

**ORDINANCE NO. 2022-27**

**AN ORDINANCE REPEALING AND RECREATING CHAPTER 2  
FIRE PROTECTION AND PREVENTION CODE  
OF TITLE 5, PUBLIC SAFETY, OF THE  
CITY OF CEDARBURG CODE OF ORDINANCES**

The Common Council of the City of Cedarburg do ordain as follows:

- 1. Repealing and Recreating of Chapter 2 of Title 5.** Title 5 of the City of Cedarburg Code of Ordinances, entitled “Public Safety,” is hereby repealed and recreated a new Chapter 2 entitled “Fire Prevention and Protection.”
- 2. Text of Chapter 2.** The text of Chapter 2, Fire Prevention and Protection, shall be as follows:

**CHAPTER 2**

Fire Prevention and Protection Code

**ARTICLE A**

General Provisions; Adoption of Codes

**SEC. 5-2-1 FIRE PREVENTION CODE: GENERAL REQUIREMENTS.**

**Title.** This Chapter shall be known as the City of Cedarburg Fire Prevention Code. This Code adopts NFPA 1 - Fire Prevention Code of the National Fire Protection Association, as the same may from time to time be amended, and its incorporated standards and codes as published in the National Fire Codes of the National Fire Protection Association, the State of Wisconsin Department of Safety and Professional Services and listed in Appendix A of the NFPA Fire Prevention Code, except those portions which are amended by Section 5-2-8 of this Chapter (collectively the Cedarburg Fire Prevention Code and those sections of NFPA 1 – Fire Prevention Code, as adopted herein, shall be identified as the “Code”). At least one (1) current copy of NFPA 1 - Fire Code of the National Fire Protection Association, and the provisions of the National Fire Codes shall be filed in the Office of the Fire Prevention Bureau.

**SEC. 5-2-2 SCOPE.**

The provisions of this Fire Prevention Code shall apply equally to both public and private property and shall apply to all locations, except as otherwise specified. This Chapter shall be deemed an exercise of the police powers of the City for the preservation and protection of public health, peace, safety and welfare and all provisions of this Fire Prevention Code shall be liberally construed for that purpose.

**SEC. 5-2-3 ENFORCEMENT OFFICIALS.**

- (a) The Fire Chief shall be responsible for the enforcement of the Fire Prevention Code. The Fire Chief may appoint inspectors or delegate authority to other Department members from time to time as necessary.
- (b) It shall be the duty of the Fire Chief or his designee to enforce all laws and ordinances of the Fire Code for the City of Cedarburg to include the following:
  - (1) The prevention of fires;
  - (2) The storage, sale and use of combustible, flammable or explosive materials;
  - (3) The installation and maintenance of automatic suppression, fire alarm and other fire protection equipment;
  - (4) The means and adequacy of exits in case of fire from factories, schools, hotels, lodging houses, multiple-family dwellings, hospital, churches, halls, theaters, amphitheaters and all other places in which persons work, live, or congregate, from time to time, for any purpose;
  - (5) The investigation of the origin, cause and circumstances of fires;
  - (6) The maintenance of fire cause and loss records.

**SEC. 5-2-4 INSPECTIONS.**

- (a) The Fire Chief or his designee shall have authority to inspect all premises on a periodic basis, at least once per year, and shall enforce the applicable laws and ordinances.
- (b) The Chief of the Fire Department, or any subordinate designated by him, may, at all reasonable hours, enter any building or premises within his jurisdiction for the purpose of making any inspection, or investigation which, under the provisions of this code, he or they may deem necessary to be made. Private dwellings shall not be entered without the consent or permission of an adult occupant.
- (c)
  - (1) Whenever any inspector finds in any location a violation of the Code, including, but not limited to, combustible or explosive matter, dangerous accumulations of rubbish, flammable material, obstructed means of exit, or obstructions liable to interfere with the operations of the Fire Department in case of fire, the inspector shall order the remedy of any of these conditions. This order shall be complied with by the owner or occupants of such location.
  - (2) The service of any such order may be made upon the occupant of premises to whom it is directed, either by delivering a copy of same to such occupant personally, sending the order via email or other electronic correspondence, or leaving it with any person in charge of the premises or, in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of said premises. Whenever it may be necessary to serve such an order upon the owner of premises, such order may be served either by delivering to and leaving with the said person a copy of the said order or, if such owner is absent from jurisdiction of the officer making the order, by mailing such copy by certified mail to the owner's last known post office address.
- (d) Before permits may be issued under this Chapter, the Fire Chief or his designee shall inspect and approve all locations, equipment and fixtures for such uses.
- (e) The Fire Chief or his designee shall keep a record of all inspections with all facts concerning the same.
- (f) Fire Inspection Fees.
  - (1) An annual Fire Prevention Inspection Fee shall be charged to the property owner for the

required inspection of each building, structure, and premises in the city. The fee will be charged to the building owner based on the square footage of the entire building in question, not based on individual occupancy grouped in each structure. The fee for the required semi-annual fire inspection shall be as follows:

<u>Square feet</u>	<u>Fee per year</u>
<u>Under 1,000 square feet</u>	<u>\$15 per year</u>
<u>1,001-5,000 square feet</u>	<u>\$25 per year</u>
<u>5,001-10,000 square feet</u>	<u>\$50 per year</u>
<u>10,001-20,000 square feet</u>	<u>\$75 per year</u>
<u>20,001-30,000 square feet</u>	<u>\$125 per year</u>
<u>30,001-40,000 square feet</u>	<u>\$150 per year</u>
<u>40,001-50,000 square feet</u>	<u>\$175 per year</u>
<u>50,001-75,000 square feet</u>	<u>\$250 per year</u>
<u>75,001-100,000 square feet</u>	<u>\$350 per year</u>
<u>Over 100,000 square feet</u>	<u>\$500 per year</u>

- (2) Buildings with no inspectable common areas, but are still required to be inspected, shall be charged a fee of \$15 per year in lieu of the amount determined by the square footage.
- (3) All City-owned municipal buildings shall be exempt from this fire prevention inspection fee.
- (4) Fire prevention inspection fees shall constitute a special charge against the property under §66.60(16), Wis. Stats., and shall be invoiced to property owners in July of each year. Any fees remaining unpaid as of November 1 of each year shall be placed on the annual tax roll for collection as a special charge together with an administrative charge of \$15 per parcel. All proceedings related to the collection of real estate taxes shall apply.

**SEC. 5-2-5 PLAN REVIEWS AND APPROVALS**

- (a) Plan Review Requirements. For any building construction or alterations, two (2) copies of complete plans and specifications, including site plans, shall be submitted to the Cedarburg Fire Department for review and approval. Plans will be conditionally approved and stamped, indicating the person reviewing the plans with the approval date. One set of approved stamped plans will be available for return and one set will be retained by the Cedarburg Fire Department pursuant to its document retention policy.
  - (1) The Cedarburg Planning Department will submit plans and sign off sheets to the Cedarburg Fire Department; upon conditional approval the sign off sheet will be returned to the Planning Department and plan set is retained by the Cedarburg Fire Department pursuant to its document retention policy.
- (b) No automatic sprinkler, smoke/heat detection, alarm system or other fire protection equipment required by this Chapter or other provisions of applicable local or State codes shall be installed, altered, or relocated until plans have been reviewed and approved by the Cedarburg Fire Department. Cedarburg Fire Department requires at least two (2) sets of state approved plans

and specifications to be submitted for review.

- (1) Plans. Plans shall contain all required equipment locations, floor plan, key vault location, sprinkler riser diagram, and complete electric schematic.
- (2) Calculations. Calculations for all required equipment and sprinkler piping is needed. Also required is the method of calculation for flows, pipe sizing, area of coverage, equipment capabilities, and placement. These calculations shall be signed and sealed by the engineer, designer, or plumber responsible for the plans and calculations.
- (3) The Fire Chief may require further information or calculations as necessary for approval.

#### **SEC. 5-2-6 INVESTIGATION OF FIRE INCIDENTS**

- (a) The Fire Chief or his designee shall immediately investigate, or cause to be investigated, the origin, cause and circumstances of every fire incident occurring in the City of Cedarburg.
- (b) When the Fire Department has not responded or been summoned to a fire incident, the fire incident shall be reported by the property owner in writing to the Fire Chief or his designee within twenty-four (24) hours of its occurrence. Such written report shall be submitted as prescribed by the Fire Chief or his designee and shall contain a statement of all facts relating to the origin, cause and circumstances of such fire incident, the extent of damage and such other information as may be required by the Fire Chief or his designee.
- (c) The Fire Chief or his designee shall keep a record of all fires with all facts concerning the same.

#### **SEC. 5-2-7 CODES ADOPTED**

- (a) **National Codes Adopted.** The appendices of the NFPA 1 - Fire Prevention Code of National Fire Protection Association, as the same may be from time to time amended, are hereby included as a part of the City of Cedarburg Fire Prevention Code except those portions which are deleted, modified or amended by this Chapter. The same are hereby adopted and incorporated as fully as if set out in length. Each of the following codes and standards published by the National Fire Protection Association are adopted in their entirety as a supplement and addition to the text of this Fire Prevention Code:
  - (1) The edition of each of the following codes to be enforced shall be determined by those adopted by the State of Wisconsin.

<u>CODE</u>	<u>STANDARD GENERAL SUBJECT</u>
NFPA 1	Fire Code
NFPA 10	Standard for Portable Fire Extinguishers
NFPA 13	Standard for the Installation of Sprinkler Systems
NFPA 13D	Standard for the Installation of Sprinkler Systems in One- and Two-family Dwellings and Manufactured Homes
NFPA 13R	Standard for the Installation of Sprinkler Systems in Low-Rise Residential Occupancies
NFPA 14	Standard for the Installation of Standpipes and Hose Systems
NFPA 20	Standard for the Installation of Stationary Pumps for Fire Protection

NFPA 22	Standard for Water Tanks for Private Fire Protection
NFPA 24	Standard for the Installation of Private Fire Service Mains and Their Appurtenances
NFPA 25	Stand for the Inspection, Testing, and Maintenance of Water-based Fire Protection Systems
NFPA 30	Flammable and Combustible Liquids Code
NFPA 30A	Code for Motor Fuel Dispensing Facilities and Repair Garages
NFPA 33	Standard for Spray Application Using Flammable or Combustible Materials
NFPA 54	National Fuel Gas Code
NFPA 58	Liquefied Petroleum Gas Code
NFPA 70	National Electrical Code
NFPA 72	National Fire Alarm and Signaling Code
NFPA 80	Standard for Fire Doors and Other Opening Devices

**(b) State Codes Adopted.**

- (1) The current issues of the following orders and codes of the Wisconsin Administrative Code, Rules of the Department of Safety and Professional Services, are hereby adopted by reference and made part of the City of Cedarburg Fire Prevention Code:
  - a. Chapter SPS 307 – Explosives and Fireworks
  - b. Chapter SPS 314 – Fire Prevention
  - c. Chapter SPS 316 – Electrical
  - d. Chapter SPS 328 – Smoke Detectors and Carbon Monoxide Detectors
  - e. Chapter SPS 340 – Gas Systems
  - f. Chapter SPS 361-366 – Commercial Building Code
  - g. Chapter SPS 375-379 – Buildings Constructed Prior to 1914
  - h. Chapter SPS 381-382 – Plumbing
- (2) Whenever the provisions of the aforementioned codes conflict, the stricter interpretation shall apply.
- (3) Copies of each of said codes shall be maintained on file in the office of the Fire Prevention Bureau of the Fire Department of the City of Cedarburg and shall remain so filed and be, at all reasonable times, open to inspection by any interested person.

**SEC. 5-2-8 RESERVED FOR FUTURE USE**

**SEC. 5-2-9 ENFORCEMENT AND PENALTIES**

It shall be unlawful for any person to violate the requirements set forth in this Chapter. Any person in violation of this Chapter are subject to the penalties as outlined in Section 1-1-7 and Section 1-2-1 of the Municipal Code.

**SEC. 5-2-10 APPEALS**

- (a) The Board of Appeals of the City of Cedarburg is authorized to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination concerning the Fire Prevention Code and its enforcement as set forth in subsection (c).

- (b) Alleged violations of and issues pertaining to the State Building and Fire Code SPS 314 and 361-366 shall be appealed to the State of Wisconsin Building and Safety Division.
- (c) The following decisions of the Fire Chief, his designee or the Fire Prevention Bureau may be appealed to the Board of Appeals:
  - (1) The rejection of an application for any required permit, certificate of approval.
  - (2) The revocation of a permit or certificate previously issued.
  - (3) Conditions for approval of plans for construction or for the issuance of an occupancy permit.
  - (4) Any lawful order from the Fire Inspector

## ARTICLE B

### AUTOMATIC SPRINKLER SYSTEMS

#### SEC. 5-2-11 SCOPE

The provisions set forth in this Article shall apply to all sprinkler systems, new and existing, within the City of Cedarburg. These requirements are in addition to the State and NFPA standards. The intent of this section is to provide a means for the automatic extinguishment of fires in buildings or parts of buildings which because of their size, construction or occupancy or lack of suitable protective equipment constitute a special fire hazard to life or property and an excessive burden upon the fire extinguishing facilities of the Fire Department.

#### SEC. 5-2-12 GENERAL REQUIREMENTS

Automatic sprinkler systems shall be installed and maintained in operable condition set forth in this Article. The State Building Code SPS 361-366 shall apply to all new buildings and existing buildings within the City of Cedarburg as it pertains to automatic fire sprinkler systems.

- (a) **Installation.** The installation of any automatic fire sprinkler systems shall be completed in accordance with NFPA 13, 13R or 13D, as the same may be amended from time to time, and SPS 362.0903.
- (b) **Maintenance and Testing.** All sprinkler systems shall be maintained and tested in accordance with NFPA 25.
  - (1) Periodic Test Requirements/Inspection. A licensed sprinkler technician shall test and inspect the automatic sprinkler system in accordance with NFPA 13, 13R or 13D where applicable. A copy of the inspection report shall be forwarded to the office of the Fire Prevention Bureau. A copy of the most recent inspection report or record of inspection shall also be kept on site at the riser to be easily accessible by the inspector.

When existing sprinkler systems are to be tested or are temporarily taken out of service

for repairs, the contractor or owner shall notify the Cedarburg Fire Department Inspection Bureau, Fire Department Dispatch Office and the Central Dispatch Monitoring Service prior to the sprinkler being taken out of service.

- (2) New Test Requirements. All new sprinkler systems shall be tested and inspected prior to the building being occupied. A formal inspection by the Fire Department shall be conducted prior to placing the system in service. Testing and inspection shall conform to the requirements below:
  - a. The sprinkler system shall have a hydrostatic test performed in the presence of a Fire Department inspector.
  - b. The sprinkler system shall be tested by flows of the main drain and inspector's test valve. The acceptance test shall be conducted by the installer in the presence of a Fire Department inspector.
  - c. The installer shall provide 48 hours advanced notice to the Fire Department prior to any test being conducted. Work shall not be covered if concealed prior to the required inspection.
- (3) **Inspections.** The Fire Department shall be given 48 hours advanced notice for all sprinkler system installation inspections.

#### **SEC. 5-2-13 FIRE DEPARTMENT ACCESS**

Buildings equipped with an automatic fire sprinkler system shall be provided with a standard key vault of a type approved by the Fire Department as further outlined in Section 5-2-77 of this ordinance. Building owners shall provide keys for the vault for all areas of the building, with the exception of security vaults

#### **SEC 5-2-14 THROUGH SEC 5-2-29 RESERVED FOR FUTURE USE**

### **ARTICLE C**

#### **Standpipe and Hose Systems**

#### **SEC. 5-2-30 SCOPE**

Standpipe and hose systems shall be installed and maintained in operable condition in all occupancies and locations set forth in this Chapter.

#### **SEC. 5-2-31 GENERAL REQUIREMENTS**

- (a) Standpipe and hose systems shall be installed in accordance with NFPA 14 - Standards for Installation of Standpipe and Hose Systems.
- (b) **Maintenance and Testing.** All standpipe and hose systems shall be maintained in accordance with NFPA 25.
  - (1) Annual Test Requirements/Inspections. A licensed sprinkler technician shall test and inspect the standpipe and hose system at least annually. A copy of the inspection report shall be forwarded to the Office of the Fire Prevention Bureau. Existing standpipe and hose systems that are under test or are taken

out of service for repairs shall have the sprinkler tester/installer notify the Fire Department prior to the standpipe or hose system being temporarily taken out of service.

- (2) New Standpipe and Hose System Test Requirements. All new standpipe and hose systems shall be tested and inspected prior to the building being occupied. Testing and inspection shall conform to the requirements below:
- a. The standpipe and hose system shall have a hydrostatic test performed in the presence of a Fire Department inspector.
  - b. The standpipe and hose system shall be tested in accordance with NFPA 14. The acceptance test shall be conducted by the installer in the presence of a Fire Department inspector.
  - c. The installer shall provide 48 hours advanced notice to the Fire Department prior to any test being conducted. Work shall not be covered or concealed prior to the required inspection.
  - d. A final inspection by the Fire Department shall be conducted prior to placing the system in service.

**SEC. 5-2-32 THROUGH 5-2-39 RESERVED FOR FUTURE USE**

**ARTICLE D**

Automatic Fire Detection and Alarm Systems

**SEC. 5-2-40 SCOPE**

To provide early warning in the event of fire, automatic fire detection systems shall be installed and maintained in operable condition in all occupancies and locations within the City of Cedarburg as set forth in this Article. These requirements are in addition to the minimum standards of the adopted Wisconsin State Building Codes and NFPA standards for their proper installation and use.

**SEC. 5-2-41 RESIDENTIAL OCCUPANCIES**

Smoke detectors shall be UL listed for residential applications and be installed in accordance with NFPA 72. Installation practices shall conform to all local and State of Wisconsin codes and to the National Electrical Code.

- (a) All new and existing one and two family dwelling units shall have smoke detectors installed per SPS 321.09 and in accordance with the manufacturer's recommendations and specifications.
- (b) In new multi-family residential construction, smoke detectors shall be AC powered from a non-switched circuit, or from a battery operated source continuously charged from a non-switched AC circuit. A non-switched circuit is one which has no intervening switches between the circuit breaker panel or fuse box and the smoke detector.
- (c) Prior to a certificate of compliance being issued by the office of the Building Inspector, an inspection must be completed of the installation of a smoke detector in accordance with this Section. The Building Inspector or his designee shall assist the Fire Prevention Bureau in



obtaining compliance in all one and two family dwellings.

#### **SEC. 5-2-42 GENERAL REQUIREMENTS FOR ALL OTHER OCCUPANCIES**

- (a) **NFPA Standards Compliance.** For all occupancies other than residential dwelling units, the term "Fire Alarm System" shall mean a Protective Signaling System installed in accordance with NFPA 72.
- (b) **Requirements for Annunciator Panels.** In all new and existing buildings equipped with a fire alarm system, that are over 10,000 square feet or have more than one story including a basement, the fire alarm system shall be equipped with an annunciator panel at a location to be determined by the Cedarburg Fire Department. The annunciator panel shall be able to identify the source of the alarm, while also having the capabilities to silence and reset an alarm.
- (c) **Central Station Monitoring Service Compliance.** A central monitoring service shall comply with NFPA 72. The central monitoring service is subject to prior approval by the Fire Prevention Bureau.
- (d) **Agency Listings.** All equipment shall bear the UL marking or other recognized listing and testing agency and shall be clearly marked on the equipment. All detectors shall be listed for commercial applications.

#### **SEC. 5-2-43 MAINTENANCE AND TESTING**

- (a) **Installation Inspection.** An Acceptance Test conforming to NFPA 72 shall be performed before acceptance of the Fire Alarm System by the Fire Prevention Bureau. Arrangements shall be made with the Fire Prevention Bureau with at least 48 hours advance notice given.
- (b) **Periodic Testing.** Periodic testing of the Fire Alarm System and detectors is required with the frequency, procedures, and test methods specified in NFPA 72. Monthly tests are required for the Fire Alarm Control Panel.
- (c) **On-site Record of Testing.** The owner of each building which requires a fire alarm system shall post a record of periodic testing showing the date and person performing the test. This record shall be located at the fire alarm panel or other location approved by the Fire Prevention Bureau.
- (d) **Corrective Maintenance Requirements.** No Fire Alarm System may be allowed to remain in a non-functioning condition. Nonfunctioning panels, circuits, devices, or trouble conditions indicated by the supervisory monitoring function of the fire alarm control panel shall be corrected immediately.

#### **SEC. 5-2-44 FALSE ALARMS**

Further regulation on private alarm systems in addition to this Chapter is detailed in Title 5, Chapter 4 of the City of Cedarburg Code of Ordinances.

#### **SEC. 5-2-45 THROUGH SEC. 5-2-49 RESERVED FOR FUTURE USE.**

## ARTICLE E

### Requirements for Fire Apparatus

#### SEC. 5-2-50 SCOPE

This article shall apply to all access or fire lanes on public or private property within the City of Cedarburg. Additional requirements may be further outlined in the City of Cedarburg Zoning Ordinance, Subdivision Ordinance, or the State Building Code. When required by the Fire Prevention Bureau, hard surfaced driving lanes shall be provided around facilities which, by their size, location, design or contents warrant access which exceeds that normally provided by the proximity of city streets.

#### SEC 5-2-51 ACCESS FOR FIRE APPARATUS

- (a) **Suitable Access.** All premises, public or private, which the Fire Department may be called upon to protect in case of fire and which are not readily accessible from public roads shall be provided with suitable gates, access roads and fire lanes so that all buildings on the premises are accessible to fire apparatus. The Fire Prevention Bureau may require that areas specified for use as driveways or private thoroughfares shall not be used for parking. These areas, when specified, shall be marked or identified by one of the two means detailed in 5- 2-52(a).
- (b) **Fire Lanes.** Fire lanes shall be provided on public or private property devoted to public use and for all buildings used for human habitation or occupancy. Fire lanes may also be designated on those private roadways where it is found by the Fire Prevention Bureau that such access is necessary for fire apparatus.
- (c) **Surface.** Fire lanes shall be either asphalt or reinforced concrete, 4 inches thick minimum, or when specifically authorized by the Fire Prevention Bureau, compacted crushed rock may be used. Where fire lanes connect to city streets or parking lots, adequate clearances and turning radii shall be provided. Fire department access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface.
- (d) **Width.** Lanes shall provide a minimum, unobstructed continuous width of 12 feet and height of 13 feet 6 inches.
- (e) **Dead-end Road.** Any dead-end road more than one hundred fifty (150) feet long shall be provided a turn-around at the closed end of the roadway. Turn-arounds can be T - type or hammerhead, cul-de-sac or curved driveway.
- (f) **Turning Radius.** **The turning radius of a fire department access road shall be approved by the Cedarburg Fire Department.** Curves and turnarounds shall be designated for a minimum of a forty (40) foot turning radius.

#### SEC. 5-2-52 DESIGNATED FIRE LANES

- (a) Lanes shall be identified by a 4-inch-wide line and block letters 2 feet high, painted in the lane, at 50-foot intervals stating "FIRE LANE - NO PARKING". Signs shall be posted on or immediately next to the curb line, or on the building. Signs shall be a minimum of

12" by

18" and shall have letters and background of contrasting colors, readily readable from at least a 50-foot distance. Signs shall be spaced not further than 50 feet apart. Signs shall be mounted a minimum of 4 feet and a maximum of 6-1/2 feet from the pavement to the bottom edge of the sign.

- (b) Proposed fire lane designations intended to satisfy the requirements of this Article must be approved by the Fire Department and the Plan Commission.
- (c) It shall be unlawful for any person(s) or firm(s) to post a fire lane sign without the approval of the Fire Department or the Plan Commission.

#### **SEC. 5-2-53 UNAPPROVED FIRE LANES**

Fire lane signs posted without the approval of the Fire Department shall be removed or the fire lane shall be formally established and posted as required by this Chapter.

#### **SEC. 5-2-54 FIRE LANE PARKING REGULATED**

- (a) **Fire Lane Parking.** Any vehicle that is parked within a fire lane designated and marked in accordance with Section 5-2-62 may be removed at the vehicle owner's expense. Vehicles will be towed away under the following circumstances:
  - (1) When a vehicle repeatedly violates the fire lane regulations by habitually parking in a fire lane.
  - (2) When a vehicle blocks the ingress/egress of a business, theater, night club, apartment complex, gymnasium or a place of public assembly.
  - (3) When a vehicle's presence threatens the safety of the public by impeding the ability of fire apparatus and or emergency medical equipment to respond to an emergency.
  - (4) Removal of a vehicle under such circumstances may be authorized by the person in lawful possession of the property or by the Fire Chief or their representative. The Police Department may order the towing of a vehicle at any time that the above circumstances exist.
- (b) **Stopping in Lane.** Vehicles will be permitted to stop in a fire lane for a reasonable period of time as determined by the Fire or Police officials while actively loading or unloading provided the driver is present.
- (c) **Obstructions Other Than Vehicles.** An inspection report with warning notice shall be issued to the property owner, occupant or responsible party requiring that if an obstruction in a fire lane is not removed within a specified time period, the Department may cause the removal of the obstruction with the cost of removal billed to the person(s) responsible for the obstruction.
- (d) **When It Becomes Necessary to Obstruct a Fire Lane, i.e. Construction Remodeling or Repair.** Written approval shall be required and permission obtained from the Fire Department in any circumstance in which is it necessary to temporarily obstruct a fire lane. A copy of the authorization shall be posted at the site.
- (e) **Enforcement.** Vehicles parked in fire lanes shall be cited with a notice of violation on a standard Wisconsin Citation or Cedarburg Parking Citation enforceable under 10-1-61 of

the Cedarburg Code of Ordinances.

**SEC. 5-2-55 THROUGH SEC. 5-2-59 RESERVED FOR FUTURE USE.**

**ARTICLE F**

**Fire Hydrants Required**

**SEC. 5-2-60 SCOPE**

The requirements of this article shall apply to all required fire hydrants installed on private property. These requirements apply to all buildings constructed or altered after the effective date of this revision of the Cedarburg Fire Prevention Code.

**SEC. 5-2-61 FIRE HYDRANTS**

- (a) Where the municipal water system is available, any portion of a commercial, residential, or industrial building more than three hundred (300) feet from the municipal fire hydrants, the owner shall install at his expense approved hydrants. The setback distance shall be determined by measuring the travel distance from a municipal hydrant, along the centerline of a municipal street, private road or parking area suitable for travel by fire apparatus.
- (b) Hydrants determined to be necessary in accordance with Subsection (a) shall be freestanding and shall be installed not more than fifty (50) feet or less than twenty-five (25) feet from the building. One (1) hydrant shall be located at the main entryway to such building or complex. Additional hydrants shall be provided around the perimeter of the building or complex so no hydrant is more than four hundred (400) feet from any other approved hydrant as described in Subsection (a).
- (c) For new construction, hydrants required by this Chapter shall be installed and made operable prior to permitting construction to progress beyond the footing and foundation stages.
- (d) All private water lines between the municipal water main and approved hydrants shall be no less than six (6) inches inside diameter.
- (e) All water mains, hydrants and their location shall be approved by the Fire Department and Cedarburg Light and Water Commission. The hydrants shall be installed in such a manner and location so as to be accessible at all times to the Fire Department.
- (f) All water mains and hydrants shall be installed, inspected and tested in compliance with the standards of the City of Cedarburg and Cedarburg Light and Water Commission.
- (g) All hydrant installations shall have a 5 foot fiberglass hydrant marker installed meeting Cedarburg Light and Water Utility specifications. The Fire Department shall approve the installation to assure proper access.

**SEC. 5-2-62 BLOCKING OF FIRE HYDRANTS PROHIBITED.**

- (a) No person shall park any motor vehicle within ten (10) feet of any fire hydrant or otherwise interfere with the accessibility of any fire hydrant by piling, dumping or

placing any other obstructive material or object with ten (10) feet of a fire hydrant without first obtaining written permission from the Fire Department. Every day during which such interference continues' shall constitute a separate offense.

- (b) Any vehicle that is blocking a fire hydrant in accordance with Section 5-2-61 may be removed at the vehicle owner's expense. Vehicles will be towed away under the following circumstances:
  - (1) When a vehicle repeatedly violates the fire hydrant regulations by habitually blocking a fire hydrant.
  - (2) When a vehicle blocks the ingress/egress of a business, theater, night club, apartment complex, gymnasium, or a place of public assembly.
  - (3) When a vehicle's presence threatens the safety of the public by impeding the ability of fire apparatus and/or emergency medical equipment to respond to an emergency.
- (c) Removal of a vehicle under such circumstances may be authorized by the person in lawful possession of the property or by the Fire Chief or their representative. The Police Department may order the towing of a vehicle at any time that the above circumstances exist.

**SEC. 5-2-63 THROUGH SEC. 5-2-69 RESERVED FOR FUTURE USE.**

**ARTICLE G**

Hazards to Life and Property

**SEC. 5-2-70 SCOPE.**

It is the intent of this Article to prescribe regulations consistent with recognized standard practice for the safe-guarding to a responsible degree of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life and property in the use or occupancy of buildings or

**SEC. 5-2-71 STORAGE OF JUNK, ETC. PROHIBITED.**

The storage of junk shall be regulated per Sec. 11-3-5 of the Cedarburg Code of Ordinances.

**SEC. 5-2-72 REGULATION OF FIREWORKS.**

The sale, use, storage and discharge of fireworks shall be regulated through the licensing provisions of Title 7, Chapter 8, of this Code of Ordinances. See Sec. 7-8-1 for further regulations.

**SEC. 5-2-73 BUILDINGS DAMAGED BY FIRE.**

- (a) If the Fire Chief finds any building and its contents are damaged by fire to a point in which the structure and contents present a health or life safety hazard to the public, orders shall be issued to the owner to abate such hazard through repair or removal of the building and/or its contents. Such orders shall include a time period to complete abatement of such

- hazard to extend no more than sixty (60) days.
- (b) After sixty (60) days, the Fire Chief can order the building and contents removed to an appropriate landfill site. The owner of the property will be held responsible for any expenses incurred.
  - (c) Written request for extension of the time permitted to complete ordered repairs or removal shall be submitted to the Fire Chief within forty-five (45) days after the fire. The written request must contain the following information:
    - (1) The reason compliance cannot be completed within the sixty (60) day limit.
    - (2) The projected date the repairs are to start, type of repairs to be conducted and projected date repairs are to be completed.

#### **SEC. 5-2-74 KEY VAULT REQUIRED.**

- (a) A key vault, of a type to be approved by the Fire Chief or their designee, shall be required on all new buildings, with the exception of one- and two-family dwellings. The required key vault shall be placed at an easily accessible location on the building to be approved by the Fire Chief or their designee.
  - (1) For groups of separate buildings that share a common owner or manager, a written request can be submitted to the Fire Chief, or their designee, for approval to utilize a single key vault for the group of buildings at a location approved by the Fire Chief or their designee.
  - (2) Written appeals can be submitted to the Fire Chief or their designee for any request to be exempt from the requirements of this code. These appeals will be reviewed by the Fire Chief or their designee for either approval or denial.
- (b) Properly identified and up-to-date keys to gain access to the building and the building fire protection systems and features shall be maintained in the key vault. When a change of locks within the building is necessary, the Fire Inspector shall be notified and new keys shall be provided to be placed in the key vault.
- (c) Removal of any key by other than Fire Department personnel shall be in violation of this Section.

#### **SEC. 5-2-75 OPEN BURNING,**

- (a) **All Trash Burning Prohibited.** No person shall kindle or cause to be kindled any trash fire in or upon any street, alley, public way, park or any public or private ground within the City of Cedarburg.
- (b) **Trash Defined.** Trash is defined as rubbish, grass, leaves, branches, plastic, construction waste, paper products, industrial waste or any other type of debris.
- (c) Open Burning is prohibited. Outdoor fires within the corporate limits of the City of Cedarburg are prohibited except as set forth below.
  - (1) No grills or devices used for outdoor fires for cooking are authorized to be

used above the first story of any building on a balcony, raised porch or platform, etc.

(2) Recreational Fires.

(a) No recreational fires may be started or allowed to continue burning unless such recreational fire is fully contained within an approved fire pit or outdoor appliance.

(1) An approved fire pit is any below ground dug pit not greater than 36 inches inside diameter (inside edge of the pit to inside edge); lined with non-combustible material, soil, metal or stone; a minimum of 6 inches deep; and ringed on the outer diameter with stone, brick or concrete.

(2) An outdoor appliance is any commercially available appliance designed to contain a wood fire when operated according to manufacturer's instructions with all lids, screens and spark arresting devices in place; or permanent structure built entirely of non-combustible materials designed with spark arrestors and screens to contain a wood fire.

(b) No fire pit shall be closer than 25 feet from any dwelling, building, structure, shed or garage or closer than 10 feet from any wood fence, deck or combustible material. Commercially available outdoor appliances shall not be within 10 feet of any structure or combustibles; all recreational fires are to be set back a minimum of 6 feet from adjoining property lines.

(c) No recreational fires shall be started or allowed to continue burning when the wind direction or wind speed will cause embers or other burning material to be carried onto any building or combustible material; nor any time wind direction will carry smoke into open windows of any building. Smoke from any recreational fire shall not create a nuisance for neighboring properties and fires shall be completely extinguished when police or fire department investigation determines a nuisance is present.

(d) Fuel for outdoor recreational fires shall consist of natural wood or manufactured fire log material only and may not include leaves, rubbish, garbage, trash, construction materials, any materials made of or coated with rubber or plastic, leather or petroleum based materials. Flammable or combustible liquids may not be used to aid in starting any outdoor fire. Flammable or common/standard dry kindling materials may be used to aid in starting any outdoor fire.

(e) Recreational fires shall be consistently attended and supervised by a competent person at least 18 years of age until the fire has been completely extinguished. The means of extinguishing any fire (as deemed necessary by the Fire Chief) must be kept immediately available at all times when a recreational fire is burning. Proper fire extinguishing equipment includes: a garden hose, shovels, water buckets or an ABC rated fire extinguisher at least 10 lbs. capacity.

(f) Any party who starts or maintains a recreational fire that is allowed to burn out-of-control shall be held responsible for paying any costs associated with fire control efforts to extinguish the fire.

- (g) Recreational fires shall be permitted only from 11 a.m. to 11 p.m.
- (3) Live fire trainings conducted by the Cedarburg Fire Department shall be exempt from this Section.

**SEC. 5-2-76 REGULATION OF TEMPORARY STRUCTURES.**

Regulations of temporary structures are outlined by Ordinance Number 2022-07 and Section 13- 1-22(f) of the Zoning Code of the City of Cedarburg.

**SEC. 5-2-77 SMOKING PROHIBITED CONDITIONS.**

The Fire Prevention Bureau may designate no smoking areas as further outlined in Sec. 8-1-8 of the City of Cedarburg Code of Ordinances.

(a) **Vaping, e-cigarettes and other alternative smoking devices prohibited.** The use of vaping pens, e-cigarettes and other alternative smoking devices that create smoke or other vapors shall be prohibited in all buildings with a fire alarm system. Any person causing the false activation of a fire alarm system due to, or resulting from, the use of these devices, whether intentional or unintentional, shall be in violation of this section.

**SECTION 2. SEVERABILITY.** The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

**SECTION 3. EFFECTIVE DATE.** This ordinance shall take effect and be in force from and after its passage and publication as provided by law.

Passed and adopted this 12<sup>th</sup> day of December 2022.

  
Michael O'Keefe, Mayor

Attest:

  
Tracie Sette, City Clerk

Approved as to form:

  
Michael P. Herbrand, City Attorney