

**CHAPTER 13****FIRE PREVENTION**

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**SECTION 13-1 FIRE PREVENTION DIVISION****(A) CREATION**

The Fire Chief shall create a Fire Prevention Division within the City of Oshkosh Fire Department.

**(B) ORGANIZATION**

- (1) The Fire Chief shall appoint a Battalion Chief to supervise the activities and functions of the Fire Prevention Division.
- (2) The Fire Chief shall appoint additional members of the Department, as he deems necessary, to perform the functions of fire inspector.

**SECTION 13-2 ADOPTION OF FIRE PREVENTION CODES**

(A) The following rules and regulations together with any future additions, deletions or supplements thereto, are herewith incorporated as part of this Chapter and shall be enforced with the same force and effect as though set forth in full herein. Providing, however, that where such rules and regulations are less stringent than other provisions found in this Code, the provisions of this Code shall apply.

- (1) (a) International Fire Code (IFC) 2006 Chapter 1, but excluding section 108 and 109.3 and including only those sections of 105.6 and 105.7 as enumerated below:

## Required Operational Permits

- 105.6.4 Carnivals and fairs
- 105.6.13 Exhibits and trade shows
- 105.6.15 Fire hydrants and valves
- 105.6.30 Open burning
- 105.6.35 Private fire hydrants
- 105.6.36 Pyrotechnic special effects material
- 105.6.43 Temporary membrane structures, tents and canopies

## Required Construction Permits

- 105.7.1 Automatic fire-extinguishing systems
- 105.7.4 Fire alarm and detection systems and related equipment
- 105.7.5 Fire pumps and related equipment
- 105.7.10 Private fire hydrants
- 105.7.12 Standpipe systems
- 105.7.13 Temporary membrane structures, tents and canopies

(b) International Fire Code (IFC) 2006 Chapters 2-45

(c) International Fire Code (IFC) 2006 – Appendix D Fire Apparatus Access Roads

(d) The Geographic limits referred to in certain sections of the 2006 International Fire Code are hereby established as follows:

Section 3204.3.1.1 The storage of flammable cryogenic fluids in stationary containers is prohibited on properties zoned residential or within one thousand (1,000) feet of a property line of property zoned residential area unless allowed by the Fire Chief or his/her designee.

Section 3404.2.9.5.1 The storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited on properties zoned residential or within one thousand (1,000) feet of a property line of property zoned residential area unless allowed by the Fire Chief or his/her designee.

Section 3406.2.4.4 The storage of Class I and Class II liquids in above-ground tanks is prohibited on properties zoned residential or within one thousand (1,000) feet of a property line of property zoned residential area unless allowed by the Fire Chief or his/her designee.

Section 3804.2 The storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas is prohibited on properties zoned residential or within one thousand (1,000) feet of a property line of property zoned residential area unless allowed by the Fire Chief or his/her designee.

- (2) National Fire Protection Association (N.F.P.A.) Codes –
  - Water-based Fire Protection Systems, N.F.P.A. 25
  - Spray Applications Using Flammable or combustible Materials, N.F.P.A. 33
  - National Fuel Gas Code, N.F.P.A. 54
  - Storage and Handling of Liquid Petroleum Gases Code, N.F.P.A. 58
  - Aircraft Fuel Servicing, N.F.P.A. 407
- (3) Wisconsin Administrative Codes
  - Flammable and Combustible Liquids Code, COMM 10, Wis. Admin. Code
  - Fire Prevention Code, COMM 14, Wis. Admin. Code
  - Building Heating, Ventilating and Air Conditioning Code, COMM 61 thru 65, Wis. Admin. Code
  - Uniform Multifamily Dwellings, Code, COMM 66, Wis. Admin. Code.

(B) Section 167.10 of the Wisconsin Statutes pertaining to Regulation of Fireworks, together with any future additions, deletions or supplements thereto, is herewith incorporated as part of this Chapter and shall be enforced with the same force and effect as though set forth in full herein. Providing,

however, that where such rules and regulations are less stringent than other provisions found in this Code, the provisions of this Code shall apply.

- (1) Notwithstanding any provision of this Code to the contrary, no person may sell, possess or use fireworks, as that term is defined by Section 167.10(1) of the Wisconsin Statutes as may be amended from time to time, within the City; except that the use of fireworks may be allowed by appropriate permit issued by the fire chief.

## **SECTION 13-2.2 FREQUENCY OF INSPECTIONS**

The Chief of the Fire Department shall be responsible for having all public buildings and places of employment within the territory of the Fire Department inspected 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 fire hazards or to the prevention of fires. The inspections shall be conducted at least once per calendar year, provided that the interval between those inspections does not exceed fifteen (15) months.

## **SECTION 13-3 SMOKE DETECTORS**

- (A) All dwelling units, vacant or occupied, shall be provided with working, approved, listed and labeled smoke detectors. Smoke detectors shall be installed in accordance with the appropriate Department of Commerce (DIHLR) code that governs the dwelling building, and in accordance with the manufacturers instructions.
- (B) The owner of the building shall be solely responsible for the installation and maintenance of the smoke detectors, to include battery replacement as required.
- (B) The tenant shall be responsible for informing the owner in writing of any smoke detector malfunction, to include the need for a new battery.
- (C) The owner shall immediately upon receipt of this written notice from the tenant, repair/replace the smoke detector or replace the battery as needed.
- (D) The owner nor the tenant shall remove or disconnect the battery from a smoke detector at any time except for battery replacement.
- (E) The owner shall install new batteries in all smoke detectors at the beginning of a new lease or new tenancy and shall install new batteries annually.
- (F) The owner shall furnish to the tenant at the beginning of a new lease or new tenancy, written notice of the responsibilities of the tenant and the obligations of the owner regarding smoke detectors, their batteries and their maintenance.

## **SECTION 13-4 FALSE ALARMS**

- (A) The user of any private alarm system which, upon activation, elicits a response from the City of Oshkosh Fire Department, shall be subject to the following answering fee schedule for each false alarm in the calendar year. A false alarm shall be defined as an alarm which was discharged falsely, accidentally, through mechanical failure, malfunction, improper installation, lack of

maintenance, or by negligence of the owner or lessee of the alarm system or of his and/or her employees or agents.

(B) FEE SCHEDULE

There is hereby imposed a fee for each fire department response to any false alarm. The owner of the property shall be subject to the fee schedule below. The fee schedule for each premises shall be as follows in any calendar year:

(1)	first and second false alarms	No Charge
(2)	third and fourth false alarms	\$25.00
(3)	fifth thru tenth false alarms	\$50.00
(4)	eleventh and subsequent false alarms	\$100.00

(C) EXCLUSION

False alarms shall not include:

- (1) alarms that occur during electrical storms, tornadoes, blizzards, or other natural disaster or Acts of God.
- (2) disruption of the telephone circuits beyond the control of the alarm company and/or the alarm user.
- (3) electrical power or disruption or failure not caused by the user.
- (4) alarms caused by failure of equipment at the Winnebago County communications center (9-1-1).

This fee shall be imposed whether the Fire Department received the alarm by direct connection or through an intermediary, such as an answering service or modified central station. If the Fire Chief is notified in writing prior to the day of installation of a new alarm system, the fee imposed by this section shall be waived for a 90-day period beginning with the date of the installation.

- (D) The alarm user shall provide the Fire Department with the names and telephone numbers of at least two persons who can be reached at any time, day or night, who are authorized to respond to an emergency signal transmitted by the automatic alarm system or device, and who are trained in the operation and functioning of the alarm system, and who can open the premise wherein the alarm system is installed. It shall be a violation of this section if any of these persons cannot be contacted, or if they refuse to cooperate with and respond at the request of Fire Department officials, they and/or the alarm user may be subject to a forfeiture under the penalty section of this ordinance.
- (E) No alarm system designed to transmit emergency messages directly to the Fire Department/9-1-1 or through an intermediary service shall be tested or demonstrated without first notifying the Fire Department and the Fire Dispatcher prior to the start of such test or demonstration.
- (B) It shall be unlawful for any person to give or cause to be given a false alarm, or to pull the lever of any signal box, except in the case of fire, or tamper, meddle or interfere in any way with said boxes, or any of the wires, or supports thereof connected with any part of the fire alarm system, or to make any connection or communication therewith so as to interrupt or interfere with the proper working of said system or injure, break or destroy machinery or fixtures connected with said system.

**(G) LIABILITY**

The City of Oshkosh shall be under no duty or obligation to a subscriber or to any other person concerning any provisions of this ordinance, including but not limited to any defects in an alarm system or any delays in transmission, or response to any alarm.

(H) Those subject to fees for false alarms shall be notified, in writing, of such fees by the City of Oshkosh. Failure to pay the fee within 30 days of invoice shall be grounds to subject the user to the penalties contained within Section I. In addition to any other methods provided by law, false alarm fees under Section B above, shall be allocated to the property served as a special charge under Section 66.60(16) of the Wisconsin Statutes.

(I) Any person may appeal issuance of an invoice to the Fire Chief. The appeal shall be filed with the City Clerk upon a form provided by the City Clerk's Office. The appeal shall be in writing and specify the reason for the appeal. The Fire Chief shall determine whether to sustain, or revoke the invoice in whole or in part and shall notify the appellant of this decision in writing within 15 days of receipt of the appeal.

(J) Any person feeling aggrieved by a decision of the Fire Chief may appeal such decision to the City Council within 15 days of the written notification made by the Fire Chief. The date of the written notice shall be the date of mailing or the date of personal service of the notice. The appeal shall be filed with the City Clerk upon a form provided by the City Clerk's office. The appeal shall be in writing and specify the reason for the appeal. The City Council may reverse or affirm wholly or in part, or may modify the decision of the Fire Chief. The vote of the majority of the members of the City Council present shall be necessary to reverse or modify the decision of the Fire Chief.

**SECTION 13-5 RESERVED (POSTING OF OCCUPANCY LOAD-repealed 8/12/08)****SECTION 13-6 PROHIBITED DISCHARGES & REIMBURSEMENT**

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

(B) Containment, Cleanup and Restoration: Any person, firm or corporation in violation of the above section shall, upon direction of any Fire Department officer, begin immediate actions to contain, clean up and remove to an approved repository, the offending material(s) and restore the site to its original condition, with the offending person, firm or corporation being responsible for all expenses incurred. Should any person, firm or corporation fail to engage the necessary person and equipment to comply with or to complete the requirements of this section, the Fire Chief or Police Chief, or designees, may order the required actions to be taken by public or private sources and allow the recovery of any and all costs incurred by the City as action imposed by paragraph C below.

- (C) Emergency Services Response: Includes but not limited to: fire service, emergency medical service, law enforcement. A person, firm or corporation who possesses or controls a hazardous which is discharged or who causes the discharge of a hazardous substance shall be responsible for reimbursement to the responding agencies for actual and necessary expenses incurred in carrying out their duties under this ordinance. Actual and necessary expenses may include but not be limited to: replacement of equipment damaged by the hazardous material, cleaning, decontamination and maintenance of the equipment specific to the incident, costs incurred in the procurement and use of specialized equipment specific to the incident, specific laboratory expenses incurred in the recognition and decontamination, clean up and medical surveillance, and incurred costs in future medical surveillance of response personnel as required by the responding agencies medical advisor.
- (D) Site Access: Access to any site, public or private, where a prohibited discharge is indicated or suspected shall be provided to Fire Department officers and staff and to Police Department personnel for the purpose of evaluating the threat to the public and monitoring containment, clean up and restoration activities.
- (E) Public Protection: Should any prohibited discharge occur which threatens the life, safety or health of the public at, near or around the site of a prohibited discharge, and that the situation is so critical that immediate steps must be taken to protect life and limb, the Fire Chief, his assistant, or the senior police official on the scene of the emergency may order an evacuation of the area or take other appropriate steps for a period of time until the person, firm or corporation in violation of this section can take appropriate action.
- (F) Civil Liability: Any person, firm or corporation in violation of this section shall be liable to the City for any expense incurred by the City or loss or damage sustained by the City by reason of such violations.

### **SECTION 13-7 TO ASSIST AND OBEY ORDERS OF FIRE DEPARTMENT OFFICERS**

No person shall neglect or refuse to render assistance when lawfully called upon to do so by any Fire Department officer, the City Manager or any Councilperson, nor shall any person refuse to obey lawful order given to them to assist in the extinguishment of a fire or to maintain order in the vicinity thereof.

### **SECTION 13-8 RESISTING OFFICER OR MEMBER OF FIRE DEPARTMENT**

No person shall offer any resistance to any officer or member of the Fire Department when in the performance of their duty.

### **SECTION 13-9 DAMAGING FIRE HOSE OR APPARATUS PROHIBITED**

No person shall wantonly or maliciously cut or otherwise injure or damage any hose or apparatus belonging to or used by the Fire Department, nor shall drive any vehicle over any unprotected hose of the Fire Department which may be laid in the streets or any other place, without the consent of an officer of the Fire Department.

### **SECTION 13-10 UNAUTHORIZED USE OR OBSTRUCTION OF FIRE HYDRANTS PROHIBITED**

No unauthorized person shall open any fire hydrants, nor shall any person obstruct or interfere with the use of any fire hydrant, by piles of lumber, building materials, articles of merchandise, waste materials, or in any other way or manner.

## **SECTION 13-11      PENALTIES**

Except as provided below, any person who shall violate any of the provisions of this Chapter or of any Section thereof, shall upon conviction thereof, be punished by a forfeiture of not less than \$75.00 nor more than \$500.00, together with the costs of prosecution, and in default of payment thereof, by imprisonment in the County Jail for a period not to exceed sixty (60) days. Each day of violation shall constitute a separate offense.

- (A) Any person convicted of violating any of the provisions of Section 13-3 (A-G), shall forfeit not less than one hundred seventy-five dollars (\$175.00) for the first offense and not less than three hundred twenty-five dollars (\$325.00) for the second and or subsequent offense within twelve months of conviction, and not more than five hundred dollars (\$500.00) together with the cost of prosecution, and in default of payment thereof, by imprisonment in the County Jail for a period not to exceed sixty (60) days. Each day of violation shall constitute a separate and distinct offense.