

**TOWN OF CEDARBURG  
ORDINANCE NO. 2021-1**

**An Ordinance to Amend Chapter 154 Fire Prevention, of the  
Town of Cedarburg Code of Ordinances, Ozaukee County, Wisconsin.**

**WHEREAS,** The Town of Cedarburg is a body corporate and politic; and

**WHEREAS,** the Town Board exercises village powers by Ch. 61, Wis. Stats.; and

**WHEREAS,** the Cedarburg Fire Department has requested a review and amendments to update the Town of Cedarburg ordinance; and

**WHEREAS,** the Town Board recognizes the importance of a current and accurate Fire Prevention ordinance aligned with the Cedarburg Fire Department to provide for the safety and welfare of residents of the Town;

**NOW, THEREFORE, BE IT ORDAINED** by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, that Chapter 154 Fire Prevention of the Town of Cedarburg Code of Ordinances is hereby amended to read as follows:

(The text modified with a strikethrough shall be deleted).  
(The text modified with an underline shall be added).

**Chapter 154 Fire Prevention**

§ 154-1 Fire Department established.

§ 154-2 Police powers of Fire Department.

§ 154-3 Investigation of fires.

~~§ 154-4 Fire records.~~

~~§ 154-5~~ 154-4 Annual report.

~~§ 154-6~~ 154-5 Intent.

~~§ 154-7~~ 154-6 Applicability.

~~§ 154-8~~ 154-7 Exceptions.

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§ 154-12 Inspections.

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§ 154-16 **Modifications.**

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§ 154-20 ~~Restrictions on heating and lighting equipment.~~ **Regulation of Burning.**

§ 154-21 ~~Chimneys and heating appliances.~~ **Restrictions on heating and lighting equipment.**

§ 154-22 ~~Use of torches or flame-producing devices.~~ **Chimneys and heating appliances.**

§ 154-23 ~~Combustible materials.~~ **Use of torches or flame producing devices.**

§ 154-24 ~~Storage of flammable liquids.~~ **Combustible Materials.**

§ 154-25 ~~Fire extinguishing equipment.~~ **Storage of flammable liquids.**

§ 154-26 **Fire lanes.**

§ 154-27 **Tents.**

§ 154-28 **Smoking.**

§ 154-29 **Enforcement.**

§ 154-30 **Violations and penalties.**

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§ 154-1 **Fire Department established.**

The Cedarburg Fire Department, ~~for so as~~ long as it has contracted with the Town of Cedarburg to perform the duty of fighting fires and the prevention of fires in the Town of Cedarburg, is ~~delegated~~ designated as the official Fire Department of the Town. As such, it is authorized to enforce all fire prevention ordinances of the Town of Cedarburg and state laws and regulations pertaining to fire prevention and shall keep the Town Board of the Town of Cedarburg informed on fire prevention methods and on the activities of the Department as they pertain to fire fighting and prevention of fires in the Town of Cedarburg. The Chief shall report to the Town Administrator regarding day-to-day administrative functions of the Cedarburg Fire Department on matters concerning the Town.

§ 154-2 **Police powers of Fire Department.**

- A. Police powers. The Chief of the Cedarburg Fire Department and ~~his~~ their assistants or officers in charge at any fire are hereby vested with full and complete police authority at fires in the Town ~~of Cedarburg~~. ~~Any officer of the Department may cause the arrest of any person failing to give the right-of-way to the Fire Department in responding to a fire in the Town of Cedarburg.~~
- B. Fire limits. The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting ~~firemen~~ firefighters and ~~policemen~~ police officers and those admitted by order of any officer of the Fire Department, shall be permitted to come. The Chief or officer in charge shall have the power to cause the removal of any person from any building or area when, in ~~his~~ their his or her opinion, ~~his~~ that person's continued presence could result in injury or death, ~~and The Chief or officer in charge shall have the power~~ to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire or to prevent the spreading of fire or to protect the adjoining property, and during the progress of any fire ~~he~~ they shall have the power to order the removal or



destruction of any property necessary to prevent the further spread of the fire. ~~He~~ **They** shall have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other utility services where the same impedes the work of the **Fire** Department during the progress of a fire.

- C. **Firemen Firefighters** may enter adjacent property. It shall be lawful for any **fireman firefighter**, while acting under the direction of the Fire Chief or other officer in charge, to enter upon the premises adjacent to or in the vicinity of any building or other property then on fire for the purpose of extinguishing such fire and, ~~in case any no~~ person shall hinder, resist or obstruct any **fireman firefighter** in the discharge of ~~his their~~ duty ~~as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firemen firefighters in the discharge of their duty.~~
- D. Duties of bystanders to assist; interference. Every person who shall be present at a fire shall be subject to the orders of the Fire Chief or officer in charge and may be required to render assistance in fighting the fire or in removing or guarding property. ~~Such officer shall have the power to cause the arrest of any person or persons refusing to obey said orders or such persons as may interfere with the orders given or work by firemen firefighters at a fire.~~

#### § 154-3 Investigation of fires.

- A. The Chief of the Fire Department ~~or their designee~~ shall **immediately** investigate, ~~or the cause to be investigated, the origin, cause~~ and circumstances of every fire **incident** occurring in the Town of **Cedarburg**, ~~which is of suspicious nature or which involves loss of life or injury to person or by which property has been destroyed or substantially damaged. Such investigations shall be begun immediately upon the occurrence of such a fire by the Fire Chief and, if it appears that such fire is of suspicious origin, the Chief of the Fire Department shall take charge immediately of the physical evidence, shall notify the proper authorities designated by law to pursue the investigation of such matters and shall further cooperate with the authorities in the collection of evidence and in prosecution of the case.~~
- B. ~~The Town Attorney, upon request of the Chief of the Fire Department, shall assist in the investigation of any fire which, in the opinion of the Chief of the Fire Department, is of suspicious origin.~~

**GB.** The Fire Chief or their designee shall keep a record of all fires with all facts concerning the same.

#### § 154-4 Fire records.

~~The Chief of the Fire Department shall keep a record of all fires and of all the facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, and whether such losses were covered by insurance and, if so, in what amount. Such record shall be made daily from the reports made by the Fire Department officers and inspectors. All such records shall be public.~~

#### § 154-5 154-4 Annual report.

A report of the Fire Department shall be made annually and transmitted to the Town Board. The Chief of the Fire Department shall also recommend any amendments to the Fire Prevention Code which, in **his their** judgment, shall be desirable.

#### § 154-6 154-5 Intent.

It is the intent of this chapter to prescribe regulations consistent with recognized standard practice for the safeguarding 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 premises.



§ 154-7 154-6 **Applicability.**

The provisions of this chapter shall apply equally to new and existing conditions, except that existing conditions not in strict compliance with the terms of this chapter shall be permitted to continue where the exceptions do not constitute a distinct hazard to life or adjoining property.

§ 154-8 154-7 **Exceptions.**

Nothing contained in this chapter shall be construed as applying to the transportation of any article or thing shipped in conformity with the regulations prescribed by the Interstate Commerce Commission, nor as applying to the military forces of the United States.

§ 154-9 154-8 **Adoption of codes.**

A. **National Codes Adopted.** The appendices of the NFPA 1 - Fire Prevention Code of the National Fire Protection Association, as the same may be from time to time amended, are hereby included as a part of the Town 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.

CODE	STANDARD GENERAL SUBJECT
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	Standard 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

A. The current issues of the following orders and codes of the Wisconsin Administrative Code, rules of the Department of Commerce and the National Fire Protection Association (NFPA) are hereby adopted by



reference and made a part of the Town of Cedarburg Fire Prevention Code:

(1) Chapter Comm 7, Explosive Materials.

(2) Chapter Comm 10, Flammable and Combustible Liquids.

(3) Chapter Comm 14, Fire Prevention.

(4) Chapter Comm 21, Construction Standards.

(5) Chapter Comm 32, Public Employee Safety and Health.

(6) Chapter Comm 40, Gas Systems.

(7) Chapters Comm 61 to 65, Commercial Building Code.

(8) Volumes I through XVI, inclusive, National Fire Protection Association Codes.

B. Whenever the provisions of the aforementioned codes conflict, the stricter interpretation shall apply.

**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 Town of Cedarburg Fire Prevention Code:

- a. International Building Code (IBC)
- b. Chapter SPS 307 – Explosives and Fireworks
- c. Chapter SPS 314 – Fire Prevention
- d. Chapter SPS 316 – Electrical
- e. Chapter SPS 328 – Smoke Detectors and Carbon Monoxide Detectors
- f. Chapter SPS 340 – Gas Systems
- g. Chapter SPS 361-366 – Commercial Building Code
- h. Chapter SPS 375-379 – Buildings Constructed Prior to 1914
- i. 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 in the office of the Fire Prevention Bureau of the Fire Department and be, at all reasonable times, open to inspection by any interested person.

C. Copies of each of said codes are on file in the office of the Chief of the Fire Prevention Bureau of the Cedarburg Fire Department and shall remain so filed and be, at all reasonable times, open to inspection by any interested persons.

**§ 154-10 154-9 Definitions.**

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meaning indicated in this chapter:

## **APPROVED**

Listed or approved by Underwriters' Laboratories, Inc., Factory Mutual Research Corp., the National Bureau of Standards, the American Gas Association Laboratories or other nationally recognized testing authorities and accepted by the Chief of the Fire ~~Prevention Bureau~~Department as a result of his investigation and experience.

## **AUTOMATIC FIRE WARNING SYSTEM**

A supervised system which automatically detects a fire condition, actuates a fire alarm signal device and indicates the location from which the signal originates.

## **DWELLING**

A building occupied primarily for residence 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.

## **ICC CONTAINER**

Any container approved by the Interstate Commerce Commission for shipping any liquid, gaseous or solid material of a flammable, toxic or other hazardous nature.

## **INSTITUTIONAL BUILDING**

A building in which persons are harbored to receive medical, charitable or other care or treatment, or in which persons are held or detained by reason of public or civic duty, or for correctional purposes.

## **MULTIFAMILY DWELLING**

A building or portion thereof containing three or more dwelling units, occupied as the home or residence of individuals, families or households living independently of each other, including tenement house, apartment house, flat, townhouse, row house, condominium, dormitory, and boarding or rooming house serving more than five persons with meals or sleeping accommodations or both.

## **PERSON**

Includes a person, persons, firm, limited liability company, corporation, ~~or co-~~partnership, association, or any entity of any kind which is capable of being sued.

## **PUBLIC BUILDING**

A building in which persons congregate for civic, political, education, religious, social or recreational purposes.

## **RESIDENCE BUILDING**

Except when classed as an institutional building, a building in which sleeping accommodations are provided.

## **§ ~~154-11~~ 154-10 Right of entry.**

The Chief of the Fire Department, or any subordinate designated by the Chief ~~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 chapter, he ~~they~~ may deem necessary to be made. Private dwellings and buildings used for agricultural purposes shall not be entered without the consent or permission of an adult occupant.



#### **§ 154-11 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.

#### **§ 154-12 Inspections.**

It shall be the duty of the Chief of the Fire Department or their designee to inspect or cause to be inspected by the Fire Department ~~officers or members~~ all buildings and premises, except the interiors of private dwellings and buildings used for agricultural purposes, as often as may be necessary 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 this chapter and of any other ordinance affecting the fire hazard and to ensure compliance in all places of assembly with all laws, regulations and orders dealing with overcrowding, use of decorative materials, maintenance of exit ways, and maintenance of fire alarm and fire detecting systems and fire extinguishing systems and appliances. The Chief of the Fire Department or their designee ~~an inspector thereof~~, upon the complaint of any person or whenever ~~he~~ they shall deem it necessary, shall inspect any buildings and premises within ~~his~~ their jurisdiction. The Fire Chief or their designee shall keep a record of all inspections with all facts concerning the same.

#### **§ 154-13 Fire hazards.**

A. Orders to eliminate. Whenever any of the officers, members or inspectors of the Fire Department, as mentioned in § 154-12, ~~shall~~ find in any building or upon any premises dangerous or hazardous conditions as follows, they shall order such dangerous conditions or materials to be removed or remedied in such manner as may be specified in the order:

- (1) Dangerous or unlawful amounts of combustible or explosive matter.
- (2) Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive matter.
- (3) Dangerous accumulations of rubbish, wastepaper, boxes, shavings or other highly flammable materials.



- (4) Accumulations of dust or waste materials in air-conditioning systems or of grease in kitchen exhaust ducts.
- (5) Obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the operations of the Fire Department or egress of occupants in case of fire.
- (6) Any buildings or other structure which, for want of repairs, lack of sufficient fire escapes or other exit facilities, automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of aged or dilapidated conditions, or from any other cause, creates a fire hazard or a threat to life and safety.

B. Service of orders.

- (1) The service of such orders as mentioned in Subsection A above may be made upon the owner, occupant or other person responsible for the conditions, either by delivering a copy of same personally or by delivering the same to and 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 a person a copy of the order or, if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy to the owner's last known post office address.
- (2) If buildings or other premises are owned by one person and occupied by another under lease or otherwise, the orders issued in connection with the enforcing of this chapter shall apply to the occupant thereof, except where the rules or orders require the making of additions to or changes in the premises themselves, such as would immediately become real estate and be the property of the owner of the premises; in such cases the rules or orders shall affect the owner and not the occupant unless it is otherwise agreed between the owner and the occupant.

§ 154-14 **Permits.**

- A. Permissions granted; limitations. A permit shall constitute permission to maintain, store or handle materials, or to conduct processes, which produce conditions hazardous to life or property, or to install equipment used in connection with such activity. Such permit does not take the place of any license required by law. It shall be for an indefinite period, not transferable, and any change in use or occupancy of premises shall require a new permit.
- B. Approval before issuance. Before a permit may be issued, the Chief of the Fire ~~Prevention Bureau~~ Department, or ~~his assistants~~ their designee, shall inspect and approve the receptacles, vehicles, building or storage place to be used. In cases where laws or regulations enforceable by departments other than the Fire Department are applicable, joint approval shall be obtained from all departments concerned.
- C. Applications. All applications for a permit required by this chapter shall be made to the Chief of the Fire ~~Prevention Bureau~~ Department in such form and detail as ~~he~~ they shall prescribe.
- D. To be kept on premises. Permits shall be at all times kept on the premises designated therein and shall at all times be subject to inspection by any officer of the Fire or Sheriff's Department.



**§ 154-15 Approval of plans.**

**A.** Submission. Two copies of plans and specifications for any commercial, industrial, institutional, school or public building construction shall be submitted to the Cedarburg Fire Department for review. Approved plans must be stamped "Approved by the Fire Prevention Bureau of the Cedarburg Fire Department" and the date of such approval. One copy shall be returned to the owner and the other kept on file by the Fire Prevention Bureau.

**A.** Plan Review Requirements. For any building construction or alterations, all plans shall be submitted to the State for official review. In addition, one (1) copy of complete plans and specifications, including site plans, shall be submitted to the Cedarburg Fire Department for review and approval.

**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 by the Cedarburg Fire Department, and reviewed and approved by the State of WI. 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, or their designee, may require further information or calculations as necessary for approval.

**B. C.** Building permit. No building permit for any building covered by this section shall be issued unless the Building Inspector's copy of the plans for the proposed building has been stamped "Approved" by the Fire Prevention Bureau of the Cedarburg Fire Department.

**C. D.** Construction inspections. While a covered building is under construction, the Building Inspector, Plumbing Inspector, Electrical Inspector and Fire Prevention Bureau Inspector will share jointly in the responsibility of conducting inspections to see that all provisions of this chapter have been carried out.

**D. E.** Occupancy permit. A final inspection of the building will be made by the Fire Prevention Bureau Inspector after notification by the Building Inspector. The occupancy permit required under the Town Zoning Code must be stamped "Approved" by the Cedarburg Fire Prevention Bureau Department before issuance.

**§ 154-16 Modifications.**

The Chief of the Fire Prevention Bureau Department shall have power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of this chapter, provided that the spirit of this chapter shall be observed, public safety secured and substantial justice done. The particulars of such modification, when granted or allowed, and the decision of the Chief of the Fire Prevention Bureau Department thereon shall be entered upon the records of the Fire Department Bureau and a signed copy shall be furnished to the applicant and the Town Administrator of the Town Cedarburg.



**§ 154-17 Appeals.**

Whenever the Chief of the Fire ~~Prevention Bureau~~ ~~Department~~ shall disapprove an application or refuse to grant a permit applied for or when it is claimed that the provisions of this chapter do not apply or that the true intent and meaning of this chapter have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire ~~Prevention Bureau~~ ~~Department~~ to the Town Board within 10 days from the date of the decision of the Chief. In the event of such appeal, the Town Board shall set a time and place for hearing thereof and give to the appellant at least 10 days' notice thereof by mail or personally.

**§ 154-18 Fire warning systems required.**

~~Appropriate smoke detectors, carbon monoxide detectors or automatic fire detection systems shall be installed and maintained in operable condition in all occupancies and locations within the Town 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.~~

~~A. One or two-family dwellings.~~

- ~~(1) General provisions. Every one or two-family dwelling unit hereafter erected, constructed or reconstructed shall be provided with approved smoke detectors.~~
- ~~(2) Equipment performance. Each smoke detector shall be capable of detecting abnormal quantities of smoke that may occur in a dwelling and shall properly operate in the normal environmental conditions of a household. Smoke detectors shall be capable of detecting gray smoke having a minimum smoke obscuration of 4% per foot (optical density of 0.0177 per foot). The failure of any nonreliable or short-life component which renders the detector inoperative shall be readily apparent to the occupant of the dwelling without the need for testing.~~
- ~~(3) Alarm sounding devices. Each detection device shall cause the operation of an alarm which shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed. The tests of audibility level shall be conducted with all household equipment, which may be in operation at night, in full operation. Examples of such equipment are window air conditioners and room humidifiers. All alarm sounding devices shall have a minimum rating of 85 dBA at 10 feet.~~
- ~~(4) Level of protection. A basic smoke detector shall be installed to protect each separate sleeping area and at the head of each stairway leading to an occupied area.~~
- ~~(5) Detector locations. Smoke detectors in rooms with ceiling slopes greater than one foot rise per eight feet horizontally shall be located at the high side of the room. A smoke detector installed at the head of stairs shall be so located as to assure that smoke rising in the stairwell cannot be prevented from reaching the detector by an intervening door or obstruction. A smoke detector installed to protect a sleeping area shall be located outside of the bedrooms but in the immediate vicinity of the sleeping area. Detectors shall be located on the ceiling.~~
- ~~(6) Power supply. It is recommended that an AC primary source of electric power be utilized. The requirements of Article 760 of the National Electrical Code, NFPA Standard No. 70, shall be met, except where they conflict with the Electrical Code of the Town of Cedarburg. In those cases, the Town Electrical Code shall be followed. A separate circuit shall be utilized and the circuit breaker shall be colored red. Wire used shall be of the solid conductor, nonstranded type. Neither loss nor restoration of primary power shall cause an alarm signal. A visible "power on" indicator shall be provided.~~



(7) Installation. All equipment shall be installed in a workmanlike manner and in accordance with the manufacturer's instructions. All devices shall be so located and mounted that accidental operation will not be caused by jarring or vibration. Installed equipment shall be mounted so as to be supported independently of its attachment to wires. Upon completion of the system, the installer shall test each device for proper operation. The supplier or installing contractor shall provide the owner, through the Town Building Inspector, with instruction charts describing the operation, testing and proper maintenance of the smoke detectors. In addition, printed information shall be provided to inform the owner where he may obtain repair or replacement service and where and how parts requiring regular replacement may be obtained within two weeks.

A. Residential Occupancies

(1) 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 continually 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 Department in obtaining compliance in all one- and two-family dwellings.

B. Other buildings.

(1) 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.

(2) Requirements for Annunciator Panels. In all new and existing buildings over 10,000 square feet or having more than one story, the fire alarm system shall be separated into zones with a minimum of one zone for each floor, the attic, the basement and a separate zone for all pull stations. New alarm systems, or updates to alarm systems, may also utilize a fully addressable system in lieu of zones.

(3) 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 Department.

(4) 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.

(5) Exception for Buildings with Sprinklers. Any building in this classification (except hotels, motels, and bed and breakfast inns) which have a sprinkler system installed throughout in accordance with NFPA 13 shall be exempt from the requirements for a Fire Alarm System unless required by State of Wisconsin Commercial Building Code SPS 361-366. In partially sprinklered buildings, any area not protected in accordance with NFPA 13, 13R or 13D shall have a Fire Alarm System installed in accordance with this Article.

(1) General provisions. Approved heat and/or smoke detectors shall be installed in each room throughout every commercial, industrial, institutional, school or public building not covered under Subsection A hereinafter constructed or structurally altered. Where the Bureau of Fire Prevention finds that, by reason of construction or highly combustible occupancy, existing buildings constitute a severe fire



hazard to their occupants or to adjoining property, the provisions of this section will also apply.

- (2) Approval. All fire detection devices shall be approved for the purpose for which they are intended and shall be installed in conformity with NFPA Standard No. 72E. Three complete sets of information regarding the fire detectors, including specifications and floor plans showing the location of the detectors, shall be submitted for approval of the Fire Prevention Bureau prior to installation of the detectors. Before requesting final approval of the installation, the installing contractor shall furnish a written statement to the Chief of the Fire Prevention Bureau to the effect that the detectors have been installed in accordance with approved plans and tested in accordance with the manufacturer's specifications. Upon completion of the installation, a satisfactory test of the fire detectors shall be made in the presence of a representative of the Fire Prevention Bureau.
- (3) Installation. All equipment shall be installed in a workmanlike manner and in accordance with the manufacturer's instructions. Detectors shall be supported, in all cases, independently of their attachment to the circuit conductors. Detectors shall not be recessed in any way into the mounting surface unless they have been tested and listed for such recessed mounting. In the case of solid joist construction, detectors shall be mounted at the bottom of the joists.
- (4) Power supply. An AC primary source of electrical power shall be utilized. A separate circuit shall be provided for the system and the circuit breaker shall be colored red. The requirements for power-limited fire protective signaling circuits as defined in Article 760 of the National Electrical Code, NFPA Standard No. 70, shall be met, except where they conflict with the Electrical Code of the Town of Cedarburg. In those cases, the Town Electrical Code shall be followed. Wire used shall be of the solid conductor, nonstranded type. The system shall be electrically supervised against both short and open wiring faults in the detection circuit, the alarm circuit and the alarm and trouble relay coils. A short or open wiring fault occurring in these circuits shall cause an audible and visible trouble indication at the control panel.
- (5) Functioning. The system shall function as follows when any detector operates:
  - (a) The main and remote alarm devices, including the public alarm system, will sound.
  - (b) The proper zone and fire indication will appear on an annunciator panel.
- (6) Heat detectors. The location and spacing of heat detectors shall be in accordance with the recommendations contained in NFPA Standard No. 72E. Detectors of the fixed-temperature or rate-compensated spot-pattern type shall be classified as to the temperature of operation and marked with the appropriate color code. Detectors having fixed temperature or rate compensated elements shall be selected in accordance with Paragraph 3-3.1 of Standard No. 72E for the maximum ceiling temperature that can be expected.
- (7) Smoke detectors. Smoke detectors shall be located on the ceiling not less than six inches from a side wall. Spacing of detectors shall result from an evaluation based upon engineering judgment supplemented, if feasible, by field tests. Ceiling shape and surfaces, ceiling height, configuration of contents, burning characteristics of stored combustibles and ventilation are some of the parameters that shall be considered. Spacing shall also be in accordance with Paragraph 4-4 of Standard No. 72E. The selection and installation of detectors shall take into consideration both the design characteristics of the detector and the areas into which the detectors will be installed so as to prevent false operation.



or nonoperation after installation. Detectors shall be capable of detecting gray smoke having a minimum smoke obscuration of 4% per foot (optical density of 0.0177 per foot).

(8) Alarm sounding devices. Each detection device shall cause the operation of an alarm which shall be clearly audible over background noise levels. The tests of audibility level shall be conducted with all equipment which may be in operation. All alarm sounding devices shall have a minimum rating of 85 dBA at 10 feet.

(9) Maintenance and testing. Each automatic detector shall be continuously maintained in reliable operating condition at all times, and such periodic inspections and tests shall be made as are necessary to assure proper maintenance as specified in Chapter 7 of Standard No. 72E. Detectors shall be under the supervision of a responsible person who shall cause proper tests to be made at specified intervals and have general charge of all alterations and additions. After installation, a visual inspection of all detectors shall be made to be sure that they are properly located, and each detector shall be checked to ensure that it is connected and powered in accordance with the manufacturer's recommendations. Specifics for initial installation tests, periodic tests, cleaning and maintenance, and tests following an alarm, as contained in Chapter 7 of Standard No. 72E, shall be followed.

#### C. Maintenance and Testing

(1) Installation Inspection. An Acceptance Test conforming to NFPA 72 shall be performed before acceptance of the Fire Alarm System by the Fire Department. Arrangements shall be made with the Fire Department with at least 48 hours' advance notice given.

(2) 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.

(3) 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 Department.

(4) Corrective Maintenance Requirements. No Fire Alarm System may be allowed to remain in a non-functioning condition. Non-functioning panels, circuits, devices, or trouble conditions indicated by the supervisory monitoring function of the fire alarm control panel shall be corrected immediately.

#### § 154-19 Open flame.

- A. Lights and devices. No person shall take an open flame or light into any building, barn, vessel, boat 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.
- B. Place of assembly. No open flame, candles or other open flame fixture, whether equipped with a guard or not, shall be used in any place of assembly, except within duly constituted church or lodge buildings. Such open flame candles or other flame fixtures, whether equipped with a guard or not, shall not be used in auditoriums of church or lodge buildings, except when such candles or fixtures are actually held by persons seated, standing or in procession in such auditorium. Such candles or fixtures need not be held by persons in the auditorium if they are securely appointed on noncombustible bases, the flame is at least seven feet above the floor, and they are so located as to avoid danger of ignition of combustible material, are under constant observation and supervision by a responsible person designated for each aisle, are kept lighted only when necessary during the ceremony or ritual, and are extinguished before the occupants leave the auditorium.
- C. Stages. Open flame devices may be used on stages or church altars where a necessary part of the



theatrical or religious performance requires, provided adequate precautions, satisfactory to the Chief of the Fire Department, are taken to prevent ignition of any combustible materials.

- D. Restaurants. Open flame devices used for the warming of food may be used in restaurants and dining areas, provided such devices and their location are approved by the Chief of the Fire Department.
- E. Exceptions. The use of other open flame light and devices not herein regulated may be permitted by the Chief of the Fire Department under such restrictions as, in his judgment, are necessary to avoid danger of ignition of combustible material or injury to persons.

#### **§ 154-20 Regulation of Burning.**

A. **Refer to Section 273-29 (A.) Burning and Dumping, of the Town of Cedarburg Code or Ordinances.**

#### **§ 154-20**

#### **154-21 Restrictions on heating and lighting equipment.**

No heating or lighting apparatus or equipment capable of igniting flammable materials of the type stored or handled shall be used in the storage area of any warehouse storing rags, excelsior, hair or other highly flammable or combustible material, nor in the work area of any shop or factory used for the manufacture, repair or renovating of mattresses or bedding, nor in the work areas of any establishment used for the upholstering of furniture.

#### **§ 154-21 154-22 Chimneys and heating appliances.**

All chimneys, smokestacks or similar devices for conveying smoke or hot gases to the outer air and the stoves, furnaces, fire boxes or boilers to which they are connected shall be constructed and maintained in such a manner as not to create a fire hazard. **Patio heaters and similar devices shall not be used under any overhang of a structure.**

#### **§ 154-22 154-23 Use of torches or flame-producing devices.**

Any person using a torch or other flame producing device for removing paint from any building or structure shall provide one approved fire extinguisher or water hose connected to the water supply on the premises where such burning is done. In all cases, the person doing the burning shall remain on the premises one hour after the torch or flame producing device has been used.

#### **§ 154-23 154-24 Combustible materials.**

- A. Hot ashes and other dangerous materials. No person shall deposit hot ashes or cinders, or smoldering coals, or greasy or oily substances liable to spontaneous ignition, into any wooden receptacle or place the same within 10 feet of any combustible material, except in metal or other noncombustible receptacles. Such receptacles, unless resting on a noncombustible floor or on the ground outside the building, shall be placed on noncombustible stands, and in every case must be kept at least two feet away from any combustible wall or partition.
- B. Handling readily combustible materials. No person making, using, storing or having in charge, or under his control, any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw or combustible waste materials shall fail or neglect at the close of each day to cause all such materials which are not compactly baled and stacked in an orderly manner to be removed from the building or stored in suitable vaults or in metal or metal-lined, covered receptacles or bins.



- C. Storage of readily combustible materials. Storage in buildings shall be orderly, shall not be within two feet of the ceiling, and shall not be so located as to endanger exit from the building. Storage in the open shall not be more than 20 feet in height, shall be so located, with respect to adjacent buildings, as not to constitute a hazard, and shall be compact and orderly.
- D. Flammable decorative materials in stores. Cotton battings, straw, dry vines, leaves, trees or other highly flammable materials shall not be used for decorative purposes in show windows or other parts of stores unless flameproofed; provided, however, that nothing in this section shall be held to prohibit the display of saleable goods permitted and offered for sale. Electric light bulbs in stores shall not be decorated with paper or other combustible materials unless such materials shall first have been rendered flameproof.

**§ 154-24 154-25 Storage of flammable liquids.**

- A. Indoor and outdoor storage of flammable liquids shall be governed by Ch. **SPS 310 Comm 10**, Wis. Adm. Code.
- B. Aboveground or underground tanks for storage of flammable liquids for farm use shall be permitted in accordance with **§ Comm 10.16 Chapter SPS 310**, Wis. Adm. Code.
- C. Existing aboveground or underground tanks for storage of flammable liquids for private, nonfarm use may be used but not replaced.

**§ 154-25 Fire extinguishing equipment.**

The Chief of the Fire Prevention Bureau is hereby empowered to designate the number, type and location of fire extinguishers as may be deemed necessary in addition to those now required by law in all existing buildings and structures and in all buildings and structures hereafter erected.

**§ 154-26 Fire lanes.**

- A. When required. When required by the Fire **Prevention Bureau Department**, 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 Town roads.
- B. ~~General provisions. Lanes shall provide a minimum, unobstructed continuous width and height of 12 feet. Lanes shall be identified by a four-inch-wide line and block letters two feet high, painted in the lane, at fifty-foot intervals stating "Fire Lane — No Parking," color to be bright yellow, or by the posting of signs stating "Fire Lane — No Parking." Signs shall be posted on or immediately next to the curblin or on the building. Signs shall be 12 inches by 18 inches and shall have letters and background of contrasting colors, readily readable from at least a fifty-foot distance. Signs shall be spaced not further than 50 feet apart. Signs shall be mounted a minimum of four feet and a maximum of 6 1/2 feet from the pavement to the bottom edge of the sign. Fire lanes shall be either asphalt or reinforced concrete four inches thick minimum, or, when specifically authorized by the Fire Prevention Bureau, compacted crushed rock may be used. Where fire lanes connect to Town roads or parking lots, adequate clearance and turning radii shall be provided. All proposed plans for such lanes must have Fire Prevention Bureau approval.~~

**B. General provisions.**

- (1) Identification - 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.

- (2) Surface - Fire lanes shall be either asphalt or reinforced concrete four inches thick minimum, or, when specifically authorized by the Fire Department, compacted crushed rock may be used. Where fire lanes connect to Town roads or parking lots, adequate clearance 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. All proposed plans for such lanes must have Fire Department approval.
- (3) Width - Lanes shall provide a minimum, unobstructed continuous width of 12 feet and height of 13 feet 6 inches.
- (4) **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.
- (5) **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-five (45) foot turning radius.

- C. Fire lanes as part of driveways and/or parking areas. The Fire ~~Prevention Bureau~~ Department 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 Subsection B above.
- D. Existing buildings. When, by his judgment, the Chief of the Fire ~~Prevention Bureau~~ Department determines that a hazard due to inaccessibility of fire apparatus exists around existing buildings, he may require fire lanes to be constructed and maintained as detailed in Subsections A and B above.
- E. Prohibitions. ~~Parking of motor vehicles or otherwise obstructing fire lanes shall be prohibited at all times.~~

(1) Parking of motor vehicles or otherwise obstructing fire lanes shall be prohibited at all times.

(2) It shall be unlawful for any person(s) or firm(s) to post a fire lane sign without the approval of the Fire Department. 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 section.

#### § 154-27 Tents.

- A. Tent permit required. No tent exceeding 1,500 square feet in area shall be erected, maintained or used without a permit. The Building Inspector shall issue the permit.
- B. Fire watchers to be employed. One or more qualified persons to serve as fire watchers shall be employed by all circuses, carnivals or other exhibitions where large crowds assemble. They shall familiarize themselves with all fire protection facilities and fire prevention features and with the conditions of exits and shall patrol the entire tent area during the time of occupancy. They shall see that aisles and exit ways are kept open and that "No Smoking" rules are enforced.
- C. Tents for assembly to conform to recognized safe practices. The design, construction, flame proofing, location, maintenance and use of tents for assembly shall be in accordance with recognized safe



practices. Compliance with the American Standard of Outdoor Assembly, Grandstands and Tents, as adopted by the National Fire Protection Association, shall be considered as prima facie evidence of compliance with such recognized safe practices.

**§ 154-28 Smoking.**

- A. Smoking defined. "Smoking" means and includes the carrying of lighted pipe, cigar, cigarette or tobacco in any form.
- B. Chief to designate areas where smoking shall be prohibited. Where conditions are such as to make smoking a hazard in any areas of warehouses, stores, industrial plants, institutions, places of assembly and in open spaces where combustible materials are stored or handled, the Chief of the Fire ~~Prevention Bureau~~ Department is empowered and authorized to order the owner or occupant in writing to post "No Smoking" signs in each building, structure, room or place in which smoking shall be prohibited. The Chief of the Fire ~~Prevention Bureau~~ Department shall designate specific safe locations, if necessary, in any building, structure or place in which smoking may be permitted.
- C. "No Smoking" signs. "No Smoking" signs required in accordance with Subsection B shall read "By Order of the ~~Fire Department-Bureau of Fire Prevention.~~"
- D. Smoking and removal of "No Smoking" signs prohibited. No person shall remove any legally required "No Smoking" sign or smoke in any place where such signs are posted.
- E. Vaping, e-cigarettes and other alternate smoking devices. The use of vaping pens, e-cigarettes and other alternative smoking devices that create smoke or other vapors shall be prohibited in all buildings where a fire alarm system is in place. False activation of a fire alarm system through the use of these devices shall constitute a violation of this Section and be subject to a penalty as prescribed in Chapter 1, § 1-3 of this Code.

**§ 154-29 Enforcement.**

This Fire Prevention Code shall be enforced by the Chief of the Cedarburg Fire Department and such subordinates in the Department as the Chief shall designate. The Town Building, Plumbing and Electrical Inspectors and Health Officer shall cooperate with the Fire Department in enforcing this chapter.

**§ 154-30 Violations and penalties.**

- A. Any person who shall violate any of the provisions of this chapter or fail to comply therewith or who shall violate or fail to comply with any order made thereunder or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, or who shall fail to comply with such an order as affirmed or modified by the Chief of the Fire Department or the Town Board or by a court of competent jurisdiction ~~within the time fixed herein~~ shall, upon conviction thereof, be subject to a penalty as prescribed in Chapter 1, § 1-3 of this Code.
- B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

**(The above text modified with a strikethrough shall be deleted).**

**(The above text modified with an underline shall be added).**

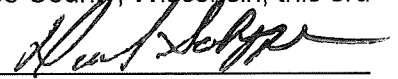


This ordinance shall be in full force and effect upon its passage and posting as provided by law.

**PASSED AND ADOPTED** by the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, this 3rd day of February, 2021.



Jack Johnston  
Assistant Administrator/Clerk



David M. Salvaggio  
Town Chairman