

discovered all fire code violations or all fire hazards or that this report contains a complete list of all fire code violations existing on the property inspected herein.”

- (8) **LICENSE OR PERMIT WITHHELD.** No license shall be granted or renewed for the operation of any trade, profession, business or privilege for which a license is required by any provisions of this Code nor shall any occupancy permit under Chapter 14 of this Code be issued for any property that contains any outstanding violation of this section.
- (9) **VIOLATION AND PENALTY.** Any person who violates, disobeys, neglects, omits or refuses to comply with, or resists the enforcement of any of the provisions of this section shall be subject to a penalty as provided in SPS 314 Adm. Code and/or §25.04 of this Code.

**5.08** **GUNPOWDER.** (Renumbered only 2543 03/03/20) No person shall keep or store more than 10 pounds of gunpowder at any place within the City without the written permission of the Fire Chief. Any dealer permitted to keep at his place of business in excess of 10 pounds of gunpowder shall not keep more than 200 pounds at any one time, and such gunpowder shall be kept in a safely constructed box painted yellow with the word "POWDER" printed or painted thereon in black letters not less than 5 inches in height and equipped with handles so that the same may be readily moved in case of fire, and such box shall be kept in such part of the dealer's place of business as may be directed by the Fire Chief.

**5.09** **DYNAMITE.** (Renumbered only 2543 03/03/20) No person shall keep or store within the City any nitroglycerine, dynamite, giant powder or other explosives more violent than gunpowder without the written permission of the Fire Chief or otherwise than in accordance with the conditions prescribed in such permission as granted and in no case shall more than 50 pounds of any such explosive be stored or kept within 300 feet of any dwelling or other occupied building. The Fire Chief may direct the placement and the manner of keeping the same and the precautions to be observed in connection therewith.

**5.10** **TRAFFIC LAWS APPLY TO VOLUNTEERS.** (Renumbered only 2543 03/03/20) All firefighters, when responding to an incident call in a private vehicle, shall comply with all traffic regulations.

**5.11** **EMERGENCY ALARM SYSTEMS.** See §12.14 of this Code. (1833 09/26/95, Renumbered only 2543 03/03/20)

**5.12** **RESERVED** (2543 03/03/20)

**5.13** **REGULATION OF BURNING.** (1935 04/14/98, 2543 03/03/20)

(1) **OPEN BURNING PROHIBITED.**

- a. Except as otherwise provided in this Section, no person shall burn or cause to be burned any leaves, grass, wood, rubbish, waste, recyclable paper products, recyclable cardboard, painted wood, pressure treated lumber, and/or any material made of in whole or in part or coated with rubber, plastic, leather or petroleum based materials, and/or products containing flammable materials or other combustible material.
- b. An Open Burning Permit may be issued by the Fire Chief or designee for prescribed vegetation management purposes subject to reasonable conditions to mitigate fire hazards. The fee for an Open Burning Permit shall be as set forth in the City's Official Fee Schedule, §1.90, as set by the Common Council. Applications for a permit must be submitted to the City Clerk at least seven (7) calendar days prior to the burning. Supervision and inspection costs shall be billed to the owner of the property upon which supervision or inspection is required. Open Burning Permits shall apply to individual parcels or occupancies and are not transferable from person to person, parcel to parcel or occupancy to occupancy; however, Open Burning Permits may encompass multiple parcels under common ownership if part of a common vegetation management project.

(2) **REGULATION OF RECREATION FIRES AND COOKING FIRES.** Recreational fires and cooking fires are permitted so long as they comply with each of the following conditions:

- a. Burning, under this subsection, shall not be kindled or maintained in a barrel.
- b. No burning shall be kindled or maintained on or within any street, sidewalk, treebank, alley, parking lot, drainage ditch or public right-of-way.
- c. No burning shall be maintained such that the flames exceed four feet in height.
- d. No burning shall be maintained so as to cause a public nuisance prohibited by Ch. 10 of the Code.

- e. Except for barbecue, gas, and charcoal grills, any other burning receptacle, enclosure or pit shall be no greater than 30 inches in diameter at its greatest width.
  - f. All such burning shall be constantly supervised and personally attended by a responsible adult until the fire is completely extinguished. The person in charge of the fire shall have fire extinguishing equipment or materials available at all times and easily accessible for immediate use.
  - g. Except for barbecue, gas, and charcoal grills, no burning shall be kindled or maintained during periods when either the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban.
  - h. Whenever a portable fireplace or grill is located on a combustible surface, such as a wooden patio or deck, a non-combustible material shall be placed under and around the fireplace or grill for a distance of at least 24 inches on each side thereof.
  - i. In relation to one and two family dwellings, except for barbecue, gas, and charcoal grills, no such burning shall be undertaken within 15 feet of any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief. (2353 01/25/11)
  - j. In buildings with three or more dwelling units, no burning shall be undertaken within 25 feet of any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief. (2118 05/27/03, 2353 01/25/11)
  - k. In buildings with three or more dwelling units, regardless of type or size, no barbecue, gas, charcoal or electric grill, or any other burning receptacle shall be stored or used on balconies above the first floor, under any overhangs or within 10 feet of the structure. (2118 05/27/03, 2353 01/25/11)
- (3) **BONFIRES REGULATED.** No person shall kindle or maintain any bonfire without first obtaining a Bonfire Permit from the Fire Chief or designee and each such permit shall be subject to the conditions established by the Fire Department. Applications for a permit must be submitted to the City Clerk at least seven (7) calendar days prior to the bonfire. The permit fee shall be as set forth in the City's Official Fee Schedule, §1.90, as set by the Common Council.
- (4) **FIRE PERFORMANCE.** No person shall engage in any fire performance without first obtaining a Fire Performance Permit from the Fire Chief or designee, at his or her discretion, and each permit shall be subject to the conditions established by the Fire Department. Applications for a permit must be submitted to the City Clerk at least fourteen (14) calendar days prior to the performance. The permit fee shall be as set forth in the City's Official Fee Schedule, §1.90, as set by the Common Council.
  - (5) **EXCEPTIONS TO BURNING REGULATIONS.** The following fires for burning shall be exempt from the provisions of subs. (1) - (4), above: (2118 05/27/03)
    - a. Fires conducted inside of a building including, but not limited to, fireplaces and incinerators.
    - b. Fires conducted to remove frost from the ground by public utility companies, City employees, cemeteries, and building contractors.
    - c. Small open flames for welding, acetylene torches, safety flares, heating tar or similar applications.
    - d. Fires conducted for training or instruction of firefighters by the Fire Department or for the testing of fire equipment by the Fire Department.
    - e. Any fire expressly authorized in writing by the Fire Chief. An Exception to Burning Regulations Permit issued by the Fire Chief shall be subject to the conditions established by the Fire Department. The fee for an Exception to Burning Regulations Permit shall be as set forth in the City's Official Fee Schedule, §1.90, as set by the Common Council. (2118 05/27/2003)
  - (6) **EMERGENCY REGULATIONS.** The Fire Chief may, when necessary, declare a "Emergency Condition of Fire Hazard" for a specified period of time and, during such time, no burning shall be permitted unless done or controlled by the Fire Department. In addition, during such declared fire emergency period, the Fire Chief may prohibit the use of the following:
    - a. Fireworks as defined by §167.10(1), Wis. Stats.
    - b. Any of the items included under §167.10(1)(e), (f), (i), (j), (k), (l), (m), and (n), Wis. Stats.

- c. Any other device that may pose a fire hazard.
- (7) OPEN BURNING PROHIBITED WHEN WIND EXCEEDS EIGHT (8) MILES PER HOUR. No person shall kindle or maintain any open burning within the City whenever the wind speed exceeds eight (8) miles per hour as measured by a portable wind meter device approved by the Fire Chief. Before taking any enforcement action under this subsection, the Fire Chief or his/her designee shall first order the violator to completely extinguish the open burning. A citation shall not be issued if the open burning is immediately extinguished after the order to do so has been given. No person shall continue to maintain any open burning after being ordered to completely extinguish the burning as provided in this Section. (2146 04/13/2004)
- (8) PERMIT REQUIREMENTS. All permits required under this Section must meet the minimum City licensing and permitting standards of §12.01 and shall require the permittee to indemnify the City of Baraboo.
- (9) ENFORCEMENT. The Fire Chief and his/her designee(s) and Police Officers of the City shall be authorized to enforce the provisions of this Section. (Renumbered only per 2146 04/13/2004)
- (10) RECOVERY OF ABATEMENT COST. The City has determined that a violation of this section creates a public nuisance or a hazard to the public safety. Therefore, in addition to any other penalty imposed by this code for a violation of this section, if the Fire Department is dispatched to a fire caused as a result of any act, omission, condition, or thing that constitutes a violation of this section, the person causing, permitting, or maintaining such occurrence, may be charged a fee to cover the City's cost for responding to such public nuisance. Any such fee shall be charged as set forth in the City's Official Fee Schedule, §1.90. The charge shall be collected as a debt and, if the charge is not paid within thirty (30) calendar days of the date of billing, an administrative collection charge of ten percent (10%) of the charge shall be added to the amount due, plus interest shall accrue thereon at the rate of one percent (1%) per month until paid. If the owner of the property where the public nuisance occurred caused, permitted, or maintained such public nuisance, such charge shall be extended upon the current or next tax roll, to the extent allowed by law. (2118 05/27/2003, Renumbered only per 2146 04/13/2004)

- (1) FIRE LANES AND FIRE HYDRANTS REQUIRED. Fire lanes and fire hydrants shall be required in accordance with this section on public or private property used for assembly, commercial, educational, industrial, institutional, or multi-family dwelling purposes, and on private property containing residential developments consisting of three or more dwelling units to which access is provided from a public street by a private road or driveway where any dwelling unit is set back more than fifty (50) feet from the paved portion of the public street. Fire lanes may also be designated on those private roads where it is found by the Fire Chief that such access is necessary for firefighting equipment and apparatus. No building permit shall be issued without compliance with the terms of this section if any part of the area being developed contains any of the uses or conditions described in this section.
- (2) LOCATION AND MAINTENANCE OF FIRE LANES AND FIRE HYDRANTS. Fire lanes and fire hydrants shall be located where necessary to provide fire protection to all buildings and premises within the City as determined by the Fire Department. In all cases, a fire hydrant shall be located within 350 feet from each building to be served by the hydrant and all hydrants shall be accessible to fire lanes. All existing and new fire hydrants located on private property shall be routinely inspected, repaired, tested, and maintained by the owner thereof as specified in American Water Works Association Manual 17, Installation, Field Testing and Maintenance of Fire Hydrants, and all fire hydrants shall satisfy the minimum performance requirements established by the City Water Department for City fire hydrants. The City's Water Department and Fire Department personnel shall have open and free access to all fire hydrants upon public and private property within the City at any reasonable time for the purpose of inspecting, repairing, testing, and maintaining fire hydrants. The fire flow test procedures in National Fire Protection Association Ch. 291, Fire Flow Testing and Marking of Hydrants, shall be followed when performing fire hydrant fire flow tests.
- (3) SNOW REMOVAL. Each owner and/or each occupant of any premises where a fire lane and/or a fire hydrant is required shall be responsible for the prompt removal of snow and ice from a fire lane and for the prompt removal of all snow surrounding each fire hydrant. (2002 01/11/2000)
- (4) WRITTEN RECORDS. Written records shall be maintained by the Utility Superintendent showing the installation, inspection, field testing, repair, and

maintenance of each fire hydrant within the City. Such records shall be made available for inspection and copying upon request to the City.

- (5) **DISCLAIMER ON FIRE HYDRANT INSPECTING AND TESTING.** The purpose of the inspection and testing of fire hydrants authorized by this Section is to improve the quality of fire protection service within the City. Any inspections and the reports and findings issued pursuant thereto are not intended as, nor are they to be construed as, a guarantee. The findings of any inspection or testing are intended to ascertain conditions that are readily apparent at the time of such inspection or testing and do not involve a detailed examination of all mechanical systems on the entire premises. The City makes no representation or warranty, express or implied, as to the thoroughness or accuracy of any such inspection or testing. The City disclaims, and does not assume, any liability or responsibility whatsoever in the event any error or omission was made by the City as the result of an inspection and/or testing authorized by this Section, whether such errors or omissions result from negligence, accident, or other source or cause. The City shall further not be liable or responsible for damage caused to any fire hydrant while such fire hydrant is being properly tested as required by this Section.
- (6) **DUTIES AND POWERS OF FIRE CHIEF.** All building and project development plans for projects covered by this Section shall be referred to the Fire Chief for examination and approval. If the Fire Chief finds that a proposed fire lane or fire hydrant in a development project does not comply with this Section, the Fire Chief shall be authorized to specify the changes necessary to bring the proposal into compliance. Appeals from orders of the Fire Chief shall be to the Zoning Board of Appeals. The Fire Chief shall inspect the construction of any fire lanes and the placement and specifications of any fire hydrant required by this Section and no occupancy permit shall be issued for any project covered by this Section until the Fire Chief has inspected and approved the fire lanes and fire hydrants.
- (7) **DESIGNATION AND SIGNAGE FOR FIRE LANES.** The owner or occupant of any premises where a fire lane is required under this Section shall designate and mark all fire lanes and shall post appropriate signs indicating the existence of all fire lanes and indicating that no parking is permitted on fire lanes at any time, as specified and approved by the Fire Chief. Signs and markings shall be used in such locations and in such a manner as in the judgment of the Fire Chief will carry out the purposes of this Section and give adequate warning to users of the premises where the fire lanes and fire hydrants are

located. Signage and markings shall meet the following minimum standards:

- a. Where reasonably feasible, signs shall be erected within 5 feet of the beginning and within 5 feet of the end of the fire lane with spacing between signs not exceeding 75 feet. Each sign shall face in the direction of oncoming traffic and shall be affixed to a stationary pole or object.
- b. Curb along a fire lane shall be painted yellow and if no curb exists, a 4-inch wide stripe shall be painted the full length of the fire lane. Lanes identified exclusively as fire lanes shall be identified with approved fire lane signs on each side facing forward and the pavement area between the signs shall be striped with 4-inch wide yellow strips.

- (8) **OBSTRUCTIONS OTHER THAN MOTOR VEHICLES.** No person who is the owner or occupant of a premises required by this Section to maintain a fire lane or a fire hydrant shall place, locate, permit, or allow the placement or location of any obstruction of any fire lane or so as to block access to any fire hydrant. (2027 09/12/2000)

- (9) **RESTRICTED PARKING IN FIRE LANES.** See §7.09 of the Code.

**5.15 KEY LOCK BOX SYSTEM** (2394 04/23/2013, 2543 03/03/20)

- (1) The following structures shall be equipped with a key lock box or a component thereof at or near the main entrance or such other location required by the Fire Chief:
- (a) Commercial or industrial structures protected by an automatic alarm system or automatic suppression system, or such structures that are secured in a manner that restricts access during an emergency.
  - (b) Multi-family residential structures protected by an automatic alarm system, or automatic suppression system, or that have restricted access through locked doors and have a common corridor for access to the living units.
  - (c) Governmental structures.
  - (d) Any special facilities or properties that may possess restricted access by the means of a fence, gate or similar device.