

Note: This version of the Code differs from the official printed version as follows:

- a. Dimensions are expressed in numerical format rather than alpha format, e.g., “27 feet” rather than “twenty-seven feet.”
- b. Paragraph indentation style is different.
- c. Unused and blank section numbers are omitted rather than shown as reserved.
- d. Editor’s notes, amendment history, cross references and other editorial enhancements are omitted.
- e. Page numbering is different.

## Chapter 22

### **FIRE PREVENTION AND PROTECTION**

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## ARTICLE I IN GENERAL

### Sec. 22-1 Penalty for violation of chapter

Any person who shall violate any provision of this chapter shall, upon conviction, be subject to the provisions of section 1-9.

## ARTICLE II OUTDOOR BURNING, OPEN BURNING, AND BURNING OF REFUSE

### Sec. 22-31 Purpose

This article is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Town of Beaver Dam due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning.

### Sec. 22-32 Applicability

This article applies to all outdoor burning and refuse burning within the Town of Beaver Dam, Dodge County, Wisconsin. If a provision in the town ordinance covers a provision contained in the county ordinance, the town ordinance controls.

- (1) This article does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- (2) This article does not apply to burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation unless the material being burned includes refuse as defined in section 22-34 of this article.
- (3) This article does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

### Sec. 22-33 Severability

Should any portion of this article be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this article shall not be affected.

### Sec. 22-34 Definitions

(1) *Campfire* means a small outdoor fire intended for recreation or cooking not including a fire intended for disposal of waste wood or refuse.

(2) *Clean wood* means natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

(3) *Confidential papers* means printed material containing personal identification or financial information that the owner wishes to destroy.

(4) *Fire chief* means the chief of the City of Beaver Dam Fire Department or other person authorized by the fire chief.

(5) *Municipal officials* means any Dodge County Sheriff Deputy or Town of Beaver Dam Police Department Official.

(6) *Outdoor burning* means open burning or burning in an outdoor wood-fired furnace.

(7) *Open burning* means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney.

(8) *Outdoor wood-fired furnace* means a wood-fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.

(9) *Refuse* means any waste material except clean wood.

**Sec. 22-35 General prohibition on open burning, outdoor burning and refuse burning**

Open burning, outdoor burning and refuse burning are prohibited in the Town of Beaver Dam unless the burning is specifically permitted by this article.

**Sec. 22-36 Materials that may not be burned**

Unless a specific written approval has been obtained from the department of natural resources, the following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device:

- (1) Rubbish or garbage including, but not limited to, food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
- (2) Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 590, Wisconsin Administrative Code.
- (3) Asphalt and products containing asphalt.
- (4) Treated or painted wood including, but not limited to, plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
- (5) Any plastic material including, but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
- (6) Rubber including tires and synthetic rubber-like products.
- (7) Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the recycling ordinance except as provided in section 23-41 of this article.

**Sec. 22-37 Open burning of leaves, brush, clean wood and other vegetative debris**

Open burning of leaves, weeds, brush, stumps, clean wood other vegetative debris is allowed only in accordance with the following provisions:

- (1) All allowed open burning shall be conducted in a safe nuisance free manner, when wind and weather conditions are such as to minimize adverse effects and not create a health hazard or a visibility hazard on roadways, railroads or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.
- (2) Except for barbecue, gas and charcoal grills, no open burning shall be undertaken during periods when either the fire chief or the Wisconsin Department of Natural Resources has issued a burning ban applicable to the area.
- (3) Open burning shall be conducted only on the property on which the materials were generated or at a facility approved by and in accordance with provisions established by the department of natural resources and the fire chief.
- (4) Unless explicitly allowed elsewhere in this article, a commercial enterprise other than an agricultural or silvicultural operation may open burn only at a facility approved by and in accordance with provisions established by the department of natural resources and the fire chief.
- (5) Open burning of weeds or brush (trees) on agricultural lands is allowed if conducted in accordance with other applicable provisions of this article.
- (6) Fires set for forest, prairie or wildlife habitat management are allowed with the approval of the department of natural resources.
- (7) Outdoor campfires and small bonfires for cooking, ceremonies or recreation are allowed provided that the fire is confined by a control device or structure such as a barrel, fire ring, or fire pit. Bonfires are allowed only if approved by and in accordance with provisions established by the fire chief.

- (8) Burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of rights-of-way is allowed if approved by the fire chief and if in accordance with other provisions of this article.
- (9) Burning in emergency situations such as natural disasters burning that would otherwise be prohibited is allowed if specifically approved by the department of natural resources.
- (10) Open burning under this section shall be conducted only following issuance of and in accordance with a permit issued under section 22-41 of this article.
- (11) Except for campfires, open burning under this section shall only be conducted at a location at least 200 feet from the nearest building which is not on the same property.
- (12) Except for campfires and permitted bonfires, open burning shall only be conducted during daylight hours.
- (13) Open burning shall be constantly attended and supervised by a competent person of at least 18 years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
- (14) No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or waterbody.
- (15) Except for barbecue, gas and charcoal grills, no burning shall be undertaken within 50 feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the fire chief.
- (16) No open burning may be conducted on days when the department of natural resources has declared an air quality watch or air quality advisory for ozone or fine particle pollution applicable to the Town of Beaver Dam.

#### **Sec. 22-38 Burn barrels**

A burn barrel may be used in the Town of Beaver Dam only in accordance with the following provisions:

- (1) The burn barrel shall not be used to burn any of the prohibited materials listed in section 22-36 of this article and may only be used in accordance with the provisions of section 22-37 of this article.
- (2) The burn barrel shall be located at least 50 feet from the nearest building that is on the same property as the burn barrel.
- (3) The burn barrel shall have vent holes above the ash line for combustion air and shall be covered with a heavy wire screen.
- (4) The burn barrel shall not serve a commercial enterprise.
- (5) Burn barrels shall be 250 feet or more from structures on adjoining properties.

#### **Sec. 22-40 Fire department practice burns**

Notwithstanding sections 22-35 and 22-36 of this article, the City of Beaver Dam Fire Department may burn a standing building if necessary for firefighting practice and if the practice burn complies with the requirements of the department of natural resources.

#### **Sec. 22-41 Exemption for burning certain papers**

- (1) Notwithstanding subsection 22-36(7) of this article, paper and cardboard products may be used as a starter fuel for a fire that is allowed under this article.
- (2) Small quantities of confidential papers from a residence may be burned if necessary to prevent the theft of financial records, identification or other confidential information.
- (3) Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.

(4) A fire set for burning of a small quantity of confidential papers shall be subject to and comply with subsections 22-37(1)—(3), 22-37(6), and 22-37(11)—(15) of this article.

#### **Sec. 22-42 Burning permits**

(1) No person shall start or maintain any open burning of brush, leaves, grass, vegetative debris, or clean building material without notification of the intent by notifying and receiving permission of the Beaver Dam Fire Department.

(2) An outdoor campfire does not require a permit provided that the fire complies with all other applicable provisions of this article.

(3) When weather conditions warrant, the fire chief or the department of natural resources may declare a burning moratorium on all open burning and temporarily suspend previously issued burning permits for open burning.

#### **Sec. 22-43 Liability**

A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

#### **Sec. 22-44 Right of entry and inspection**

The fire chief or any authorized officer, agent, employee or representative of the Town of Beaver Dam who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this article. Note: If the owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with Wis. Stats. §§ 66.122 and 66.123.

#### **Sec. 22-45 Enforcement and penalties**

(1) The fire chief and or other designated municipal officials are authorized to enforce the provisions of this article.

(2) The penalty for violation of any portion of this article shall be a forfeiture as provided for in section 1-9 of the Town of Beaver Dam Ordinances plus the cost of prosecution. Penalties are doubled for second and subsequent offenses.

## ARTICLE III FIRE PREVENTION CODE

### Sec. 22-50 Adoption

The Town of Beaver Dam hereby adopts the City of Beaver Dam Fire Department's Fire Prevention Code as amended by and for the Town of Beaver Dam. The Beaver Dam Fire Department's Code was revised in June, 1984, and again in May, 2005.

### Sec. 22-51 General provisions

(a) *Purpose.* The purpose of this chapter is to promote the health, safety and welfare of the public by establishing performance minimums contained therein for design, construction, alteration, use of occupancy of buildings and parts thereof, within the Town of Beaver Dam. Standards of the National Fire Protection Association shall be used as guidelines in any area not covered in the article. Excepting immediate fire-related hazards all references to buildings in this chapter shall exclude one-family and two-family dwellings and their accessory buildings.

(b) *Application.*

(1) *New buildings and additions.* This article shall apply to all new buildings, structures and also to additions to existing buildings and structures.

(2) *General orders on existing buildings.* There shall be compliance with all general orders on existing buildings.

(c) *Alterations.* This article shall apply to all alterations in any building or structure, which affects the structural strength, fire hazard, exits or lighting of any new or existing building, or structure. This article does not apply to ordinary nonstructural changes or minor repairs necessary for the maintenance of any building or structure.

(d) *State and federal codes adopted.* In addition to the regulations standards and procedures hereinafter set forth, compliance shall be made with the provisions of the Wisconsin Department of Commerce, the National Fire Protection Association Fire Prevention Code (NFPA 1, 2000 Edition); as it relates to fire prevention, of which are hereby made a part of this fire prevention chapter by reference, namely:

State and Federal Code Chapters

Safety Code - NFPA 101

Fire Prevention Code - COMM 14 & NFPA 1

Fireworks and Explosives Code - COMM 7 & 9 NFPA 1, (16)

Cleaning and Dyeing, NFPA 32 NFPA 1, (14)

Flammable Liquids - COMM 10, NFPA 30

Liquefied Petroleum Gases - NFPA 58

Spray Coating - NFPA 33, NFPA 1, (17)

Safety in Construction - NFPA 1(29), COMM 14.29

Housekeeping - COMM 14

Building and HVAC Code - COMM 61-65

Wisconsin Electrical Code - COMM 16

Amusement Rides and Devices - COMM 34 & 14

Lock Boxes (Knox) - NFPA 1(3-6)

All Wisconsin Department of Commerce Codes and NFPA apply.

(e) *Bureau of fire prevention and investigation.*

- (1) There is hereby created and established a bureau of fire prevention and investigation, hereinafter referred to as the bureau, which shall be operated under the supervision of the chief of the fire department.
- (2) The chief of the fire department shall assign such other personnel of the department to the bureau as shall be necessary to enforce the regulations of this chapter.
- (3) The chief of the fire department shall be the chief inspector of the bureau.
- (4) It shall be the duty of the chief and personnel of the bureau to enforce the regulations of this chapter and all other laws, lawful orders and ordinances relating to the following:
  - a. The prevention of fires.
  - b. The storage, sale, use and handling of combustibles, flammables, and explosives.
  - c. The installations and maintenance of fire alarm systems and fire protection equipment, appliances and devices.
  - d. The maintenance of fire escapes as means of egress.
  - e. The means, adequacy and maintenance of exits from all buildings, structures or other places in which numbers of persons live, sleep, work or congregate from time to time for any purpose.
  - f. The investigation of the cause, origin and circumstance of the fire.
- (5) Reports.
  - a. An annual report containing all information on matters regulated by this chapter, together with statistics and such other information as may be required, shall be made and transmitted by the bureau to the chief of the fire department.
  - b. The bureau shall make such reports as may be required by the Wisconsin Department of Commerce.
- (6) The bureau shall perform such other duties as are set forth in this chapter, the statutes of the State of Wisconsin, lawful orders of the Wisconsin Department of Commerce, the ordinances and directives of the Town of Beaver Dam and all additional duties prescribed by the chief of the fire department.

(f) *Liability for damages.* This chapter shall not be construed to hold the municipality responsible for any damage to persons or property by reason of the inspection or reinspection authorized herein or failure to inspect or by reason of the approval or disapproval of any equipment authorized herein.

#### **Sec. 22-52 Fire extinguishers (NFPA 10)**

(a) *Portable fire extinguishers required.* Approved portable fire extinguishers of a suitable type, size and quantity as provided in NFPA 10, shall be required in every public building, in every public conveyance, and wherever flammable and combustible materials, including dusts, solids, liquids and gases are sold, stored, manufactured, handled, processed or transported within the Town of Beaver Dam.

(b) *Substandard extinguishers prohibited.* The chief or members of the bureau may order the removal of extinguishing devices that do not comply with NFPA 10.

- (1) It shall be unlawful to allow any extinguishing device to remain on the premises for which the chief/bureau has ordered its removal.

(c) *Maintenance of fire extinguishers.*

- (1) Maintenance of all extinguishers shall be as required by COMM 14 and NFPA 1 & 10 Portable Fire Extinguishers. Service shall be performed at periodic intervals to effectively maintain them in operating condition.
- (2) Portable fire extinguishers shall be installed so as to provide reasonable safety to persons and property. Evidence that portable fire extinguishers have been installed in accordance with the



applicable standard specified for Portable Fire Extinguishers NFPA 1 & 10 shall be evidence that such portable extinguishers provide reasonable safety to persons and property.

- (3) Extinguisher recharging and servicing shall only be done by qualified persons that have obtained certificates of competence for such work (NFPA 7-6.4.1.2). The chief shall issue such certificates of competence after examination of the applicant, to make sure that he understands the requirements for recharging.
- (4) Such certificates shall expire 1 year after date of issuance or renewal.
- (5) The chief may revoke any certificate of competence in any case where he finds any extinguishers improperly recharged by the holder of the certificate, and the holder shall immediately surrender the certificate to the chief.

### **Sec. 22-53 Permits, certificates of approval, inspections, and appeals**

(a) A permit shall be issued only for those buildings, which conform to the provisions of this article. Two copies of the plans and specifications detailing standpipe, hydrant, sprinkler or substitute systems designed by licensed designer of fire protection systems professional engineers or architects, shall be submitted for an approval. One copy of plan and review report shall be returned to building inspector and one copy kept on file in the bureau of fire prevention. Inspection of systems and determinations of compliance with this article and the approved plans shall be made by the bureau of fire prevention. At the discretion of the fire chief a permit may be issued for existing structures that do not conform to the provisions of this article.

(b) Whenever the bureau of fire prevention shall disapprove an application or the chief of fire department shall request a revocation, the applicant may appeal the decision to the board of appeals within 30 days of the appealed decision.

(c) Whenever the applicant shall claim that the provisions of the ordinance do not apply to the structure in question or that the intent and meaning of the ordinance have been misconstrued or wrongly interpreted, the applicant may appeal the decision to the board of appeals within 30 days of the appealed decision.

(d) The chief may revoke any permit issued in accordance with this article in any case where he 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 in the application of plans on which the issuance was based, the chief shall promptly notify the permit holder if permit has been revoked.

(e) Right of appeal. Any owner or person who is aggrieved with the ruling or decision of the enforcing officers in any matter relative to the interpretation or enforcement of any of the provisions of this chapter may appeal the decision or interpretation to the board of appeals by serving notice of appeal upon the town clerk or secretary of the board, in writing, within 30 days of the date of the rendition of the decision or interpretation. Such written notice shall be accompanied with the sum of \$50.00 payable to the Town of Beaver Dam. Regardless of the outcome of the appeal, such fee shall be retained by the Town of Beaver Dam and no refund of such fee or any portion thereof shall be granted. The board may affirm, reverse or modify the order, ruling or decision of the enforcing officer.

### **Sec. 22-54 Automatic fire extinguishing equipment required for food serving establishments (NFPA 1, 17, 17A, & 96) UL-300**

(a) Every kitchen operated and maintained to serve the public, and occupants, including: restaurants, clubs, school, churches, taverns, hospitals, nursing homes, CBRFs and assisted living facilities, need an automatic fire extinguishing system with an exhaust hood. All other places having equipment used for frying, cooking and similar preparation of food, operated and maintained for serving the public shall be subject to this article. Cooking surfaces that are open or partly open shall be protected, including range tops, fat fryers, open broilers, griddles, etc., (NFPA 1(13)). Fully enclosed devices, such as ovens, enclosed broilers, coffee urns, steam tables, etc., do not require protection.

(b) All applications for installation of automatic fire extinguishing equipment shall be submitted for review and approval by the fire prevention bureau prior to installation. Two sets of plans and specifications shall be retained by the fire department and the other returned to the installer and if approved, shall be stamped "Conditionally Approved, Bureau of Fire Prevention" with the date of such approval. Final approval shall be subject to actual installation and inspection.

(c) Time for compliance of new and existing establishments. All new establishments, subject to this article, shall comply therewith before the building inspector and fire chief grant a permit of occupancy. any remodeling of existing establishments must comply with this Code.

(d) Type of equipment and installation requirements. All equipment and its installation shall conform to NFPA No. 96 "Standard for Installation of Equipment for the Removal of Smoke and Grease-laden Vapors from Commercial Cooking Equipment" Section 10 "Fire Extinguishing Equipment", NFPA 17 "Dry Chemical Extinguishing Systems", NFPA 17A "Wet Chemical Extinguishing Systems" and UL-300 Standards.

(1) The term "the authority having jurisdiction" stated in the NFPA code shall mean the fire department.

(e) Maintenance and use requirements. All maintenance and use requirements shall conform to NFPA No. 96, Chapter 11 "Procedures for the use of and Maintenance of Equipment".

### **Sec. 22-55 Police power of department**

(1) *Police authority at fires.* The chief and/or his officers in command at any fire are vested with full police authority at fires. Any officer of the department may cause the arrest of any person failing to give the right-of-way to the fire department in responding to a fire.

(2) *Control of fires and emergency situations.* The fire chief or his designee may prescribe certain limits in the vicinity of any fire or emergency within which no persons, excepting firefighters and police officers and those admitted by order of any officer of the department, shall be permitted to come. The chief or his designee may cause the removal of any property whenever it shall become necessary for the preservation of such property from fire or emergency, or to prevent the spreading of fire, or to protect the adjoining property, and during the progress of any fire, he may order the removal or destruction of any property necessary to prevent the further spread of the fire. He may also cause the removal of all wires or other facilities and the turning off of all electricity, gas, or other services where the same impedes the work of the fire department during the progress of a fire or emergency.

**Sec. 22-57 Regulations for storage, handling and use of flammable or combustible liquids**

(1) (a) *Application.* The provisions of this section shall apply to all persons, firms, corporations, co-partnerships and governmental agencies storing, handling or using flammable or combustible liquids which are stored, handled, or used.

(b) *Restricted locations.*

1. The storing of any receptacle containing fuel for internal combustion engines is prohibited within a dwelling unit (including basements, crawl spaces and attics) for the purpose of this section, receptacles shall also include any tank or device attached to any equipment using an internal combustion engine as a source of power (included are lawnmowers, snowmobiles, snow blowers, chainsaws, motorcycles, etc.).
2. For the purpose of storing internal combustion engines, private garages that are attached to or made a part of a principle dwelling unit shall be exempt from the provisions above, when said garages are attached to or made a part of with a resistive enclosure as set forth in the one- and two-family uniform dwelling code and COMM 14. However, the storage of fuel in receptacles in any garages shall be limited to not more than 10 gallons.
3. The storage of flammable and combustible liquids in aboveground tanks outside of buildings within the Town of Beaver Dam is permitted as long as it meets COMM 10 and NFPA 30 requirements.
4. No bulk plants shall be constructed within the Town of Beaver Dam except within those areas designated as industrial districts and approval of the bureau of fire prevention has been given for the proposed location with respect to topography, nearness of places of public assembly, and adequacy of water supply for fire control.

(c) *Retroactivity.* None: Must meet the requirements of COMM 10.

(d) *Permits for the storage of flammable or combustible liquids.*

1. See COMM 10.
2. For storage of flammable or combustible liquids in aboveground/underground tanks COMM 10 shall apply.
3. The storing of any receptacle containing fuel for internal combustion engines is prohibited within a dwelling unit (including basements, crawl spaces and attics) for the purpose of this section, receptacles shall also include any tank or device attached to any equipment using an internal combustion engine as a source of power (included are lawn mowers, snowmobiles, snow blowers, chainsaws, motorcycles, etc.).
4. For the purpose of storing internal combustion engines, private garages that are attached to or made a part of a principle dwelling unit shall be exempt from the provisions above, when said garages are attached to or made a part of with a resistive enclosure as set forth in the International Building Code, the one-family and two-family uniform dwelling code and COMM 14. However, the storage of fuel in receptacles in any garages shall be limited to not more than 10 gallons.
5. The storage of flammable and combustible liquids in aboveground tanks outside of buildings within the Town of Beaver Dam is permitted as long as it meets COMM 10 and NFPA 30 requirements.
6. No bulk plants shall be constructed within the Town of Beaver Dam except within those areas designated as industrial districts and approval of the bureau of fire prevention has been given for the proposed location with respect to topography, nearness of places of public assembly, and adequacy of water supply for fire control.

(e) *Inspection.* The bureau of fire prevention/certified tank inspector, authorized by the Town of Beaver Dam, may at any reasonable time inspect: Premises, buildings, installations or equipment for the storage, handling or use of flammable or combustible liquids. If a violation

of this section is found to exist, written notice shall be filed with the owner, occupant or operator citing the violation and ordering a correction.

(2) *Parking and garaging.*

- (a) Except in an emergency, no tank vehicle shall be left unattended on any street, highway, avenue or alley, provided that this shall not prevent a driver from the necessary absence from the truck in connection with the delivery of his load, except that during actual discharge of the liquid some responsible person shall be present at the vehicle, nor shall it prevent stops for meals during the day or night if the street is well lighted at point of parking.
- (b) Tank vehicles containing flammable or combustible liquids shall not be parked out of doors at any one point for longer than 1 hour, except off the streets, and at least 25 feet from any buildings used for assembly, institutional or residential occupancy.
- (c) Tank vehicles shall not be parked or garaged in any building other than those specifically approved for such use by the chief of the bureau of fire prevention.

**Sec. 22-58 Application of flammable finishes. (COMM 14, NFPA 30 & 33)**

(1) *Spray coating.* All spray coating or finishing operations using flammable or combustible liquid finishes applied under either air or other pressure excepting electrostatic spraying and automobile undercoating shall be in accordance with COMM 10 and NFPA No.33, Spray Application, and the storage and handling of flammable liquids therefore shall be in accordance with COMM 10 and NFPA 30.

(2) *Automobile undercoating.* Automobile undercoating spray operations shall be conducted in areas having adequate natural or mechanical ventilation, flash point in excess of 100 degrees Fahrenheit shall be used.

**Sec. 22-59 Explosives, blasting agents, gunpowder**

(1) *Explosives and Blasting Agents.* COMM 14.16 & NFPA 1(16)

- (a) Every person shall comply with the provisions of COMM 7 and NFPA No. 495 in the manufacture, possession, storage, sale, transportation and use of explosives and blasting agents.
- (b) *Permits required.* A permit shall be obtained from the chief to do any of the following:
  - 1. Manufacture, possess, store, sell or otherwise dispose of explosives or blasting agents.
  - 2. Transport explosives or blasting agents.
  - 3. Use explosives or blasting agents.
  - 4. Operate a terminal for handling explosives or blasting agents.
  - 5. Deliver or receive explosives or blasting agents from a carrier between the hours of sunset and sunrise.
  - 6. Transport blasting caps or electric blasting caps on the same vehicle with explosives.
- (c) Proof of insurance shall be provided.
- (d) Valid blaster's license.

**Sec. 22-60 Fireworks**

*Fireworks regulated.*

- (1) *Definition.* In this section, "fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion, which does not have another common use, but does not include any of the following:
  - (a) Fuel or a lubricant.
  - (b) A firearm cartridge or shotgun shell.

- (c) A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.
  - (d) A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
  - (e) A cap containing not more than ¼ grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
  - (f) A toy snake, which contains no mercury.
  - (g) A model rocket engine.
  - (h) Tobacco and a tobacco product.
  - (i) A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects or to produce audible and visible effects.
  - (j) A device designed to spray out paper confetti or streamers and which contains less than ¼ grain of explosive mixture.
  - (k) A fuseless device that is designed to produce audible or visible effects or audible and visible effects, and that contains less than ¼ grain of explosive mixture.
  - (l) A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects, or audible and visible effects.
  - (m) A cylindrical fountain that consists of one or more tubes and that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.
  - (n) A cone fountain that is classified by the federal department of transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.
- (2) *Fireworks prohibited.* It shall be unlawful for any person to manufacture, sell, expose or offer for sale, use, keep, discharge or explode any firecrackers, blank cartridges, contrivances using explosive caps or cartridges, display wheels, torpedoes, sky rockets, Roman candles, aerial salutes, American or Chinese bombs, or any fireworks of like construction, or any fireworks containing any explosive or flammable compound, or any tablets or other devices commonly used and sold as fireworks containing nitrates, chlorates, oxalates, sulfides of lead, barium, antimony, arsenic, mercury, nitroglycerine, phosphorus or any compound containing any of the same or other modern explosives, within the Town of Beaver Dam, except as hereinafter provided.
- (3) *Fireworks permits.*
- (a) Notwithstanding any provision of this Code to the contrary, no person may sell, possess or use fireworks, as that term is defined by Wis. Stats. § 167.10(1), as may be amended from time to time, within the town; except that the use of fireworks may be allowed by appropriate permit issued by the fire chief.
  - (b) Fireworks permits shall contain the following information:
    - Name and address of the permit holder.
    - The kind and quantity of fireworks, which may be purchased.
    - Date and location that the fireworks purchased pursuant to the permit may be used.
    - Proof of liability insurance per Wis. Stats. § 167.10(7)(e) held by permittee in the name of the Town of Beaver Dam.
    - Other special conditions required by the chief.
      1. Permits for pyrotechnic displays shall only be issued to public authorities, fair associations, amusement parks, park boards, civic organizations, or groups of individuals that have been granted a permit for such displays by the chief.

2. Applications for permits shall be made in writing at least 30 days in advance of the date of the display. After such privilege has been granted, sale, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.
  3. Every such display shall be handled by a competent adult operator and shall be of such composition, character, and so located, discharged or fired as in the opinion of the chief and the chief of police, shall not be hazardous to property or endanger any person or persons. Proof of insurance shall be provided.
  4. Any fireworks that remain unfired after the display shall be immediately disposed of in a sale manner, in accordance with the rules adopted by the Wisconsin DNR.
- (4) This section shall not apply to explosives, ammunition and blasting agents handled and used in accordance with section 22-59 of this Code.
  - (5) This section shall not prohibit the use or sale of blank cartridges for circus or theatrical purposes, or signal purposes in athletic contests or sports events, or use by militia, police or military organizations, or the use of flares or torpedoes for railway, aircraft, or highway signal purposes.
  - (6) This section shall not prohibit any resident wholesaler, dealer or jobber from selling fireworks other than those prohibited by subsection (2) at wholesale provided the same are shipped or delivered directly outside of the State of Wisconsin, or to an organization or group granted a permit under subsection (3).
  - (7) The following provisions shall apply to places where fireworks are stored or handled:
    1. Such premises shall be adequately equipped with fire extinguishers as approved by the chief.
    2. Smoking is prohibited where fireworks are stored or handled.
    3. Every wholesaler, dealer or jobber keeping, storing or handling fireworks of any description within the Town of Beaver Dam, shall notify the chief immediately upon the receipt of such fireworks or the removal thereof from one location to another, and shall indicate the location where such fireworks are stored. No fireworks shall be stored in any building situated within 50 feet of any building used for dwelling purposes, or in any place of public assemblage, or within 50 feet of any gasoline pump, or building in which volatile liquids are sold in quantities in excess of 1 gallon.
  - (8) A parent or legally appointed guardian of any minor who knowingly permits such minor to purchase or have in his or her possession, or to discharge any fireworks forbidden by this section shall be personally liable for any damage caused by such possession or discharge of fireworks.
  - (9) Violations of this section may result in seizure, removal, or cause to be removed at the expense of the owner, all stocks of fireworks offered or exposed for sale, stored, or held.

**Sec. 22-61 Places of assembly**

- (1) *Definition.* In this section: "Place of assembly" [means] an occupancy:
  - (a) Used for a gathering of 50 or more persons for deliberation, worship, entertainment, eating, drinking, amusement, awaiting transportation, or similar uses;
  - (b) Used as a special amusement building, regardless of occupant load.
- (a) Except for theaters, which have permanent, fixed seating and any place of assembly used as a private club or a place of worship, a permit shall be required from the chief to use any building or portion of a building as a place of assembly.
- (b) Such a permit shall be issued only when all statutory requirements for a place of assembly and the requirements of the section and NFPA 1(8) have been complied with. If at any time the chief finds conditions at or upon any place of assembly not in compliance with such

requirements, he shall call them to the attention of the owner of the place of assembly or his agent, and if such conditions are not promptly corrected, the chief shall revoke the permit.

(3) *Evacuation plan.* All persons having management responsibilities in any place of assembly shall be required to have and maintain an evacuation plan which shall include the method for notifying the fire department in case of fire or other emergency.

(4) *Number of occupants permitted.*

- (a) Each place of assembly shall be posted with a legible sign stating the maximum number of persons permitted. The sign shall be placed in a conspicuous place at the main entrance. The sign shall have the following wording:

LIMIT \_\_\_\_\_ PERSONS  
Number

- (b) The number of persons shall be determined by the capacity as permitted by the NFPA 1(4);  
(c) In no case shall a space be occupied by any number of persons exceeding that for which a suitable number of exits has been provided.

(5) *Exits.*

- (a) In every place of assembly, all exits shall be properly maintained at all times when the place of assembly is occupied, as specified in NFPA 1, COMM 14.  
(b) In each room in a place of assembly where any table, chair or other furniture is used, the arrangement shall be such as to provide for ready access by aisles to each required exit doorway. Aisles leading directly to such exit doorways shall have no less than the clear width required in NFPA 1(4) and shall not be obstructed by chairs, tables, or other objects.  
(c) All exitways in places of assembly shall be clearly marked, and shall be lighted in accordance with Department of Commerce, and State of Wisconsin Electrical Code and NFPA No.70.  
(d) No draperies, mirrors on doors or similar conditions, which obscure exits and make their use difficult in case of fire emergency shall be permitted in any place of assembly.

(6) *Draperies and decorations.* Ref. NFPA 1(8-1.2.3), NFPA 701

- (a) In this subsection, "decorative material" shall include curtains, draperies, streamers, surface coverings applied over the building interior finish for decorative or other effect, and also cloth, cotton batting, straw vines, leaves, trees, moss used for decorative effect, and other similar materials but shall not include floor or table coverings, paint or wallpaper applied to the interior surfaces of the building, or window shades.  
(b) No decorative material shall be used in a place of assembly which, as used, can ignite and allow flame to spread over the surface thereof or from which burning particles drop when exposed to a flame test applied to a piece of material and tested in a safe place as follows: the piece shall be held in a vertical position and the bottom edge exposed to a flame from a common match held in a horizontal position, ½ inch underneath the piece, and at a constant location for 15 seconds.  
(c) Treatments used to flameproof decorative materials shall be renewed as often as necessary to maintain the flame resistance as specified in "NFPA 701 Standard Methods of Fire Tests for Flame Propagation of Textiles and Films (101:10.3.1)."

(7) *Open flames.* Ref. COMM 14.03(3) No open flame device shall be used in any place of assembly except that the chief may permit the following where proper precautions are taken to prevent the ignition of combustible materials or injury to occupants.

- (a) Open flame devices for ceremonial or religious purposes.  
(b) Open flame devices on stages where a necessary part of theatrical performances.  
(c) Gas lighting.

- (d) Portable cooking equipment fueled by small heat sources, which can be readily extinguished by water, such as candles or alcohol-burning equipment.
- (e) "Flaming sword" or other equipment involving open flames and flamed dishes.
- (f) Candles, with flame protected, on tables for the service of food or beverage.

**Sec. 22-62 Tents**

**Ref. COMM 14.30, and NFPA 1(31)**

(1) *Permit required.*

- (a) A permit shall be required to erect or occupy a tent or air-supported structure larger than 180 square feet in area.
- (b) No permit required for any tent or air-supported structure used by members of the same family for recreational purposes.
- (c) The provisions of the COMM 14.30, and NFPA 1(31), shall also be complied with.
- (d) The fire chief shall issue an annual permit for such structures upon presentation of the required fee, if any, and certification by the applicant that the standards and requirements of this section shall be complied with on any installation with which the applicant is directly or verbally associated.

(2) *Flameproofing required.* The material of all tents and air-supported structures, except ropes and safety nets, shall be effectively flameproofed, and a certificate shall be submitted to the chief from a recognized laboratory or licensed engineer showing that the tent or air-supported structure has the required flame resistance. Due to deterioration and lack of permanency in flameproofed materials, the required flame resistance of the materials shall be maintained at its original level.

(3) *Hazardous occupancy prohibited.* No tent or air-supported structure shall be used for motion picture performance using nitrocellulose film, or for any hazardous occupancy such as the storage and handling of flammable and combustible liquids or any readily combustible material.

(4) Fire extinguishers shall be provided according to NFPA 31-3.3 COMM 14.

**Sec. 22-63 Smoke detectors in buildings for which construction commences after June 1, 1984**

(1) It shall be the responsibility of the owner of each new dwelling unit for which construction commences after June 1, 1984 to install smoke detectors in each dwelling unit as hereinafter provided.

(2) Dwellings constructed after September 1, 2001 must meet the requirements of COMM 21.09.

(3) Location.

- (a) At least one smoke detector shall be installed to protect each sleeping area. A sleeping area is defined as the area or areas within the dwelling unit in which the bedrooms or sleeping rooms are located. Where other use areas separate bedrooms or rooms ordinarily used for sleeping, they shall be considered as a separate sleeping area for the purpose of this article.
- (b) All smoke detectors shall be located on the ceiling not less than 6 inches from the wall or, if located on the wall, at a point between 6 inches and 12 inches from the ceiling.
- (c) Smoke detectors shall be installed and maintained in all buildings containing more than 2 dwelling units. Smoke detectors shall be provided in the basement and at the head of the stairway on each floor level of the building.

(4) *Installation.* In every building for which construction has not yet commenced as of the date of publication of this article, smoke detectors must be installed according to state codes.

(5) *Standards.* Any smoke detection device, which is installed under this article, must meet and be tested to Underwriters' Laboratories Test Standard and be approved by Underwriters' Laboratories or other testing facility approved by the State of Wisconsin Department of Commerce. It shall be the



responsibility of the owner of such dwelling unit to maintain smoke detection systems in operable condition, installed as required pursuant to this article.

## **Sec. 22-64 Miscellaneous provisions**

### *(a) Decorative materials.*

- (1) Decorative materials such as flammable window draperies, curtains, streamers, surface coverings applied over the building interior finish for decorative, acoustical or other effect, and also cloth cotton batting, straw vines, leaves, trees and plastics used for decorative effect, except floor coverings and ordinary window shades, shall not be permitted in the following occupancies:
  - a. Assembly, NFPA 1 (5-6)
  - b. Educational, NFPA 1 (8.2.2.3.1)
  - c. Residential Facilities, NFPA 101 (10.3.1)

In such buildings, fabric decorations where used shall be flameproofed and so maintained by the owner or occupant of the building.

- (2) Where carpeting is used for purposes other than floor covering, as being attached to walls, ceilings and similar uses, the carpeting must be approved by the fire prevention bureau of the City of Beaver Dam as having a flame resistant or similar characteristic. This carpeting must have an approved flame spread rating when tested in accordance to the manufacturer's specifications.

### *(b) Waste materials.*

- (1) No owner, agent, or occupant of any building situated within the town shall allow to accumulate any waste materials such as paper, hay, straw, rags or other waste materials of a combustible nature unless stored as provided in subsection (2). The fire prevention bureau shall order the immediate removal of such accumulated combustible waste material from any building or premises when in their opinion such storage would create a fire hazard. Ashes, when kept in basements or buildings under this section shall be placed in fireproof bins, areas, or containers. (NFPA 1 (12))
- (2) Combustible cuttings, disposal of waste, cloth, paper or other waste shall be cleaned up and removed from the building at the close of each day's work, and shall be stored in a separate fireproof storage building, or in a metal container with cover or in a metal lined box with cover or in a fireproof vault or room.

*(c) Gas shut-off, gas appliances.* Every gas supply main shall have a service cock outside of the building, so placed and maintained that it can be shut off at any time without entering the building. The use of flexible armored gas tubing shall be limited to portable devices and no more than 4 feet of length of such tubing shall be used as a connection to any portable device. There shall be but one shut-off valve and that shall be on the gas pipe to which such tubing is attached.

### *(d) No smoking.*

- (1) It shall be unlawful to light a match or other flame-producing device or to smoke, carry a lighted cigar, cigarette, or pipe in any retail mercantile establishment, except in areas approved for such purposes by the fire prevention bureau. It shall be the duty of the person in charge of such establishment for the enforcement of the regulations of this section.
- (2) Smoking is prohibited in all rooms or parts of buildings, which contain flammable liquids in open containers, or in which the vapors from flammable liquids in open containers or in which the vapors from flammable liquids are present, or in which flammable liquids are used in any manufacturing process.
- (3) In all areas where smoking is prohibited suitable signs lettered "NO SMOKING" shall be displayed.

- (4) Any person who by smoking or attempting to light or to smoke cigarettes, cigars, pipes or tobacco in which lighter or matches are employed, who shall in a careless, reckless or negligent manner whether willfully or wantonly or not, set fire to any bedding, furniture, curtains, draperies, house or any household furnishings, or any part of any building, shall be guilty of violating this chapter.

(e) *Use of oxyacetylene torches.* (NFPA 1 Chapter 18)

- (1) Any person desiring to use oxyacetylene torches for cutting any metal on any building shall first make application for permission to do so to the fire prevention bureau. The application for such permission shall set forth the location of the premises where the work is to be done and a description of the work to be done. Before such oxyacetylene torches are used, proper protection of surroundings shall be made by the use of asbestos blankets or other fire-resistive materials. A fire extinguisher, pails of water, or small hose attached to a water supply shall be conveniently located close to the cutting operations. Such other precautions shall be taken as may be ordered by the fire prevention bureau.
- (2) This section shall not apply to business establishments when such oxyacetylene torch is used in connection with regular business operations. Such establishments shall use the same precautions to prevent fires as required of persons who must obtain a permit.

**Sec. 22-65 No parking in designated fire lanes. BD Ordinance CD62-4**

(1) *Prohibited.* In any area where unusual fire requirements may exist, the fire chief may designate areas as fire lanes. Parking of motor vehicles or obstruction of designated fire lanes is prohibited.

(2) *Fire chief to designate.* The fire chief shall designate such areas by notice in writing to the owner or occupant who if aggrieved thereby, may within 30 days after receipt thereof, appeal such determination to the police and fire commission whose decision is final.

(3) *Owner to mark lanes.* The owner of such property shall appropriately mark such lane by yellow curb and install red on white signs stating "NO PARKING FIRE LANE".

**Reference:** NFPA 1(3-5.1) COMM 14.03(13)

**Sec. 22-66 Penalty provisions**

(a) *Penalty.* Any person who shall violate any provisions of sections 22-50 to 22-66 shall be subject to the general penalty code section 1-9 of the Code.

(b) *Second offense and continued violations shall be subject to section 1-9 of the Code.* Each day of violation shall constitute a separate offense. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the fire inspector constitute a defense.

**APPENDIX A**

*LIST OF STANDARDS AND PUBLICATIONS*

The abbreviations preceding these standards and publications shall have the following meaning and are the organizations issuing the standards and publications listed.

American National Standards Institute - "ANSI" 25 West  
43rd Street  
New York, New York 10036

American Society of Mechanical Engineers - "ASME" 345  
East 47th Street  
New York, New York 10017

Compressed Gas Association - "CGA"  
4221 Walney Road, 5th Floor  
Chantilly, VA 20151-2923

Knox Company - "Knox"  
17672 Armstrong Avenue  
Irvine, California 92614-5728

National Fire Protection Association - "NFPA"  
1 Batterymarch Park  
P.O. Box 9101  
Quincy, MA 02269-9101

Superintendent of Documents  
U.S. Government Printing Office  
Washington, D.C. 20401

Underwriter's Laboratories, Inc. - "UL"  
333 Pfingsten Road  
Northbrook, IL 60062-2096

Wisconsin Department of Commerce - "COMM"  
PO Box 7162  
Madison, WI 53707-7162

## **ARTICLE IV SOLID FUEL-FIRED HEATING DEVICES**

### **Sec. 22-80 Solid fuel-fired heating devices**

(1) *Definitions.* [The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section:]

*Clean wood* means natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

*Fire chief* means the chief of the Beaver Dam Area Fire Department or other person authorized by the fire chief.

*Firewood* means trunks and branches of trees and bushes but does not include leaves, needles, vines or brush smaller than 3 inches in diameter.

*Outdoor burning* means open burning or burning in an outdoor wood-fired furnace.

*Open burning* means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or chimney.

*Outdoor wood-fired furnace (O.W.F.F.)* means a wood-fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.

*Refuse* means any waste material except clean wood.

*Stacks or chimneys* means any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel-fired heating device; especially that part of such structure extending above a roof.

### **Sec. 22-81 Operational requirements for solid fuel-fired heating devices**

(1) Outdoor wood-burning heating devices may not be constructed or used in platted CSMs or platted subdivisions.

(2) An outdoor wood furnace shall be operated in a manner not to create noxious or hazardous smoke, soot, fumes, odors or air pollution resulting in a detrimental effect on the occupants of nearby properties or on the public.

### **Sec. 22-82 Substantive requirements**

All outdoor fuel-fired devices shall be installed, operated and maintained pursuant to the following conditions:

*Fuel:* Fuel shall only be natural untreated wood or wood specifically permitted by the manufacturer. The following fuels are strictly prohibited:

- (1) The burning of processed wood products and other non-wood products.
- (2) Petroleum, kerosene and gasoline products.
- (3) Rubber.
- (4) Plastics.
- (5) Garbage.
- (6) Painted wood or treated wood.
- (7) Any other items not specifically allowed by the manufacturer or this provision.

### **Sec. 22-83 Outdoor wood-fired furnace provisions**

An outdoor wood-fired furnace may be used within the town only in accordance with the following provisions:

- (1) The outdoor wood-fired furnace shall not be used to burn any of the prohibited materials listed in section 22-32.
- (2) The outdoor furnace shall be located at least 300 feet from the nearest inhabited building which is not on the same property as the outdoor wood-fired furnace.
- (3) The outdoor furnace shall be located at least 50 feet from any structures on the same lot as the furnace. This distance may be decreased if allowed by manufacturer's specifications.
- (4) If there are any residences within 500 feet, the chimney of the wood-burning appliance needs to extend at least as high above the ground surface as the height of the roofs of all such residences. The building inspector may approve a lesser height on a case-by-case basis if necessary to comply with the manufacturer's recommendations and if the smoke from a lower chimney does not create a nuisance.
- (5) The owner of the outdoor wood-fired furnace shall obtain a permit from the town before installing the outdoor wood-fired furnace. Such permits may be obtained from the town land use administrator upon payment of the fee established by separate resolution of the town board from time to time. The land use administrator may issue the permits upon finding that the outdoor wood-fired furnace will be located, constructed, and used in accordance with the requirements of this article.
- (6) The owner of a wood-fired furnace shall provide a copy of his or her survey showing the proposed location of the device, the distance to the lot line and the distance to the nearest neighbor's residence.
- (7) Outdoor wood-burning furnaces are permitted only in the rear yard.
- (8) All outdoor furnaces shall be equipped with properly functioning spark arrestors.

### **Sec. 22-84 Existing outdoor solid fuel heating devices**

All existing units at the time of passage of this article which are not in compliance with the requirements of this chapter, may remain as nonconforming units until such a time the wood-burning furnace is replaced or significantly repaired, at which time the wood-burning furnace will be brought into compliance with this chapter.

### **Sec. 22-85 Permits**

No person shall allow, maintain or use an outdoor wood furnace within the town without first having obtained a permit from the land use administrator on the forms prescribed by such official permit fee per schedule.

**Sec. 22-86 Enforcement and penalties**

(a) Outdoor wood-fired furnace permits may be revoked by the building inspector if the building inspector or fire chief finds that burning has been conducted in violation of this article.

(b) A violation of this article is hereby declared to be a public nuisance which may be enforced through injunction or abatement proceedings or other applicable remedies as allowed by law, which shall be in addition to such other penalties and remedies as may apply.

(c) The penalty for violation of this article shall be as set forth in section 1-9 of this Code. Penalties are doubled for second and subsequent offenses. Each day that a violation occurs shall constitute a separate offense.

**Sec. 22-87 Right of entry and inspection**

(a) The building inspector, fire chief or any authorized officer, agent or representative of the town who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this article. Note: If the owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with Wis. Stats. §§ 66.122 and 66.123.

(b) Special exception: Where the town finds that extraordinary hardship will occur from the enforcement of this local ordinance, upon application to the town board, said town board may vary the regulations contained herein to afford substantial justice, provided that such special exception will not have the effect of nullifying the intent and purpose of this local ordinance.

**Sec. 22-88 Property owner's assumption of all risks**

Persons responsible for lighting fires in the town assume all risks associated with such fire. Compliance with the requirements of this article shall not relieve such person from the ultimate responsibility to ensure that the fire is conducted safely and appropriately with due regard for the health, safety and welfare of all persons and property potentially affected by the fire.