive characteristics of a structure.
 - c. Accumulation of flammable or combustible materials.
 - d. Lack of accessibility to the premises for fire-fighting equipment.
 - e. Substantial number of fire calls or complaints on the premises.
 - f. Traffic patterns for pedestrian ingress and egress which require protection under this section.

g. Insufficient ventilation systems.

h. Where there is a lack of an internal communication system, or due to the size or type of building making regular fire department radio communication inoperable, the building owner is required to install a repeater system or something comparable to assist radio communications. If any inspection reveals a need for a new, replacement or other comparable system, the inspection report shall order such correction within 180 days of the inspection. [Amended 7-24-2012 by Ord. No. 2012-2086]

i. Number, characteristics and movement of employees which require protection under this section.

3) Installation of an automatic sprinkler system must be started within one year from the service of such orders and shall be completed within 180 days after construction has started.

K. Exemptions. In any location where the installation of sprinklers may cause or increase an occupational hazard, as determined by any governmental authority having jurisdiction over such location or occupation, the AHJ may waive any requirement to install an automatic fire sprinkler or any portion thereof.

§133-7. Liability for damages.

A. The code shall not 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 municipality, any person, firm, company or agent(s) for the municipality be held as assuming such liability by reason of any inspection or re-inspection authorized herein or the permit issued herein provided or by reason of the disapproval or approval of any equipment and/or system authorized herein.

§133-8. Service of correction orders.

- A. The service of correction orders shall be made upon the owner, occupant or other person responsible for the condition(s) that violates any section of this code. A copy of the service order can be delivered personally to the owner or by leaving it with the person in charge of the premises. Whenever it may be necessary to serve such order upon the owner of the premises, such an order may be served either by delivering to and leaving with the person a copy of the order or, if such owner is absent from the jurisdiction of the AHJ making the order, by mailing such a copy to the owner's last known post office address.
- B. Conditions that are hazardous to life or safety of the occupants shall require immediate correction. All other violations shall be corrected within a specified time or date, as the AHJ shall determine.
- C. When the owner of any property or person in apparent control of the property is issued an order by the AHJ and fails to comply with the order, the municipality may do the work ordered, and the cost of such work shall constitute a special assessment against the property pursuant to §66.0701, Wis. Stats. Any person against whose land a special assessment is levied under this chapter may appeal in the manner prescribed in §66.0703(12), Wis. Stats., within 40 days of the date of the final determination of the governing body.
- D. No person shall refuse to permit or shall prevent or interfere with any entry into or upon any building or premise by the AHJ 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 to portions of the public buildings which are not open to the public, has been denied, the Fire Inspector shall obtain a special inspection warrant under §66.0119, Wis. Stats.

§133-9. Variances.

- A. Except as otherwise prohibited by state law, the AHJ shall have power to modify any of the provisions of this code upon application in writing by the owner or occupant, or a duly sworn authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. [Amended 7-24-2012 by Ord. No. 2012-2086]
- B. The AHJ thereon shall enter upon the records of the department, and a signed copy shall be furnished to the applicant, the particulars of such variances when granted.
- C. The AHJ may require tests as proof of compliance with the intent of this code. Such tests are to be made by an approved agency at the expense of the person requesting approval of the alternate material or method of construction.
- D. If technical expertise is unavailable within the municipality because of new technology, process, products, facilities, materials and uses attending design, operation or use of a building premises subject to the inspection of the municipality, the AHJ may require the owner or the person in possession or control of the building or premises to provide without charge to the municipality a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire safety organization, acceptable to the AHJ and owner, 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 prescribed the necessary recommended changes. The department may also acquire technical assistance from a consultant and may charge a fee to the owner or occupant for the service provided.

§133-10. Revocation of permits.

- A. The AHJ may revoke any permit issued in accordance with this code in any case where it may find that any of the conditions for the issuance have not been maintained or where there has been false statement or misrepresentation of any material fact in the application or plans on which the issuance was based.
- B. The AHJ shall promptly notify the permit holder of the request for revocation and, if so requested by the permit holder, the effective date of the revocation shall be deferred pending a hearing before the chief of the fire department. The decision of the fire chief for revocation, following the hearing, shall be final.

§133-11. Closing and vacating buildings.

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

§133-12. Investigation of fires

- A. The Fire Department shall investigate the cause and origin, and circumstances of fires occurring within their jurisdiction to determine if the fire is of carelessness or design. 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 AHJ shall notify the proper authorities designated by law to pursue the investigation of such matters and shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case. A member of the fire investigation team shall file a written report of damage

associated with every fire in a timely manner. It shall contain a statement of all facts relating to cause and origin and circumstances of such fire and other information as may be required.

§133-13. Standpipes.

- A. Intent. The intent of this section is to require fire department standpipe systems to be installed in certain structures to help fire fighters effectively extinguish a fire and to help reduce property damage and losses.
- B. Where required.
 - 1) Fire department standpipe systems shall be installed in the following structures:
 - a. Any structure required by the State of Wisconsin codes.
 - b. In all new structures over two stories in height.
 - c. In any structure in which the AHJ deems standpipes are necessary for firefighting purposes.
 - 2) Temporary standpipes must be installed in an approved location for all of the following structures:
 - a. All combustible structures exceeding two stories in height.
 - b. All noncombustible structures exceeding three stories in height.
- C. Installation requirements. Fire department standpipes shall be designed and installed in accordance with this section. Where any requirement in this section is more restrictive than any NFPA standard and/or code and/or state code, the requirements in this section must be complied with.
 - 1) The installation of standpipes shall be in accordance with this section and NFPA 14.
 - 2) All standpipe systems hydraulic designs are to be based on a maximum of 90% of the available water supply (a minimum of a ten-percent safety margin shall be maintained). Pumping pressure at the FDC may not exceed 200 pounds and the system shall maintain 100 pounds of pressure at its most remote location.
 - 3) The location of standpipe hose connections shall be accessible and shall be located so that all portions of the building are within 100 feet of hose to a hose valve. This distance must be measured using the normal aisles or the path a hose would be laid as determined by the AHJ.
 - 4) The locations of all hose valves shall be acceptable to the AHJ.
 - 5) The AHJ may require additional standpipes and/or hose valves to be installed.
 - 6) When required by the AHJ, an approved standpipe shall be installed as construction progresses to make them available for fire department use in the topmost floors constructed. Temporary standpipes shall be provided in place of permanent standpipes when required, during the period of construction on buildings required by this code.
 - 7) The location of all fire department connections for standpipes shall be approved by the AHJ.
 - 8) The fire department connections shall be at least 40 feet from all electrical transformers, gas meters, or propane storage.
 - 9) All standpipes are to be automatic standpipes unless a manual or dry standpipe is allowed by the AHJ.
 - 10) Key access shall be provided for all doors having access to standpipes.
- D. Approval requirements. Complete plans and calculations for all standpipes must be submitted to the fire department's authorized reviewing agent, and conditionally approved prior to installation of any standpipe.
- E. The Fire Department's authorized reviewing agent shall review all plans for standpipes and, upon approval of the same, issue the necessary permits to install all standpipes prior to installation.

§133-14. Fire alarm systems.

- A. Intent. The intent of this section is to provide a means for automatic detection of fire conditions and/or to provide warning notification throughout all buildings and occupancies built hereinafter, structurally altered, and/or added to. Fire alarm systems are intended to provide additional life safety and help reduce property loss through early detection of fires, providing warning to occupants and automatically notifying the fire department of fire.
- B. Installation required. A fire alarm system shall be installed in all structures where the floor area exceeds the thresholds established in Table 133-14B of the specific occupancy type and construction type involved, and where required by state code. All fire alarm systems shall be designed, installed, tested, inspected, and maintained as set forth in NFPA 1, NFPA 101, NFPA 70, NFPA 72, the Wisconsin Administrative Code, and any and all other applicable codes and adopted standards. All fire alarm system plans shall be designed and submitted by a person holding NICET Level II certification or higher, and monitored by a UL-listed central station monitoring service.

Table 133-14B					
Occupancy Type	Type I	Type II	Type III	Type IV	Type V
E*	All	All	All	All	All
I-2	All	All	All	All	All
I-3	All	All	All	All	All
I-4	All	All	All	All	All
R-3	State statutes apply				
R-4	All	All	All	All	All
S-1	3,000 SF	3,000 SF	3,000 SF	3,000 SF	3,000 SF
S-2	5,000 SF	5,000 SF	3,000 SF	3,000 SF	3,000 SF
U	5,000 SF	5,000 SF	3,000 SF	3,000 SF	3,000 SF

Note: *excludes single-family-home day cares

- C. Minimum system requirements. The following minimum system requirements shall be met when any occupancy type exceeds the limits in table 133-14B. Minimum system requirements for fire alarm systems shall include:
 - 1) Audible notification appliances shall be installed throughout protected premises.
 - 2) Visible notification appliances shall be installed throughout protected premises. Exceptions:
 - a. Closets and/or other similar small storage rooms that do not exceed 50 square feet in floor area and are not normally occupied.
 - b. Normally unoccupied crawl spaces.
 - c. Normally unoccupied attic spaces.
 - d. Any non-accessible area.

- e. Any area for which the AHJ deems visible notification appliances are not required.
 - 3) Manual initiating devices (pull stations) shall be located at all points of egress, including all exit doors on every floor and/or building level.
 - 4) Water flow detection devices shall be connected to the fire alarm system to specifically activate the notification appliances upon water flow.
 - 5) Fire suppression system activation alarms shall be connected to the protected premises' fire alarm system to specifically activate the notification appliances upon system activation. This includes but is not limited to wet chemical, CO2, clean agent, water mist, and dry chemical systems.
 - 6) Fire control and/or suppression systems' supervisory condition indicators shall be connected to and monitored by the fire alarm system. This specifically includes but is not limited to: valve supervisory switches (tamper switches), low-air indicators, low-water switches, low-temperature switches, fire pump condition indicators and/or any other situation or condition deemed necessary by the AHJ.
 - 7) Fire alarm systems shall be addressable and capable of indicating the status of all specific components at all times connected to the system.
 - 8) All fire alarm systems shall be monitored by a UL-listed central monitoring station.
 - 9) Fire alarm annunciators shall be installed in all protected premises. The number and locations of the fire alarm annunciators installed shall be acceptable to the AHJ.
 - 10) As determined by the AHJ, any additional notification and/or initiation appliances/devices may be required due to size, occupancy hazards, building construction, and/or occupancy use.
- D. Submittals for fire alarm systems. Submittals for fire alarm systems are intended to provide basic information consistent with the objective of installing a fully operational, code compliant fire alarm system and to provide the basis for the record drawings required by NFPA 72. Conditional approval of a fire alarm system submittal and/or any portion thereof is not intended to imply waiver or modification of any requirements of any code or any other applicable criteria.
- 1) Three sets of each fire alarm submittal shall be submitted to the fire department's authorized reviewing agent for conditional approval. The municipality may retain two copies of each submittal, and one copy will be returned to the installing contractor.
 - 2) All shop drawings/plans shall be drawn on sheets of uniform size to a recognized scale and shall comply with the requirements of the most current legislatively enacted version of NFPA 72 adopted by the State of Wisconsin; and plan submissions must include all required design elements, details, calculations, and specifications set forth in Chapter 7 of that standard.
- E. Inspections, testing and record keeping.
- 1) An authorized representative or agent of the AHJ shall inspect all fire alarm system installations prior to concealment of any wiring or devices. The Fire Department must be notified at least 72 hours prior to any fire alarm component being concealed.
 - 2) An authorized representative or agent of the AHJ shall witness all acceptance tests. The AHJ must be notified a minimum of 72 hours prior to any testing.
 - 3) Two copies of the completed fire alarm system record of completion required by NFPA 72 must be provided to the AHJ prior to final acceptance.
 - 4) Permanent records must be provided in accordance with NFPA 72. This includes completed fire alarm system inspection and testing forms.

- F. Special requirements. On all buildings over four stories in height, a fire command center for Fire Department operations shall be provided. The fire command center shall comply with NFPA 72 and shall contain the features required in the International Fire Code and NFPA 1, 13.7.2.29.
 - 1) Two-way telephone communication service shall be provided for fire department use. This system shall be in accordance with NFPA 72. The communications system shall operate between the central control station and every elevator control car, every elevator lobby, and each floor level of exit stairs.
 - 2) The requirements of NFPA 1, 13.7.2.29 shall not apply where the fire department radio system is approved as an equivalent system (NFPA 101, 11.8.3.2.)
 - 3) If the building components interfere with fire department radio operations, and if it is found within the first six months of the completion of the building, the owner is responsible for the cost of providing upgrades to ensure adequate radio communications throughout the building. The final system upgrade and operation must be approved by the fire chief or his designee.
- G. Maintenance. All devices shall be installed, maintained, and tested in accordance with NFPA 72 standards. If at any point a fire alarm fails to pass the annual test set forth in NFPA 72, the building owner and fire alarm tester/inspector shall notify the AHJ of the test results, and the system shall be repaired or upgraded as required in order to comply with NFPA 72 and this code.
- H. Fire alarm control panels shall display the status of the system components and be installed in a location acceptable to the AHJ. Adequate access for fire department, alarm maintenance and inspection personnel shall be maintained. Fire alarm control panels shall not be located within private dwellings with the exception of one- and two-family dwellings.

§133-15. Automatic fire protection for cooking areas.

- A. Intent. The intent of this section is to require automatic fire extinguishing systems in vent hoods and duct systems in all cooking areas to effectively extinguish fire at its source and reduce property damage and losses.
- B. Where required. Automatic fire extinguishing systems shall be installed in any cooking area required by the State of Wisconsin codes and in any area in which the AHJ has determined a potential fire risk exists.
- C. Installation requirements.
 - 1) All fire extinguishing systems must be submitted directly to the fire department’s authorized reviewing agent for conditional approval. Plans must comply with the requirements of NFPA 17/17A; and plan submissions must include all required design elements, details, calculations, and specifications set forth in the relevant standard.
 - 2) The system shall be provided with automatic fuel shut-off.
 - 3) A class K fire extinguisher shall be installed per NFPA 10.
 - 4) Alarms shall be connected to the fire alarm system per NFPA 72.
 - 5) Cooking equipment used in processes producing smoke or grease-laden vapors shall be equipped with an exhaust system that complies with all the equipment and performance requirements of NFPA 1 and NFPA 96, and all such equipment and performance shall be maintained per NFPA 96 during all periods of operation of the cooking equipment.

§133-16. Miscellaneous construction provisions.

- A. Addresses and door labeling. Addresses as assigned by the City shall be placed on all structures or property supporting the same as follows:

- 1) Placement. The address shall be put in place on the structure as soon as reasonably possible during construction at a location acceptable to the AHJ.
 - 2) Description of numbers and letters. Numbers and letters shall be of contrasting colors (e.g. black and white) and readable from the road or highway and:
 - a. Arabic numbers shall be used; script and roman numerals cannot be used alone, but may be used as an addition to the requirements of this section.
 - b. All single-family and two-family residential buildings shall have street numbers, not less than four (4) inches tall and placed on the exterior wall of the principal building that faces the street or service drive providing access to the building. All such residential units shall also have street numbers, not less than three and one-half (3 ½) inches tall, placed on their respective mail box. If the building setback is greater than 100 feet from the roadway the address shall be moved no further than 25 feet from the roadway and placed within ten (10) feet of the entrance to the property. Numbers and letters shall be visible from the roadway at all times of the year.
 - c. If the mailbox is on a different street from the residence, the street name and house number must be inscribed on the mailbox.
 - 3) Multifamily requirements. All multifamily buildings shall have street numbers placed on the exterior of the principal building that faces the street, service drive, or parking lot and located adjacent to the individual entrances to the buildings. In addition, each building shall be identified by a letter or number, not less than 12 inches tall, located near the top of the building. At the entrance of each access drive, there shall be a directory listing of the street numbers and building identifications that are accessible from said street, service drive or parking lot. Suite numbers identifying the individual units must be placed on the primary entrance to each occupancy.
 - 4) Commercial and industrial requirements.
 - a. If less than 75 feet in height, shall have street numbers, not less than six (6) inches tall, placed at the exterior wall of the principal building facing the street, service drive or parking lot providing access to that building and located adjacent to any primary entrance door.
 - b. If more than 75 feet in height, shall have street numbers, not less than 24 inches tall, located on the exterior wall facing the primary street and main entrance.
 - c. All suite numbers that identify each individual unit shall be placed on the primary entrance to each business or occupancy.
 - d. All commercial or industrial structures which have a rear service door shall identify the occupant and the street address conspicuously and on said rear door in contrasting and reflective letters and/or numbers not less than six (6) inches tall, and shall continually maintain same.
- B. Door, floor and stairway identification. Any occupancy having more than five exterior means of egress and/or more than two floors in height shall number the individual egress areas according to this section:
- 1) An identifying number shall be placed on the interior and exterior of each means of egress doorway not less than six inches tall, and in contrasting color and light reflective.
 - 2) Each floor shall have a sign indicating room numbers, with an arrow indicating the direction to these rooms. The location of this sign must be acceptable to the AHJ.
 - 3) Each interior door providing access to an enclosed stairway that is considered part of an accessible means of egress shall be identified with numbers and letters not less than three and one-half (3 ½) inches tall in the following manner:

- a. Have a sign indicating floor level posted on both sides of the egress door in a location acceptable to the AHJ.
 - b. Have a sign indicating the exterior exit door egress assigned in compliance with Subsection B(1) located on both sides of the egress door in a location acceptable to the AHJ.
 - 4) Identification numbers shall be placed on the exterior windows of all hotels, motels, nursing homes, and multifamily occupancies to identify the room number or address it services. The numbers shall be not less than three and one-half (3 ½) inches tall, light reflective, and in a location acceptable to the AHJ.
- C. Fire Department access roads and fire lanes. Unobstructed fire lanes that are accessible from a public road shall be provided for every building or portion of a building in accordance with Wis. Admin. Code § SPS 362. Fire Department Access Roads shall comply with the requirements of NFPA 1, (18.2.3.1).
- D. Fire hydrants.
 - 1) Intent. The intent of this section is to insure adequate water supply for fire-fighting purposes to structures, buildings, and normal premises. For the purposes of placing hydrants, “normal access routes” are defined as pavement, sidewalks, streets, driveways and paths leading to a building that are clear and maintained year round. The normal access route does not include grass, parking stalls, ditches, hills shrubs, flower beds, fences, walls or any other area typically used for ingress or regress to a building.
 - 2) Where required. Any building or structure hereafter erected shall provide, at the owner’s expense, approved water hydrants. Fire hydrant location, distribution, and installation shall comply with NFPA 1 (18.5).
 - a. Mobile home parks. Any new mobile home or trailer park or any mobile home or trailer park which expands by adding additional trailers or area to the present court site shall provide an approved water hydrant when any trailer or building located in such park is more than 300 feet from an approved hydrant. Water hydrants shall be provided so that no trailer or building is more than 300 feet from an approved hydrant by normal access routes. Fire extinguishers are required in mobile home parks per Chapter 174 of Franklin municipal ordinances.
 - b. Notwithstanding the above, the need and location of any fire hydrant shall be determined by the AHJ as he/she deems necessary to protect life and property. [Added 7-24-2012 by Ord. No. 2012-2086]
 - 3) Inspection, testing, maintenance and repair.
 - a. Private fire service mains and water tanks shall be inspected, tested and maintained in compliance with the requirements established in NFPA 25.
 - (1) Property owner shall immediately advise the fire department and the Water Utility as to hydrants which have been damaged, are inoperable, or have been found deficient in required fire flow.
 - (2) All inoperable hydrants shall be repaired as soon as is practically possible or within a reasonable time frame as determined by the AHJ.
 - (3) All records of inspections shall be maintained on site and made available to the AHJ upon request.
 - b. Hydrants must be accessible at all times. Prohibited obstructions may include but are not limited to snow, parked vehicles, materials, equipment, storage and refuse. No obstruction shall be within a four-foot radius of the hydrant.

E. Access box system requirements.

1) An access box system has been adopted for use by this fire department. The following structures shall be equipped with an access box at or near the main entrance or such location as required by the AHJ:

- a. Commercial or industrial structures protected by an automatic alarm system or automatic fire suppression system, or such structures that 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, community-based residential facilities (CBRFs), child day-cares and other health facilities.
- d. All educational occupancies.
- e. The AHJ shall have the authority to require any structure to install and maintain an access box.
- f. Exception: Any building or site that has twenty-four hour, seven-day-a-week security guard service or any occupancy that remains open 24 hours a day, seven days a week, does not require an access box, unless required by the AHJ.

2) All newly constructed structures subject to this section shall have the access box installed and operational prior to the issuance of an occupancy permit. All structures in existence on the effective date of this section and that are subject to this section shall have one year from the date of being ordered by the AHJ to have an access box installed to complete installation.

3) The owner or agent of a structure required to have an access box shall keep the following inside the box:

- a. Keys to locked points of ingress and egress whether on the interior or exterior.
- b. The keys to locked mechanical equipment, electrical and elevator control rooms, fire alarm and/or sprinkler riser rooms.
- c. The keys needed to open any alarm panels.
- d. Floor plans or maps as required by the AHJ.
- e. The keys to other areas as directed by the AHJ.
- f. Number of keys required: [Added 7-24-2012 by Ord. No. 2012-2086]
 - (1) Occupancies smaller less than 10,000 square feet shall provide a minimum of two master keys.
 - (2) Occupancies of at least 10,000 square feet but less than 50,000 square feet shall provide a minimum of three master keys.
 - (3) Occupancies of 50,000 square feet or more and/or those occupancies with special hazards shall provide a minimum of four master keys.
 - (4) The access box shall be installed at the owner's expense.
 - (5) The size and type of access box must be acceptable to by the AHJ.
 - (6) If the locks to the building are changed, the AHJ must be notified and new keys placed in the access box within 24 hours

F. Occupancy inspection. The fire department shall conduct inspections of public buildings and places of employment prior to the issuance of local occupancy permits. A record of the inspection shall be retained by the fire department.

G. Building plan review. The fire department shall conduct plan reviews and issue approvals of fire-safety related elements prior to construction of any public buildings or places of employment.

- H. Fire pump rooms. [Added 7-24-2012 by Ord. No. 22012-2086].
- 1) All fire pump rooms at grade level shall have a minimum of one single door access and egress directly to the outside of the structure.
 - 2) All egress doors shall swing out from the fire pump.
 - 3) A clear aisle of a minimum of 48 inches in width shall be provided for access to the fire pump which shall be totally accessible and have clearly labeled valves and controls capable of manipulation in full personal protective equipment (PPE), including self-contained breathing apparatus (SCBA).
 - 4) Keys for all doors to the fire pump room must be labeled and in the access box.

§133-17. Miscellaneous use provisions.

- A. Fire-damaged buildings (securing). All dwelling and buildings within the municipality damaged from fire shall be secured within 24 hours of release of the property by the AHJ. The owner of the damaged property shall assume the liability for the protection of the public until the property is secured.
- B. Fireworks.
- 1) Sales. Except as provided in §167.10(2) and (4), Wis. Stats., no person shall sell or possess with the intent to sell fireworks.
 - 2) Possession. No person shall possess, manufacture, use, display, discharge or sell any fireworks without a permit.
 - 3) Use. Except as provided in §167.10(3), Wis. Stats., no person shall possess or use fireworks without a user's permit issued pursuant to Subsection C(4) below.
 - 4) User permit.
 - a. As provided in §167.10(3), Wis. Stats., fireworks user's permits may be issued for festivals or celebrations after proper application to the municipality.
 - b. The AHJ shall require certificate of liability insurance or similar proof of coverage on an amount deemed appropriate.
 - c. Fireworks displays shall be required to be conducted in accordance with the conditions and requirements set forth in NFPA 1123, *Code for Fireworks Displays*.
 - d. Permits to display or discharge fireworks shall be issued as follows:
 - (1) An application for a permit may be obtained at the Fire Department.
 - (2) Applications shall be submitted not less than seven days prior to the date of such display.
 - (3) No accumulating or purchase of fireworks shall be allowed prior to the issuance of the permit.
 - (4) After review of the application and inspection of the site, a permit shall be issued or denied at the discretion of the AHJ upon due consideration of the provisions of this chapter and the promotion of public safety and security of adjoining property.
 - (5) The AHJ reserves the right to reinspect the display and landing sites at any time to ensure public safety.
 - (6) NFPA 1123 and 1124 will be used as a guide for these inspections.
 - (7) The cost of such permits shall be as set forth under §133-21 of this code.
 - (8) All persons applying for a permit must also submit proof of liability insurance in the amount of \$1,000,000 and a copy of any contract with companies which will be responsible in whole or part for the fireworks, storage, or display.

- (9) All display companies and personnel who are paid to set off fireworks within the city shall return to the area of fireworks display within 18 hours of the display and during daytime hours to carefully search for and dispose of unexploded fireworks.
 - (10) The Franklin Police and/or Fire Department personnel are authorized to enlarge the area required to be searched by the display companies and their personnel.
 - 5) No permits. Permits will not be issued to sell or manufacture fireworks.
 - 6) Use of caps and sparklers. No unlicensed person may use fireworks, caps, or sparklers in a municipal park or at a fireworks display for which a permit has been issued if the display is open to the public.
 - 7) Pyrotechnics. Pyrotechnics are prohibited in public buildings and places of employment unless authorized by the AHJ and shall be used in accordance with NFPA 1123.
 - 8) The fire chief and/or his or her designee may disallow the display of fireworks due to local circumstances, such as extremely dry conditions or other unforeseen circumstances.
 - 9) Sky lanterns. The use of free-floating sky lanterns and similar devices utilizing an open flame shall be prohibited.
- C. High-piled combustible storage. High-piled and rack storage of combustible commodities shall comply with any and all applicable DSPS and IBC codes and standards and the conditions and requirements of Chapter 32 of the International Fire Code (2015), which is herein adopted by reference in this code.
- D. Outdoor burning.
- 1) Restricted Burning (permit required). Outdoor burning of any kind may be restricted upon issuance of a burning ban order by the AHJ for environmental conditions such as prolonged dry periods, or for other reasons at the discretion of the AHJ.
 - a. Open Burning. There shall be no open burning of any combustible waste material except as allowed by permit and subject to the following regulations:
 - (1) A Franklin Burning Permit must be obtained from the Office of the City Clerk (9229 W. Loomis Rd.) by the listed property owner prior to ignition. (Permits shall only be issued to owners of one- and two- family residential properties).
 - (2) Wind velocity shall not exceed nine miles per hour.
 - (3) Contents of the pile may contain only dry leaves, brush, and other dry plant material.
 - (4) Burning of construction or packaging materials is prohibited.
 - (5) The size of the burn pile shall not exceed four feet in width or three feet in height.
 - (6) Open burning shall be constantly supervised by a competent person, at least 16 years old, until the fire is extinguished.
 - (7) The pile to be burned shall be a minimum of 50 feet from buildings and 25 feet from any public roadways.
 - (8) If smoke travels in such a manner as to cause a nuisance to neighbors, or obscure any public roadway, the fire shall be required to be extinguished.
 - (9) Open burning shall only be permitted from 7:00 a.m. to ½ hour after sunset.
 - (10) Open burning shall be permitted from April 1 to June 15 and October 15 to November 30.
 - (11) Flammable or combustible liquids shall not be used to ignite or accelerate the fire at any point.
 - (12) A garden hose or other means of extinguishment must be present and readily accessible at all times.

b. Bonfires. Bonfires may be conducted for public ceremonies, celebrations, and special events; only with a permit approved by the fire department, and subject to the following conditions and requirements:

- (1) An application shall be obtained from and submitted to the fire department no less than seven days prior to the date of the event.
- (2) The cost of such permit shall be as set forth under §133-21 of this code. (Fees shall be refunded if a bonfire permit application is denied by the AHJ).
- (3) After review of the application and inspection of the site, a permit shall be issued or denied at the discretion of the AHJ upon due consideration of the provisions of this chapter and the promotion of public safety and the security of adjoining property.
- (4) No accumulating of items to burn in the bonfire shall be allowed prior to the issuance of the permit.
- (5) The AHJ reserves the right to re-inspect the bonfire site at any time to ensure public safety.
- (6) Fire shall be no larger than 10 feet in diameter or 10 feet tall.
- (7) The fire area shall be protected by a fire ring or in some other fashion acceptable to the AHJ to prevent fire spread or a fire hazard.
- (8) Fires shall contain only wood; other building products are prohibited.
- (9) Fires shall not be started or accelerated using flammable liquids.
- (10) Fires must be attended at all times by a competent person of at least 18 years of age who has obtained the permission of the property owner.
- (11) The fire must be at least 50 feet from all structures, roadways and lot lines.
- (12) If smoke travels in such a manner that it obscures roadways, the AHJ reserves the right to require that the fire be extinguished.
- (13) A garden hose or other means of extinguishment must be present and readily accessible at all times.

c. Prescribed burns. Prescribed burns may be conducted in order to control invasive weeds, grasses, and brush for the purpose of restoring native prairie plant species and improving wildlife habitat, with the following conditions and restrictions:

- (1) Prescribed burns shall be conducted only by a professional environmental consulting or engineering firm demonstrating adequate proof of insurance, and with the approval of the fire chief.
- (2) Prescribed burn requests shall be evaluated and approved or denied on a case-by-case basis at the sole discretion of the fire chief, after consideration of geographic location, present conditions, and potential impact on adjoining properties, structures, and roadways.

2) Permissible burning (permit not required).

a. Grills:

- (1) For other than one- and two- family dwellings, no hibachi, grill, or similar devices used for cooking, heating, or any other purpose shall be used or kindled on any balcony, under any overhanging portion, or within 10 ft (3m) of any structure.
- (2) For other than one- and two- family dwellings, no hibachi, grill, or other similar devices used for cooking shall be stored on a balcony.

- (3) Listed equipment permanently installed in accordance with its listing, applicable codes, and manufacturer's instructions shall be permitted.
- (4) Electric grills shall be permitted to be used and stored on balconies, provided that they are UL-listed and intended for outdoor use; and provided they are left uncovered so as to be readily identified as meeting the requirements of this code.

b. Recreational fires:

- (1) Portable fire pits shall not be used or kindled on any combustible surface, balcony, or under any overhanging portion; or within 25 feet of any structure unless contained in an approved manner.
- (2) Total fire area shall not exceed three feet in diameter and two feet in height.
- (3) Only dry firewood may be burned; burning of yard waste, construction materials, or other refuse is prohibited.
- (4) Recreational fires shall be attended at all times by a competent person at least 16 years old, who has obtained the permission of the property owner.
- (5) Flammable or combustible liquids shall not be used to ignite the fire.
- (6) Smoke shall not be a nuisance to neighbors or public roads.

E. Possession of ignition devices.

1) Defined.

a. "Ignition device," for the purpose of this section shall be defined as:

- (1) Matches.
- (2) Lighters.
- (3) Any other materials when used for the purpose of ignition.

b. Minor: any child under 18 years of age.

- 2) Possession prohibited. No minor may possess any ignition device, unless under the direct supervision of, or with direct permission of, a parent or legal guardian.
- 3) Delivery prohibited. No person may sell, give, deliver or make accessible any ignition device to a minor without the permission of the minor's parent or legal guardian.
- 4) Confiscation. Any ignition device possessed by a minor may be confiscated by any peace officer, fire chief or authorized designee of the fire chief. Once confiscated, these ignition devices shall become the property of the confiscating authority and shall be processed accordingly as evidence in the commission of a crime or made inoperable and disposed of properly.
- 5) Penalty.

a. Any person who shall violate any of the provisions of this subsection shall, for each and every violation, be punishable by forfeiture, plus any costs or surcharges as required by law.

b. In addition to any other penalties provided for in this code, the judge of any court of any competent jurisdiction may order any person found guilty of violating this ordinance to any educational program as the court deem appropriate and include as part of the penalty therein that such person pay the costs of such educational program.

F. Christmas tree sales. For the purpose of this subsection, the following minimum standards shall apply to the storage, handling, and display of live Christmas trees and foliage:

- 1) Trees and foliage shall be stacked not closer than 10 feet to any gasoline pump or other device for the transfer of petroleum products.
- 2) Aisles or clear spaces of not less than three feet shall be maintained at all times.

- 3) A fire extinguisher with a 2A-10BC rating or greater shall be provided by the merchant for each 75 feet of travel display and/or storage area.
- 4) All storage and sales of live Christmas trees and foliage shall be held outside of buildings.
- 5) It shall be unlawful to light a match or any flame-producing device or to smoke or carry a lighted cigar, cigarette, or pipe in areas where live Christmas trees or foliage is displayed, sold, or stored. The person in charge of the Christmas tree sales shall post a "NO SMOKING" sign in locations designed to give persons entering the area notice of this regulation.

G. Blasting.

- 1) Permit required. All persons or entities who perform blasting in the city shall obtain the proper permit prior to storage or use of blasting agents or explosives. Application for a permit may be obtained at the fire department. Applications shall be submitted not less than seven days prior to the date of such blasting project. No accumulation of blasting agents or explosives shall be allowed prior to the issuance of the permit. After review of the application and inspection of the site, a permit shall be issued or denied at the discretion of the AHJ upon due consideration of the provisions of this chapter, promotion of public safety and security of adjoining property. The AHJ reserves the right to reinspect the project site at any time to ensure public safety. The cost of such permit shall be as provided in §133-21 of this code.
- 2) Exemptions. Persons or entities engaged in the active operation of quarrying activities, as a legal, nonconforming, permissive or special use of land, prior to the effective date of this chapter, shall be exempt from the permit requirement hereunder.

H. Carbon-monoxide (CO) detectors. [Added 7-24-2012 by Ord. No. 2012-2086]

- 1) Intent. The intent of this section is to decrease the leading cause of poisoning deaths in the United States by requiring the installation and maintenance of carbon monoxide (CO) detectors.
- 2) Installation required. Installation shall be required, installed, tested and maintained as set forth in §101.149 Wis. Stats.

I. Smoke Alarms [Added 7-24-2012 by Ord. No. 2012-2086]

- 1) Installation required. A "ten year" smoke alarm with a sealed battery or smoke alarms hardwired to the structure's electrical power with a battery backup and interconnected with each other shall be installed in all multi-family and mixed use occupancies not later than January 1, 2013. Smoke alarms must be installed in all bedrooms, in the common hallway outside of the bedrooms and/or at the head of all stairways and/or in locations required by the AHJ.
- 2) Testing and maintenance.
 - a. The owners of multifamily occupancies are responsible for monthly testing and documentation of the same for all smoke alarms not located within tenant areas.
 - b. The owner and/or occupant of mixed-use occupancies are responsible for monthly testing and documentation of the same for all smoke alarms located within areas they occupy.
- 3) Once notified of a missing or defective smoke alarm, the owner of a multifamily occupancy shall repair or replace the smoke alarm within five days.

J. Outdoor, ordinary combustible-fired or fuel furnaces. An outdoor wood-fired furnace shall not be installed or used within the City. [Added 7-24-2012 by Ord. No. 2012-2086]

§133-18. Flammable, combustible, and hazardous materials.

A. The following items shall not be stored in any multifamily dwelling in the community:

- 1) Charcoal, except in a metal container equipped with a metal cover.

- 2) Oily rags or oily dust mops.
 - 3) Flammable liquids.
 - 4) Bottle gases: propane, acetylene, oxygen or other substances of similar nature.
 - 5) Gasoline motors and gasoline power equipment.
 - 6) Dangerous or hazardous amounts of flammable, combustible or explosive material as determined by the AHJ.
 - 7) Dangerous accumulations of rubbish, waste paper, boxes, shavings, or other highly flammable materials as determined by the AHJ.
 - 8) Dangerous accumulations of dust or waste materials in air conditioning systems.
- B. Flammable, combustible and hazardous materials shall be identified in accordance with NFPA 704.

§133-19. Special inspections required.

- A. At the adoption of this code all CBRFs adult family homes, adult day-cares and child day-care centers (group) will be inspected not less than once a year by the Fire Department. A courtesy fire inspection is recommended for all family child day-cares.

§133-20. Fire inspection fees. [Amended 2-21-2006 by Ord. No. 2006-1873]

- A. A fire inspection fee shall be charged to the property owner and/or property occupant, jointly and severally, and respectively for each part or portion of a building, structure or premises subject to a separate zoning compliance permit and/or a separate occupancy permit requirement, including for each return or repeat inspection of each building, structure, and premises or part or portion thereof.
[Amended 2-6-2007 by Ord. No. 2007-1907]
- B. The annual fee shall constitute a special charge against the property inspected and shall be entered upon the tax roll as a charge against the property unless previously paid, and all proceedings in relation to the collection, return, and sale of the property for delinquent real estate taxes shall apply to the collection of any unpaid inspection fees.
- C. The fee for the required fire inspections shall be charged to and paid by the owners of multifamily residential property, mixed use property, commercial property, industrial property, health-care-facility property, schools, churches and other places of worship, child day-care centers, rooming houses, community-based residential facility property, adult- family-home property, adult- day- care facility property, nursing home property and assisted living property. Inspection fees to be charged and paid under this section shall be in the amount of \$20 for an inspection which does not exceed 20 minutes in duration; \$30 for an inspection which does not exceed 40 minutes in duration; \$40 for each inspection which does not exceed 60 minutes in duration; and \$40 pro rata for each portion of an inspection hour in addition to and immediately following an initial hour of inspection. Total inspection fees charged to any single property or facility shall not exceed \$500 in a calendar year.
- D. Should reinspections be necessary for any purpose, the base fee for all reinspections shall be \$75 for any portion of an hour, however this fee shall be waived if all conditions and violations have been corrected and the building and/or space is in full compliance with the requirements of this code.

§133-21. Fees.

- A. Fees shall be established for permits shall be payable to the municipality--Fees are subject to change.
- B. Permit fees. The fees established in Table 133-21A apply to permits required by this code.

Table 133-21A

Permit	Fee
Bonfires	\$50 per fire
Open Burning	\$15 per year
Blasting	\$100 per project
Fireworks	\$50 per event
High-piled storage	\$300 per permit*
Addition, alteration, or removal of 1-20 sprinkler heads or alarm components to an existing system	\$50 per project
Installation of any fire protection system; including fire sprinkler, fire alarm, wet chemical, clean agent, water mist, or other	\$100 per project; in addition to any plan review and inspection fees charged by authorized third party contracted plan review consultant.

§133-22. Violations and penalties.

- A. Any person who violates any of the provisions of this code, 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 certificate or permit herein from which no such appeal has been taken, or who fails to comply with such an order as affirmed or modified by a court of competent jurisdiction within the time fixed herein, shall for each and every violation and noncompliance be subject to the following:
- B. Imposition by forfeiture of no more than \$500 per day by the Municipal Court
- C. Imposition of a penalty for each such violation shall not excuse the violation or permit it to continue, and such violations or defects shall be corrected or remedied within the time stated in the order. Each and every day that a violation of this code occurs constitutes a separate offense.
- D. False alarms. If the fire Department responds to three or more false alarms in one calendar year, the Fire Department may:
 - 1) Fine the building owner or occupant the amount as per City of Franklin § 76-7 to reimburse the Fire Department for the cost of equipment and personnel that was used to respond to the alarm.
 - 2) Require that the fire alarm be serviced, upgraded, or replaced to bring the alarm system into compliance with current code in order to prevent future false alarms.
- E. Any contractor that begins installation and/or alteration of any system regulated by this code prior to obtaining the required permit will be charged a triple fee.

§133-23. Appeals.

- A. Whenever the AHJ shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provision of this Code do not apply or that the true intent and meaning of this Code has been misconstrued or wrongly interpreted, the applicant may appeal the decision of the AHJ.
- B. Appeals shall be submitted, in writing, to the Chief of the Fire Department for a review of the initial determination within 30 days from the date of the decision of the AHJ.
- C. All appeals shall follow Wisconsin Statute Chapter 68, Municipal Administrative Procedure.

D. Whenever the Fire Official shall disapprove an application or refuse to grant a license or permit applied for, or when it is claimed that the provisions of this chapter do not apply or the true intent and meaning of this section have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Official to the Board of Zoning and Building.