



4800 W. Green Brook Drive, Brown Deer WI 53223  
414-371-3000 - Building Inspection

## BROWN DEER FIRE PIT REGULATION



### FIRE PREVENTION CODE

[http://www.browndeerwi.org/cm/pdfs/BD-Fire%20code%20Final4\\_2\\_12.pdf](http://www.browndeerwi.org/cm/pdfs/BD-Fire%20code%20Final4_2_12.pdf)

### Section 15 - Open Burning, Out Door Burning and Open Flame Devices:

#### (A) Intent:

The intent of this section is to regulate open burning, outdoor burning and open flame for the purpose of preventing wildfires, preventing structure fires and the property damage or injuries associated with fire.

#### (B) Applicability:

This section applies to all outdoor burning within the municipality.

1. This section **does not** apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances located in approved locations at grade level.
2. This section **does not** apply to burning in a stove, furnace, fireplace or other heating device specifically designed and listed for that use within a building used for human habitation unless the material being burned includes refuse.
3. This section **does not** apply to the temporary use of fuels used in listed heating devices or appliances for construction or maintenance activities.

#### (C) Prohibition on open burning, outdoor burning

Open burning, outdoor burning and refuse burning are prohibited unless the burning is specifically permitted elsewhere in this ordinance.

#### **(D) 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, 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 when in a waste oil heating device for energy recovery subject to the restrictions in the state building code and manufactures listing.
3. Asphalt shingles which includes any and all 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 are recyclable must be recycled in accordance with the recycling ordinance.

#### **(E) Open Burning of leaves, brush, clean wood and other vegetation debris**

Burning leaves, brush, clean wood and other vegetative debris. Open burning of leaves, weeds, brush, stumps, clean wood, trees and other vegetative debris is prohibited except as may be approved by the local municipality and under a permit issued and conditional approval of the NSFD.

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 or railroads. 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 our area.
3. Open burning shall be conducted only on the property on which the materials were generated and in accordance with provisions established by this ordinance.
4. Open burning of weeds or brush on residential or commercial properties is prohibited except as may be approved by the Village of Brown Deer and under permit and approval of the NSFD and must be conducted in accordance with other applicable provisions of this ordinance.
5. Fires set for prairie or wildlife habitat management may be allowed with the approval of the local municipality and under permit and approval of the NSFD.
6. Small bonfires for cooking, or recreation are allowed provided that the fire is confined by a control device, structure or other device specifically designed for that use such as

a fire pit, masonry barbeque pit, chimeneas or similar device or as approved by the municipality and the Fire Department. The maximum open burn area is 33 inches in diameter or 6 square feet. All of the above must have a screen to prevent sparks from becoming readily airborne and a cover which fits and encloses the entire opening to ensure all hot embers are confined. Small bonfires are allowed only if approved by and in accordance with the above provisions and all other provisions in this Code.

7. In emergency situations such as natural disasters burning is prohibited unless specifically approved by the Village of Brown Deer and permits are secured from the NSFD.
8. Open burning under this section shall be conducted only following issuance of and in accordance with a permit issued under **Section 15 (H)** of this ordinance.
9. Small bonfires for cooking, or recreation under this section shall only be conducted at a location **not closer than 25 feet** from the nearest building, accessory structure, fence, deck or any other combustible surface. Any open burning of this type shall be constantly attended and supervised by enough competent persons of at least eighteen (18) years of age; this includes the time from ignition until the fire is extinguished. These persons shall have readily available for use such fire extinguishing equipment as may be necessary for the total control and extinguishment of the fire i.e. a garden hose(s) that are connected and charged, 5 (five) gallon buckets of water or other suitable extinguishing method.
10. Ceremonial fires (permit required) under this section shall not be greater than 5 feet in diameter and wood being burned is not greater than 3 feet high and shall only be conducted at a location **not closer than 50 feet** from any building, accessory structure, fence, deck or any other combustible surface. Any open burning of this type shall be constantly attended and supervised by enough competent persons of at least eighteen (18) years of age; this includes the time from ignition until the fire is extinguished and is cold. These persons shall have readily available for use such fire extinguishing equipment as may be necessary for the total control and extinguishment of the fire i.e. a garden hose(s) that are connected and charged, 5 (five) gallon buckets of water or other suitable extinguishing method.
11. No materials may be burned upon any street, curb, gutter or sidewalk.
12. No materials may be burned on the ice of a lake, pond, stream or body of water without prior approval from the Department of Natural Resources, the Village of Brown Deer and the NSFD.
13. **Except for 1 & 2 family dwellings** no hibachi, gas fired grill, charcoal grill, electric grill or other similar device used for cooking shall be used or kindled above grade level, on any balcony or under any overhanging portion or within 10 feet of any structure, from any combustible material, combustible wall or partition, exterior window opening, exit access or exit. All other types of open burning at 1 & 2 family dwellings shall comply with the provisions of this ordinance.
14. Although exempted from this section, one and two family dwellings are discouraged from deviating from **Section 15 (E) 13** for reasons of life safety and property protection.
15. No open burning other than the use of grills may be conducted on days when the Department of Natural Resources has declared an ozone action day.

## **FIRE PREVENTION CODE**

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### **Section 1 Definitions**

Unless otherwise expressly stated, the following terms shall, for the purpose of this code, have the meanings in this chapter.

(A) **Address Numbers**: Address numbers shall be placed on all buildings and structures.

(B) **Appeals**: Appeals to any of the provisions contained herein or referenced in this Ordinance or the enforcement of any provision contained herein shall be directed to the Chief of the North Shore Fire Department or his/her designee and shall follow the Village of Brown Deer process established for appeals.

(C) **Approved**: Acceptable to the Chief of the Fire Department or his/her designee as a result of his/her investigation and experience, or by reason of testing, listing or approval by nationally recognized testing authorities.

(D) **Authority Having Jurisdiction (AHJ)**: For purposes of this ordinance AHJ shall mean the Chief of the North Shore Fire Department or his/her designee(s).

(E) **Automatic Fire Alarm System**: A system designed to automatically detect a fire or smoke condition through automatic or manual means and initiates audible/visual fire alarm notification devices. The fire alarm signal is monitored by a listed third party who will without delay notify North Shore Dispatch sending with the Fire Department.

(F) **Automatic Fire Sprinkler Equipment**: A system of integrated piping designed in accordance with NFPA Standards (13, 13R, 13D) which may include underground and above ground piping. The system includes a suitable water supply, such as a gravity tank, fire pump, reservoir or pressure tank and/or connection of underground piping to a municipal water main. The portion of the sprinkler system above ground is a network of specially sized or hydraulically designed piping installed in a building structure or area, generally overhead, and to which sprinklers are connected in a systematic pattern. The system includes suitable control valves, a double detector check valve and a device for actuating an alarm when the system is initiated.

(G) **Bonfire**: means a small outdoor fire that may or may not be associated with cooking that is kindled and maintained in an approved container that is not more than 33 inches in diameter or 6 square feet and not greater than 12 inches high.

(H) **Ceremonial fire**: means a small outdoor fire intended for recreation not associated with cooking that is not greater than 5 feet in diameter and wood being burned is not greater than 3 feet high. This does not include a fire intended for disposal of waste wood or refuse.

- (I) 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.
- (J) Confidential Papers: means printed material containing personal identification or financial information that the owner wishes to destroy.
- (K) Defective or Dilapidated Building: Any building, structure or portion thereof which for want of repairs, lack of sufficient Fire escapes, automatic or other fire alarm apparatus, or fire extinguishing equipment, or by reason of age or dilapidated conditions, or from any other cause, is especially liable to fire and which is so situated as to endanger other property or the occupants thereof, and whenever the AHJ or his/her designee shall find in any building combustible waste material, explosive matter or flammable conditions dangerous to the safety of such building or the occupants.
- (L) Dwelling: means a building or space within a building as part of a mixed use occupied exclusively for residential purposes and having not more than two apartments, or as a boarding or rooming house serving not more than five persons with meals or sleeping accommodations or both.
- (M) False Alarm: An emergency response by the Fire Department when no emergency exists because of the intentional activation of any alarm notification appliance or detection device. Any alarm or detection equipment that has been identified by the fire department or by the alarm inspection company as part of the annual fire alarm inspection as defective, improperly located, improperly maintained that generates an emergency response shall be deemed a false alarm if corrective measures are not taken immediately to prevent a second activation of the same device.
- (N) Fire Department: As used throughout this document it is understood to mean the North Shore Fire Department (NSFD).
- (O) Fire Department Connection (FDC): The FDC shall be in a location acceptable to the AHJ and shall have an exterior strobe or horn/strobe located above. The FDC shall include not less than a 2 ½ inch Siamese connection. The AHJ reserves the right to request a single 5 inch connection based on use and water supply or both.
- (P) Fire District: The seven (7) communities that are served by the North Shore Fire Department, Bayside, Brown Deer, Fox Point, Glendale, River Hills, Shorewood and Whitefish Bay.
- (Q) Fire Lane(s): The AHJ may order "Fire Lane" signs to be erected and may designate the placement thereof to insure adequate ingress and egress for responding emergency vehicles and equipment.
- (R) Governing Authority: The Village of Brown Deer shall operate as the Governing Authority exercising final decision making authority over the Authority Having Jurisdiction.
- (S) Hazardous Materials: means any materials of a solid, liquid, gaseous or semi-solid form which, because of its quantity, concentration or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or pose a substantial present or potential hazard to human health or the environment. Such material includes, but is not limited to, material, which is toxic, carcinogenic, or flammable or other material set forth in Sec. 144.01(4m), Wis. Stats. as amended from time to time. Such material also includes irritants and strong oxidizers or materials, which generate pressure because of decomposition or heat. Toxic material includes containers and receptacles previously used in transportation, storage, use or application or material described herein as hazardous material.
- (T) ICC Container: means any container approved by the Interstate Commerce Commission for shipping any liquid, gaseous or solid material of a flammable toxic or other hazardous nature.
- (U) KNOX Box: A security key box system, specified by the North Shore Fire Department.
- (V) Multi-Family Dwelling: means a building or portion thereof, containing three or more dwelling units.
- (W) Municipality: As used throughout this document, municipality shall mean the Village of Brown Deer.
- (X) Obstruction(s): Whenever the Fire Department shall find in any building or upon any premises dangerous accumulations of rubbish, accumulations of waste paper, boxes, shavings or any materials which are so situated as to endanger life or property, or shall find obstructions to or on any fire escapes, stairs, passageways, corridors, halls, loading platforms, doors or windows liable to interfere with operations, emergency equipment, egress of occupants in case of emergency, the inspector or person(s) on site shall order the correction of or immediate removal of said items. If the entrance(s), exit walkway(s), driveway(s), or sidewalk(s) are found to be obstructed by snow, debris, construction material, vehicles, or in a condition liable to interfere with the ingress/egress or the operation

of fire apparatus, other emergency vehicles, emergency personnel or cause a delay or pose a negative impact to the occupants of the building's ability to safely evacuate; the AHJ or his/her designee on site shall order the immediate correction.

(Y) 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.

(Z) Outdoor Burning: means open burning or burning in an outdoor wood-fired furnace.

(AA) Person: means and includes person, persons, firm, corporation(s), limited liability corporation(s) or partnership(s).

(BB) Public Buildings and Places of Employment: "Public building" means any structure, including exterior parts of such building, such as a porch, exterior platform, or steps providing means of ingress or egress, used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public or by 3 or more tenants. When used in relation to building codes, "public building" does not include a previously constructed building used as a community-based residential facility as defined in WI State Statutes s. 50.01 (1g) which serves 20 or fewer residents who are not related to the operator or administrator or an adult family home, as defined in s. 50.01 Place of employment" includes every place, whether indoors or out or underground and the premises appurtenant thereto where either temporarily or permanently any industry, trade, or business is carried on, or where any process or operation, directly or indirectly related to any industry, trade, or business, is carried on, and where any person is, directly or indirectly, employed by another for direct or indirect gain or profit, but does not include any place where persons are employed in private domestic service which does not involve the use of mechanical power or in farming. When used with relation to building codes, "place of employment" does not include an adult family home, as defined in WI State Statutes s. 50.01 (1), or, except for the purposes of s. 101.11, a previously constructed building used as a community-based residential facility, as defined in s. 50.01 (1g), which serves 20 or fewer residents who are not related to the operator or administrator.

(CC) Refuse: means any waste material except clean wood.

(DD) Roof Access: In every commercial or multi-family building and structure there shall be provided a permanent means of access to the attic or roof. All attics and roofs of commercial and multi-family buildings and structures shall be accessible by means of a stairway or scuttle. If the scuttle opening in the attic floor is provided in lieu of a stairway, the same shall be located in a public hallway situated below the attic floor and shall be provided with an approved fixed ladder or balanced stairway to such opening, securely anchored in place. Roof and ceiling scuttles of commercial and multi-family buildings and structures shall be at least two feet by three feet, and roof scuttles shall be located immediately above the attic stairway or ceiling scuttle or in a location approved by the Fire Department or the Building Inspector. The roof scuttle access cover shall be of a non-combustible material with a rating not less than the ceiling assembly it is installed in and shall be secured in place by means acceptable to the Building Inspector and/or the NSFD.

## **Section 2 Adoption of Wisconsin and NFPA Codes and Standards**

All Orders, Rules and Regulations established and propagated by the Department of Safety and Professional Services, or its successor Administrative Agency, as are set forth in the Wisconsin Administrative Code as from time to time amended, are hereby adopted. The most current legislatively enacted versions of those documents are adopted and will be enforced.

NFPA 1 Fire Code® and NFPA 101 The Life Safety Code® are hereby adopted in their entirety as part of this Chapter and serve as the fire prevention and construction codes for the Village of Brown Deer. The most current available printed edition of the NFPA Codes and Standards are adopted and will be enforced. All codes and standards referenced in any of the code documents adopted herein shall be deemed adopted herein and are codified and have the strength of code.

**\*\*Note:** In the event of a conflict between any of the provisions of this Code with State Codes and/or NFPA Codes and Standards and the more restrictive shall control and govern.

### **(A) Scope:**

This Code applies to all of the following but is not limited to:

1. Inspection of permanent and temporary buildings, structures, tents, processes, equipment, systems, and any situations related life safety.
2. Investigation of fires, explosions, hazardous materials incidents, and other related emergency incidents including hazards from outside fires in vegetation, trash, building debris, and other materials.
3. Review of construction plans, drawings, and specifications for life safety systems, fire protection systems, access, water supplies, processes, hazardous materials, and other fire and life safety issues. This applies to existing occupancies and conditions, the design and construction of new buildings, remodeling of existing buildings, and additions to existing buildings.

4. Fire and life safety education provided for department personnel, business owners, public employees, responsible parties, and the general public.
5. Establish and maintain access requirements for fire department operations and control of emergency operations and scenes and conditions affecting fire fighter safety.
6. Regulation and control of special events including, but not limited to, assemblage of people, exhibits, trade shows, amusement parks, haunted houses, outdoor events, and other similar special temporary and permanent occupancies.
7. Interior finish, decorations, furnishings, and other combustibles that contribute to fire spread, fire load, and smoke production.
8. Storage, use, processing, handling, and on-site transportation of flammable and combustible gases, liquids, solids and hazardous material.
9. Establish a permit and fee process which may be changed from time to time as is necessary.

**(B) Intent of Code:**

The intent of this code is to establish and prescribe regulations consistent with recognized life safety practices for the purpose of safeguarding, to a responsible degree, the life safety of occupants /employees, the general public, emergency personnel and general property protection of commercial buildings or premises from the hazards of fire, explosion, storage handling and use of hazardous substances, materials processing and faulty/ poorly maintained devices or systems and from any other conditions identified as hazardous by the Authority Having Jurisdiction to life safety. This Code shall take effect and be in force from and after approval by the Village Board, and shall not have retroactive or retrospective effect or application. Specifically, the Code does not apply to buildings in the process of construction and buildings for which applications for building permits were made prior to the effective date of this Code; however, it shall apply to additions to existing buildings. This Code shall not be construed to affect the responsibility of any person owning, operating or installing any equipment for damage to persons or property caused by any defect therein, nor shall the Village of Brown Deer be held as assuming any such liability by reason of the inspection or re-inspection authorized herein or the permit as herein provided or by reason of the approval or disapproval of any equipment authorized herein.

**Section 3 Applications to New and Existing Conditions:**

The provisions of this document and all adopted and referenced documents shall not be applied retroactively to any building or any project that was found in conformity to the codes and regulations in effect at the time of the issuance of the original building permit and occupancy.

The provisions of this document shall apply to all new, remodeled, altered and existing commercial buildings or premises except those existing conditions not in strict compliance with the terms of this code or referenced documents shall be permitted to continue where any of the exceptions identified below are met and approved by the Authority Having Jurisdiction.

**Exceptions:**

1. There is a change of the occupancy classification within the building, space or premise.
2. There is a demonstrated history of noncompliance by the same occupant/owner (more than 2 years) correcting items identified during annual fire inspections.
3. The building has had a fire event regardless of size.
4. The building is or has been modified (altered or added on to) without permits and/or inspections from the Fire Department from its original condition.

**NOTE: This code shall not be construed as applying to the transportation of any article or item shipped in conformity with the regulations prescribed by the Interstate Commerce Commission, Department of Transportation or as applying to any state owned or federal facilities owned in-part of whole by the federal government.**

**Section 4 Hazardous Conditions and Structures**

**(A) Obstructions:**

Whenever the Fire Department shall find any obstruction the AHJ or his/her designee shall order the same to be removed immediately.

**(B) Fire Lane Designations:**

To insure adequate ingress and egress for responding emergency vehicles and equipment the AHJ may order "No Parking, "Fire Lane" signs be erected and may designate the placement thereof and may order that curbs or pavement be painted in a distinctive color to designate such. The parking, stopping or standing of any vehicle in a designated fire lane shall constitute a violation of this section. Vehicles parked, stopped or standing in clearly identified fire lanes will be referred to the Brown Deer Police Department and the vehicle may be ticketed, towed or impounded and held until the towing and storage charges incurred are paid.

**(C) Defective Buildings:**

Whenever the Fire Department shall find a defective building, the AHJ or his/her designee shall order such dangerous conditions or materials to be removed or remedied. Exits necessary for proper evacuation or where repairs to any structural part of such building are required, the Fire Department shall notify the Building Inspector who may re-inspect such building or structure, thereafter adding additional requirements or identifying the proper remedies as may be required.

**(D) Application:**

This section shall apply to all buildings except: private residences and accessory buildings in connection therewith; and temporary buildings or sheds used for construction purposes only. Provided, if any building or structure, whether above exempted or not, is especially liable to catch or cause fire, and is so situated as to endanger other buildings or property, or contains any combustible or explosive material dangerous to the safety of any building or premises or the occupants thereof, or endangering or hindering firemen in case of fire, such building or structure shall be subject to these orders so far as may be necessary to protect adjoining or other buildings and their occupants and firemen.

**Section 5 Duties and Rights of the Fire Chief****(A) Administration:**

The following are the duties and powers given to the Fire Chief of the North Shore Fire Department or his/her designee(s) in addition to those specified in State Statutes, State Fire Code (COMM 14) and as specified in the administrative section of NFPA 1.

1. The Chief [or his/her designee(s)] of the North Shore Fire Department shall serve as the Authority Having Jurisdiction (AHJ) and be charged with the enforcement and authority to enforce any and all provisions of this Code and the provisions contained herein.
2. It shall be the duty of the Chief (or his/her designee) of the North Shore Fire Department to investigate and to recommend to the Building Inspection Department and the Village Manager as often as may be necessary such additional ordinances, or amendments to existing ordinances, as he/she may deem necessary for safeguarding life and property against fire and the dangers associated with fire.
3. It shall be the duty of the North Shore Fire Department to enforce all statutory laws and ordinances of the State and those of the Village of Brown Deer. The primary way the safeguarding of commercial properties and those that work in, reside in or frequent such will be accomplished through annual fire inspections. Focus areas of those inspections include but are not limited to:
  - a. The proper storage and use of explosives, flammables, combustibles and hazardous materials whether in a solid, liquid or gaseous form.
  - b. The permitted installation and proper maintenance of automatic fire alarm/detection and extinguishing systems of all types and their related equipment.
  - c. The identification of deficiencies in, on or around any commercial property in the Village that pose a danger and to render suggestions to remedy such items.
  - d. Provide educational programs and training for the business community, public and private sectors that are impacted by fire inspection. The purpose of this designed training shall be to enlighten the audience to recognize and self correct items prior to the inspection process. The goal being to help reduce fires and the injuries, property damage and business interruption associated with fire.

**(B) Code Authority:**

The North Shore Fire Department shall have concurrent authority and jurisdiction with the Building Inspection Department to enforce those provisions of the Building Code typically understood to be enforced by the Building Inspector. The Building Inspector shall have concurrent authority to enforce those provisions of the Fire Code and this ordinance typically understood to be enforced by the Fire Inspector.

**(C) Right of Entry:**

It shall be the duty of the Chief of the Fire Department as a Deputy of the State to inspect, or cause to be inspected by the Fire Department officers or members as may be designated by the Chief, all buildings and premises, except the interiors of private apartments, condominiums and one and two family dwellings, as frequently as may be necessary but at least once every year for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or any violations of the provisions or intent of Code and from any other hazard likely to affect the life safety of the occupants, public or emergency personnel.

**(D) Complaints:**

The Chief of the Fire Department or his/her designee thereof upon receiving a complaint from a citizen, occupant or owner of a business within the Village of Brown Deer, he or they may cause to be inspected any building or premise as is deemed necessary.



**Section 6 Correction Order Process:****(A) Documentation:**

Fire inspection corrective order documentation, which identified specific deficiencies in writing to the owner or occupant of any building, space or premise, shall be understood to be an order to correct such deficiencies. All corrections to fire inspection orders shall be made prior to the next scheduled fire inspection rotation. Those items deemed to pose a heightened risk to the life safety of the owner, occupants or emergency responders may be given a specific timeline for correction by the inspection personnel at the time of inspection or by members of the Fire Prevention Bureau and must be adhered to.

**(B) Owner or Occupant Responsibility:**

If the owner or occupant of the building, space or premise cannot be found, such written order of correction shall be affixed in a conspicuous place on the entrance door to such building or structure or on the premises. Thereafter a copy of the deficiencies shall be mailed to the owner and the occupant addressed to their last known post office address. No person shall remove such affixed notice without the written consent of the Fire Chief. Any such order shall forthwith be complied with by the owner and occupant of such building, structure or premises. The owner or occupant may within 24 hours appeal to the Fire Chief for a review of such order, who shall thereafter as soon as possible file his decision. Unless such order is revoked or modified by the Fire Chief, it shall remain in full force and be complied within the timeline established in said order.

**(C) Enforcement and Citations:**

The Fire Chief or his/her designee(s) are authorized to enforce all the provisions of this Code. The NSFD shall follow all municipal procedures including requesting citations are issued to the owner or occupant of any building, space or premise for each day an identified violation(s) exists after proper written orders were served. Citations will be issued by the Chief of the Fire Department or his/her designee and be represented in court by the NSFD. The NSFD may request the Village issue a summons and complaint for municipal prosecution. A violation of this ordinance or any condition in violation of this ordinance shall constitute a public nuisance which may be abated, restrained and enjoined by court action. This procedure may be used for any and all matters of demonstrated non-compliance.

The penalty for violation of any portion of this ordinance is covered in the fee section of the Village of Brown Deer Code of Ordinances. Penalties maybe doubled for second and higher for any subsequent offenses.

**Section 7 Appeals:**

The Village of Brown Deer through its own designation, Governing Authority, shall exercise final authority over the AHJ in all matters related to code interpretation and code enforcement and render final determination in matters requiring resolution or appeal. Any orders written under this Code shall be served in writing. All orders shall be complied with by the owner forthwith of such building, structure or premises. The owner or occupant may within 24 hours of receipt of any such orders appeal to the Fire Chief for a review of such order. The Fire Chief shall thereafter as soon as possible file a written decision. Unless such order is revoked or modified by the Fire Chief, it shall remain in full force and be complied within the time fixed in said order. The owner may then appeal to the Governing Authority (Village) using all processes and procedures necessary. All decisions by the Governing Authority are deemed final.

**Section 8 Occupant Load Signage:**

As part of the fire inspection of identified assembly use occupancies an occupant load sign will be verified for compliance to mitigate issues related to overcrowding. Facilities or spaces found not to have posted occupant loads will be issued an occupant load number on department forms by Fire Prevention Bureau personnel. Those factors related to life safety i.e., exit doors, corridor or stair width will be taken into account as well as the use of decorative materials, maintenance of exit ways, and maintenance of fire alarm, fire detection and fire extinguishing (sprinkler) systems.

**Section 9 Permits and Fees:**

The North Shore Fire Department shall have the ability and authority to establish, charge and collect fees for items such as plan review and the inspections associated with them and other items as directed by the Chief of the North Shore Fire Department (See Annex A for permit form and fees). Plans and permits shall be secured from the North Shore Fire Department prior to the start of any new, alteration, addition or remodeling work. Plans shall be submitted electronically or provided in a PDF format. Paper plan submittals will not be returned. Formal conditional plan approval comments will be e-mailed to the submitter in 14 working days.

**Section 10 Investigation of Fires:**

The NSFD shall investigate the origin and cause of fires by which property has been destroyed or damaged and shall help determine whether the fire is a result of carelessness, faulty design materials or workmanship. If it appears that the fire is of suspicious origin, the Fire Chief or scene commander shall be notified of these facts as soon as possible. He/she or his/her representative shall immediately notify the police department for further investigation and the collection of any physical evidence. The investigation of

such suspicious matters shall be the sole jurisdiction of the Village of Brown Deer police department and any other agency or personnel they choose to be involved in the collection of evidence and in the prosecution of the case. A fire incident report should be filed within 24 hours of every fire. The report shall contain a statement of all facts known relating to the origin, cause and circumstances of such fire and other information as may be required.

### **Section 11      Fire Hydrant Requirements on Private Property**

(A) Intent:

The intent of this section is to insure adequate water supply for fire fighting purposes to existing or new structures, buildings, tank farms, lumber yards, commercial or industrial complexes located at extended distances from water hydrants on private property.

(B) Where Required:

Any commercial complex or structure hereafter erected, or structurally altered, the Brown Deer Water Utility shall specify and may provide at the owners expense an approved water hydrant system when such building is set back 250 feet or more from any street, roadway or highway or is located more than 300 feet from that communities closest municipal hydrant. Required hydrants shall be free standing and shall be located not closer than 50 feet from the building. One hydrant shall be located not more than 150 feet from the FDC. Additional hydrants shall be provided around the perimeter of the building so that no water hydrant is more than 300 feet from any other approved hydrant by normal access routes. The bonnet of all hydrants shall be properly colored (meeting the NFPA standard) to indicate its flow rate in gallons per minute.

(C) Fire Equipment on Private Property:

A Fire Department authorized representative will assist in the approval of all fire hydrants for commercial, industrial or institutional buildings or properties. A permit issued by the Water Utility and/or Building Inspection Department must be sought before such equipment may be installed. Hydrants to be used on such properties shall be of the type approved by the Brown Deer Water Utility. Hydrant placement and specifications for cover shall be specified by the Water Utility. Connection points on all hydrants shall be of sufficient height above the finished property grade to allow for connection in all climate conditions.

### **Section 12      Automatic Sprinkler Systems**

(A) Intent:

The intent of this section is to provide a means for the automatic extinguishment of fires in buildings which, because of their size, construction or occupancy classification or lack of suitable protective equipment, constitute a special fire hazard to life or property and may pose an excessive burden upon the firefighting resources of the North Shore Fire Department.

(B) Where Installed:

Every building hereinafter constructed or structurally altered shall have an approved automatic sprinkler system installed and maintained when occupied in whole or in part for the following purposes:

1. Throughout all buildings used for the manufacture, storage or sale of combustible goods or merchandise.
2. Throughout all garages used for commercial purposes or a passenger of freight terminals.
3. Basements: Throughout the entire basement.
4. Multi-Family Residences: Throughout the entire building.
5. Hospitals, Nursing, Convalescent, Old Age, and Other Institutional Buildings, Offices, Hotels, Motels, Restaurants and Places of Detention: Throughout the entire building.
6. Theaters, Assembly and Recreational Buildings: Throughout the entire building.
7. Schools, Colleges and Universities: Throughout the entire building.
8. Especially Hazardous Occupancies (See the most current NFPA Hazard Categories for a complete list. A copy of which is on file with the North Shore Fire Department)

(a) Prior to issuance of any building permit or occupancy permit, the Building Inspector and the Fire Chief or his/her designee, shall jointly review the plans, processes and materials involved. When upon review, it is determined that highly combustible processes or occupancy conditions exist, it shall be required that an adequate and approved fire extinguishment system be installed in buildings and/or designated hazardous areas in buildings.

(b) Examples of occupancies considered highly combustible:

Chemical Works, Explosive and Pyrotechnics Manufacturing, Linseed Oil Mills, Linoleum and Oil Cloth Manufacturing, Paint Shops, Phroxylin Manufacturing and Processing, Solvent Extract Extracting, Varnish Works, Combustible Dusts, Occupancies Involving Processing, Mixing, Storage and Dispensing of Volatile Flammable Liquids, Commercial or Institutional Kitchen Hoods, Vents and Ducts.

(C) How Installed:

Approved fire extinguishing systems shall be installed in accordance with current editions of N.F.P.A. Standards (13, 13R, 13D) or other standards which substantially meet or exceed N.F.P.A. standards as approved by the North Shore Fire Department.

(D) Maintenance of Equipment:

Sprinkler systems, standpipe systems, and any other fire protective or extinguishing systems or appliances which have been installed in compliance with any permit or order, or because of any law or ordinance, it shall be unlawful for any owner or occupant to reduce the effectiveness of the protection so required; except this shall not prohibit the owner or occupant from temporarily reducing or discontinuing the protection where necessary to make tests, repairs alterations or additions. The Fire Department shall be notified before such tests, repairs, alterations or additions are started. Written certification/documentation that every life safety system has been tested annually will be maintained on site for and produced during the annual fire inspection. All annual tests shall comply with the appropriate NFPA standard and meet any and all credential requirements as so directed by the State of Wisconsin or North Shore Fire Department.

Where any fire suppression systems are taken out of service for 4 or more hours, a Fire watch shall be put in place. The fire watch shall consist of one or more qualified persons to serve as watchers and shall familiarize themselves with all fire protection facilities and fire prevention features and with the condition of exits and shall patrol the entire building until such fire/life safety systems are put back in service. Fire watch procedures shall be submitted in writing to the AHJ and are subject to approval.

(E) Exemption and Substitution of Other Fire Protection Equipment and Alarm Systems:

Nothing herein shall be construed as requiring the installation of sprinklers where the application of water may cause or increase fire or may increase the hazard. Nothing in this section shall be construed in any way to interfere with the substitution of other automatic protective equipment or substitutions approved by the North Shore Fire Department.

### **Section 13**            **Automatic Alarm and Detection Systems**

(A) Intent:

The intent of this section is to insure adequate detection, early warning and notification exists in new and existing commercial structures located within the Village of Brown Deer.

(B) Where Installed:

Every building hereinafter constructed or structurally altered shall have an approved fire alarm system installed and maintained for the following purposes:

1. Alarm and detection equipment shall be as specified by the occupancy use group in the Building or Fire Code (most restrictive).
2. Notification shall be installed in all sprinkler or partially sprinkler protected buildings.
3. All alarm and detection systems shall be monitored by a listed 3<sup>rd</sup> party central station.
4. In buildings or spaces that require alarm and/or detection, the system shall be provided throughout unless the balance of the building or space is separated by not less than 2 hr. fire rated construction. The balance of the building or space cannot share common area with that portion requiring the alarm system.

(C) How Installed:

Approved fire alarm and detection systems shall be installed in accordance with current editions of the N.F.P.A. Fire Alarm Code or other standards which substantially meet or exceed N.F.P.A. standards as approved by the North Shore Fire Department.

(D) Maintenance of Equipment:

Fire alarm systems which have been installed in compliance with any permit or order, or because of any law or ordinance, it shall be unlawful for any owner or occupant to reduce the effectiveness of the protection so required; except this shall not prohibit the owner or occupant from temporarily reducing or discontinuing the protection where necessary to make tests, repairs alterations or additions. The Fire Department shall be notified before such tests, repairs, alterations or additions are started. Written certification and/or documentation that every alarm and/or detection system has been tested annually will be maintained on site for and produced during the annual fire inspection. All annual tests shall comply with the appropriate NFPA standard and meet any and all credential requirements as so directed by the State of Wisconsin or North Shore Fire Department.

Where fire alarm and/or detection systems are taken out of service for 4 or more hours, a Fire watch shall be put in place. The fire watch shall consist of one or more qualified persons to serve as watchers and shall familiarize themselves with all fire protection facilities and fire prevention features and with the condition of exits and shall patrol the entire building until such fire/life safety systems are put back in service. Fire watch procedures shall be submitted in writing to the AHJ and are subject to approval.

(E) Carbon Monoxide Detection:

A building or a portion of a building to be used for residential purposes as defined under WI State Statutes s.101.149 (1) (b) shall be provided with carbon monoxide alarms or detectors in accordance with WI State Statutes SPS 321.097.

**Section 14 False Alarm:**

An emergency response by the Fire Department when no emergency exists because of the intentional activation of any alarm notification appliance or detection device is a false alarm. Any alarm or detection equipment that has been identified by the Fire Department or by the alarm inspection company as part of the annual fire alarm inspection as defective, improperly located, improperly maintained that generates an emergency response shall be deemed a false alarm if corrective measures are not taken immediately to prevent a second activation of the same device. The fee for false alarms is in the fee schedule established by the Village Board.

**Section 15 Open Burning, Out Door Burning and Open Flame Devices:**

(A) Intent:

The intent of this section is to regulate open burning, outdoor burning and open flame for the purpose of preventing wildfires, preventing structure fires and the property damage or injuries associated with fire.

(B) Applicability:

This section applies to all outdoor burning within the municipality.

1. This section **does not** apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances located in approved locations at grade level.
2. This section **does not** apply to burning in a stove, furnace, fireplace or other heating device specifically designed and listed for that use within a building used for human habitation unless the material being burned includes refuse.
3. This section **does not** apply to the temporary use of fuels used in listed heating devices or appliances for construction or maintenance activities.

(C) Prohibition on open burning, outdoor burning

Open burning, outdoor burning and refuse burning are prohibited unless the burning is specifically permitted elsewhere in this ordinance.

(D) 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, 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 when in a waste oil heating device for energy recovery subject to the restrictions in the state building code and manufactures listing.
3. Asphalt shingles which includes any and all 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 are recyclable must be recycled in accordance with the recycling ordinance.

(E) Open Burning of leaves, brush, clean wood and other vegetative debris

Burning leaves, brush, clean wood and other vegetative debris. Open burning of leaves, weeds, brush, stumps, clean wood, trees and other vegetative debris is prohibited except as may be approved by the local municipality and under a permit issued and conditional approval of the NSFD.

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 or railroads. 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 our area.
3. Open burning shall be conducted only on the property on which the materials were generated and in accordance with provisions established by this ordinance.
4. Open burning of weeds or brush on residential or commercial properties is prohibited except as may be approved by the Village of Brown Deer and under permit and approval of the NSFD and must be conducted in accordance with other applicable provisions of this ordinance.
5. Fires set for prairie or wildlife habitat management may be allowed with the approval of the local municipality and under permit and approval of the NSFD.
6. Small bonfires for cooking, or recreation are allowed provided that the fire is confined by a control device, structure or other device specifically designed for that use such as a fire pit, masonry barbeque pit, chimeneas or similar device or as approved by the municipality and the Fire Department. The maximum open burn area is 33 inches in diameter or 6 square feet. All of the above must have a screen to prevent sparks from becoming readily airborne and a cover which fits and encloses the entire opening to ensure all hot embers are confined. Small bonfires are allowed only if approved by and in accordance with the above provisions and all other provisions in this Code.
7. In emergency situations such as natural disasters burning is prohibited unless specifically approved by the Village of Brown Deer and permits are secured from the NSFD.
8. Open burning under this section shall be conducted only following issuance of and in accordance with a permit issued under **Section 15 (H)** of this ordinance.
9. Small bonfires for cooking, or recreation under this section shall only be conducted at a location **not closer than 25 feet** from the nearest building, accessory structure, fence, deck or any other combustible surface. Any open burning of this type shall be constantly attended and supervised by enough competent persons of at least eighteen (18) years of age; this includes the time from ignition until the fire is extinguished. These persons shall have readily available for use such fire extinguishing equipment as may be necessary for the total control and extinguishment of the fire i.e. a garden hose(s) that are connected and charged, 5 gallon buckets of water or other suitable extinguishing method.
10. Ceremonial fires (permit required) under this section shall not be greater than 5 feet in diameter and wood being burned is not greater than 3 feet high and shall only be conducted at a location **not closer than 50 feet** from any building, accessory structure, fence, deck or any other combustible surface. Any open burning of this type shall be constantly attended and supervised by enough competent persons of at least eighteen (18) years of age; this includes the time from ignition until the fire is extinguished and is cold. These persons shall have readily available for use such fire extinguishing equipment as may be necessary for the total control and extinguishment of the fire i.e. a garden hose(s) that are connected and charged, 5 gallon buckets of water or other suitable extinguishing method.
11. No materials may be burned upon any street, curb, gutter or sidewalk.
12. No materials may be burned on the ice of a lake, pond, stream or body of water without prior approval from the Department of Natural Resources, the Village of Brown Deer and the NSFD.
13. **Except for 1 & 2 family dwellings** no hibachi, gas fired grill, charcoal grill, electric grill or other similar device used for cooking shall be used or kindled above grade level, on any balcony or under any overhanging portion or **within 10 feet** of

any structure, from any combustible material, combustible wall or partition, exterior window opening, exit access or exit. All other types of open burning at 1 & 2 family dwellings shall comply with the provisions of this ordinance.

14. Although exempted from this section, one and two family dwellings are discouraged from deviating from **Section 15 (E) 13** for reasons of life safety and property protection.

15. No open burning other than the use of grills may be conducted on days when the Department of Natural Resources has declared an ozone action day.

(F) Fire Department practice burns

The NSFD may burn a standing building, structure or premise for firefighting practice once all necessary permits and abatements have been accomplished.

(G) Burning Permits

1. No person(s) shall start or maintain any open fire **except for 1 & 2 family dwellings** without the approval of the local municipality and a burning permit issued by the NSFD.
2. All ceremonial fires require a permit and such fires shall comply with all other applicable provisions of this ordinance.
3. Small bonfires for cooking, or recreation **for 1 & 2 family dwellings** shall comply with all the provisions of this ordinance including meet all setbacks as identified in **Section 15 (F) 6 and 9. Permits are not required for 1 & 2 family dwellings.**
4. Any person(s) responsible for burning leaves, brush, clean wood or other vegetative debris under **Section 15 (F)** of this ordinance shall obtain a burning permit before starting the fire. A new permit shall be obtained prior to every burn.
5. 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.
6. A burning permit issued under this section shall require compliance with all applicable provisions of this ordinance and any additional special restrictions deemed necessary to protect public health and safety.
7. Any violation of the conditions of a burning permit shall be deemed a violation of this ordinance. Any violation to any portion of section shall void any permit issued for the purpose found in violation.

(H) Liability

**\*\*\*Any person(s) starting or maintaining an outdoor fire will be held financially responsible for all fire suppression costs and any other liabilities resulting from damage caused by such fire, including all costs related to emergency personnel and equipment response.**

(I) Open Flame

1. Lights and Devices: No person shall take an open flame or light into any building or any other place where highly flammable, combustible, or explosive material is kept, unless such light or flame shall be well secured in a glass globe, wire mesh cage or similar approved device.
2. Places or Assembly: The use of any candles or other open flame fixture, whether equipped with a guard or not is prohibited without formal request and approval from the NSFD. The use of candles in any other occupancy for uses other than ceremonial will not be approved and are specifically prohibited by the Fire Code.
3. Restaurants: Open flame devices used for the warming of food may be used in restaurants and dining areas, provided such devices and their locations are approved by the Fire Department.

**Exceptions:** The use of other open flame light and devices not herein regulated may be permitted by the Chief of the Fire Department or his designee under such restrictions, in his/her judgment, are necessary to avoid danger of ignition of combustible material or injury to persons.

(J) Hot Work:

Permit Required. All hot work performed on Commercial Buildings requires a permit and approval from the NSFD prior to the start of any work. Proper safety precautions including a spotter and a readily accessible extinguishing device at the work location must be in place. Work may include but is not limited to: Cutting and Welding, Open flame Tar Kettles, Roof welding and seaming.

**Section 16      Tent Over 400 Square Feet****(A) Tent Permit Required:**

No tent exceeding 400 square feet in area shall be erected, maintained or used without a permit.

**(B) Tents Construction:**

Tents shall be designed, constructed, flame proofed, located on the site and properly maintained. Current flame proofing documentation shall be provided at time of inspection. Tents maybe required to provide exit and emergency lighting based on occupant load and use.

**(C) Open Flame:**

Open flame devices for heating or cooking are prohibited from being under the tent. Cooking appliances shall be located no closer than 10 feet to the tent.

**Section 17      Hazardous Materials****(A) Transportation:**

Every person, firm or corporation using, storing, handling or transporting (whether by rail or on the highways) flammable or combustible liquids, chemicals, gasses or other hazardous materials shall be liable to the municipality for the actual cost of labor and materials associated with the use of any specialized extinguishing agent, chemical, neutralizer or similar material or equipment employed to extinguish, confine or clean up any such hazardous material which is involved in any accidental spill or in threat of any fire or accidental spill.

**(B) Notification of Discharge or Spill:** Upon learning that a prohibited discharge or spill has taken place, all persons with knowledge shall immediately notify the Police and Fire Department of the time and place of the prohibited discharge and the substance discharged, if known.

**(C) Reimbursement for Cleanup of Spills:** Any person who possesses or controls a hazardous material or infectious agent which was discharged or who caused the discharge of a hazardous material or infectious agent shall reimburse the municipality for actual and necessary expenses incurred by the municipality or its agent to contain, remove or dispose of the hazardous substance or infectious agent or take any other appropriate action which is deemed appropriate under the circumstances.

**(D) Village Under No Obligation:** Nothing herein shall obligate the Village of Brown Deer to perform any of the remedial measures. The Village shall endeavor in all cases to have such remedial measures performed by the persons set forth in Subsection (1) hereof, and in default of such performance, shall itself perform such remedial measures only if the exigencies of time and circumstances indicate that the public health, safety and welfare require such intervention.

**(E) Prohibited Discharge:** No person shall discharge, allow, or cause to be discharged upon or into any public street, alley or public property or onto the ground, surface water, subsurface waters, or aquifers, or on any private property, any hazardous material, except in those areas licensed for waste disposal or landfill activities for hazardous waste and/or hazardous materials as identified in the Fire Code.

**(F) Containment, Cleanup, and Restoration:** Any person in violation of this Section upon the direction the Village's police, fire officers or public health officials, take immediate action to contain, clean up and remove to an approved depository the offending material(s) and restore the site to its original condition. Should any person fail to engage or complete the cleanup/containment requirement, the police/fire or health department may order the owner or lessee to take the required corrective action or, in default thereof, may on behalf of the municipality, without taking bids, do the necessary work with all costs incurred by the municipality to be reimbursed by the violator(s).

**(G) Public Protection.** Should any prohibited discharge occur that reasonably causes a threat to the life, safety, welfare or health of the public, a municipal official or employee on the scene may order evacuation of the area or take other appropriate protective steps for such period of time as needed.

**(H) Access.** When a prohibited discharge has occurred or is reasonably thought to have occurred, access to the site, upon notice to the owner or occupant whether on public or private land, shall be granted to police, fire and health department personnel for the purpose of evaluating the extent of the discharge, monitoring the cleanup and restoration of the site. Notice to the owner or occupant is not required if the delay will result in imminent risk to public health or safety or the environment.

**Section 18      Cost Recovery**

The Village of Brown Deer shall have all rights of recovery for costs related to the prevention, control, or extinguishing of any fire, and for subsequent cleanup or remedial action necessary pertaining to any fire, as provided by 1989 Wisconsin Act 256, which is

specifically adopted in its entirety, together with such amendments and reenactments as shall occur subsequent to the enactment of this section.

**Section 19**      **Penalties**

Any person, firm, corporation who or which shall violate any of the provisions of this ordinance shall be subject to forfeiture of an amount not less than \$1.00 (One Dollar) nor more than \$500.00 (Five Hundred Dollars) together with the costs of prosecution

**Section 20**      **Injunctive Relief**

The violation of this ordinance or any condition in violation of this ordinance shall constitute a public nuisance which may be abated, restrained and enjoined by court action at the suit of the Village of Brown Deer.

Adopted by the Brown Deer Village Board:

April 2, 2012