

Title 7

FIRE PREVENTION AND PROTECTION

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Chapter 7.02

GENERAL PROVISIONS

Sections:

- 7.02.010 Intent of title.
- 7.02.020 Application to new and existing conditions.
- 7.02.030 Exceptions.
- 7.02.040 Adoption of codes.

7.02.010 Intent of title. It is the intent of this title to prescribe regulations consistent with recognized standard practice for the safeguarding, to a reasonable 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. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.010).

7.02.020 Application to new and existing conditions. The provisions of this title shall apply equally to new and existing conditions, except that existing conditions not in strict compliance with the terms of this title shall be permitted to continue where the exceptions do not constitute a distinct hazard to life or adjoining property. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.020).

7.02.030 Exceptions. Nothing contained in this title 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. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.030).

7.02.040 Adoption of codes. A. The current issues of the following codes of the state of Wisconsin (Wis.) and the National Fire Protection Association (NFPA) are adopted by reference and made a part of the village fire prevention code:

1. Safety Code (Wis.);
2. Quarries and Pits Code (wis.);

3. Elevator Code (Wis.);
 4. Explosives Code (Wis.);
 5. Trench, Excavation and Tunnel Code (Wis.);
 6. Cleaning and Dyeing Code (Wis.);
 7. Flammable Liquids Code (Wis.);
 8. Liquefied Petroleum Gases Code (Wis.);
 9. Electrical Fences Code (Wis.);
 10. Dust, Fumes and Gases Code (Wis.);
 11. Spray Coating Code (Wis.);
 12. Boiler and Pressure Code (Wis.);
 13. Anhydrous Ammonia Code (Wis.);
 14. Personnel Hoist Code (Wis.);
 15. Mechanical Refrigeration Code (Wis.);
 16. Building Code (Wis.);
 17. Existing Buildings Code (Wis.);
 18. Fire Prevention Code (Wis.);
 19. Electrical Code (Wis.);
 20. Volume I through X, dated 1974, National Fire Protection Association Codes;
 21. Industry, labor and human relations-14 (ILHR-14).
- B. Whenever the provisions of the codes enumerated in subsection (A) of this section conflict, the stricter interpretation shall apply.
- C. Official copies of each of the codes are now on file in the office of the clerk-treasurer and the chief of the fire department of the village, and shall remain so filed, and be, at all reasonable times, open to inspection by any interested persons. (Ord. A-545-90 Part 1, 1990; Ord. A-296-75 Part 1 (part), 1975: prior code SS22.040).

Chapter 7.04

DEFINITIONS

Sections:

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| 7.04.010 | Definitions. |
| 7.04.020 | Approved. |
| 7.04.030 | Automatic fire alarm system. |
| 7.04.040 | Dwelling. |
| 7.04.050 | ICC container. |
| 7.04.060 | Institutional building. |

- 7.04.070 Multifamily dwelling.
- 7.04.080 Person.
- 7.04.090 Public building.
- 7.04.100 Residence building.

7.04.010 Definitions. Unless otherwise expressly stated, the following terms shall, for the purpose of this title, have the meanings indicated in this chapter. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.050(part)).

7.04.020 Approved. "Approved" means accepted by the chief of the fire department as a result of his investigation and experience, or by reason of test, listing or approval by Underwriters' Laboratories Inc., the National Bureau of Standards, the American Gas Association Laboratories or other national, recognized testing authorities. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.050(1)).

7.04.030 Automatic fire alarm system. "Automatic fire alarm system" means a system which automatically detects a fire condition and actuates a fire alarm signal device. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.050(2)).

7.04.040 Dwelling. "Dwelling" means a building occupied exclusively for residence purposes and having not more than two apartments or, as a boardinghouse or roominghouse serving not more than five persons with meals or sleeping accommodations or both. (Ord. A-296-75 Part 1 (part), 1975:

7.04.050 ICC container. "ICC container" means any container approved by the Interstate Commerce Commission for shipping any liquid, gaseous or solid material, of a flammable, toxic or other hazardous nature. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.050(4)).

7.04.060 Institutional building. "Institutional building" means 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, and shall include convents, monasteries, children's homes, homes for the aged and infirmed, nursing homes, convalescent homes, asylums, mental hospitals and jails. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.050(5)).

7.04.070 Multifamily dwelling. "Multifamily dwelling" means 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 houses, apartment houses, flats, townhouses, row houses, condominiums, dormitories, boardinghouses or roominghouses serving more than five persons with

meals or sleeping accommodations or both. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.050(6)).

7.04.080 Person. "Person" means and includes person, persons, firm corporation or copartnership. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.050(7)).

7.04.090 Public building. "Public building" means a building in which persons congregate for civic, political, education, religious, social or recreational purposes. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.050(8)).

7.04.100 Residence building. "Residence building," except when classed as an institutional building, means a building in which sleeping accommodations are provided. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.050(9)).

Chapter 7.06

FIRE LIMITS*

Sections:

7.06.010 Fire limits.

7.06.010 Fire limits. The fire limits shall be those areas as outlined and/or bounded and described as follows: "Point of commencement being 400 feet north of Maple Street at intersection of Wisconsin Avenue and C.M.ST.P. & P. RR R.O.W., then northeast along centerline of said RR to intersection centerline of Washington Street, then east along street to centerline 11th Avenue, then north along street 165 feet, then east to centerline of 13th Ave., then south along centerline 13th Avenue to intersection centerline Cedar Street, then west along centerline Cedar Street to intersection centerline 11th Avenue, then south along centerline 11th Avenue to centerline of Broad Street, then west along centerline Broad Street to intersection centerline Wisconsin Avenue, then southwest along centerline Wisconsin

Avenue to point of commencement." (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.101).

* For statutory provisions on fire limits applicable to villages, see Wis.Stat. 1975 SSSS61.35 and 62.23.

Chapter 7.08

ENFORCEMENT

Sections:

7.08.010 Enforcement.

7.08.010 Enforcement. The fire prevention code shall be enforced by the chief of the fire department of the village and such subordinates as the chief shall designate, or by the chief of police of the village or any police officer of such department. The village building, plumbing, electrical and health inspector shall cooperate with the fire department in enforcing this title and may be delegated such duties as the fire chief may designate. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.102).

Chapter 7.10

POLICE POWERS OF FIRE DEPARTMENT*

Sections:

7.10.010 Authority of fire department.

- 7.10.020 Authority of officer in charge.
- 7.10.030 Entering premises.
- 7.10.040 Damaging fire apparatus.
- 7.10.050 Rendering assistance to fire department.

7.10.010 Authority of fire department. The chief and his assistants or officers in charge at any fire are vested with full and complete authority at such fires. Any officer of the department may cause the arrest of any person failing to give the right-of-way to the fire department in responding to a fire call. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.103(1)).

7.10.020 Authority of officer in charge. The officer in charge may prescribe certain limits in the vicinity of any fire within which no person, excepting firemen and policemen and those admitted by order of any officers of the department, shall be permitted to come. The officer in charge shall have the power to cause the removal of any person from any building or area when in his opinion their continued presence could result in injury or death, and to cause the removal of any property whenever it becomes necessary for the preservation of such property from fire, or to prevent the spreading of fire, or to protect the adjoining property. During the progress of any fire, he shall have the power to order the removal or destruction of any property necessary to prevent the further spread of fire. He shall also 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 impeded the work of the department during the progress of a fire. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.103(2)).

7.10.030 Entering premises. It shall be lawful for any fireman, while acting under the direction of the fire chief or other officer in charge, to enter the premises adjacent to or in the vicinity of any building or other property then on fire, for the purpose of extinguishing such fire. In the event any person shall hinder, resist or obstruct any fireman in the discharge of his duty as provided in this section, the person so offending shall be deemed guilty of a resisting firemen in the discharge of their duty. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.103(3)).

7.10.040 Damaging fire apparatus. No person shall wilfully damage in any manner any hose, hydrant or fire apparatus belonging to the fire department of the village, and no vehicle shall be driven over any unprotected hose of the fire department when laid down on any street, private driveway, tract or other place, to be used at any fire or alarm of fire, without the consent of the fire department official

in charge. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.103(4)).

7.10.050 Rendering assistance to fire department. Every person who shall be present at a fire shall be subject to the orders of the fire chief or other officer in charge and such person may be required to render assistance in fighting the fire or removing or guarding property. Such officer shall have the power to cause the arrest of any person or persons refusing to obey the orders. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.103(5)).

* For statutory provisions on the police power of a volunteer fire company fire chief, see Wis.Stat. 1975 SS2.13.095.

Chapter 7.12

AUTHORITY TO ENTER PREMISES*

Sections:

7.12.010 Authority to enter premises.

7.12.010 Authority to enter premises. 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. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.104).

Chapter 7.14

INSPECTIONS**

Sections:

7.14.010 Inspection of buildings and premises.

7.14.010 Inspection of buildings and premises. It shall be the duty of the chief of the fire department to inspect, or cause to be inspected by the fire department officers or assistants, all buildings and premises, except the interiors of private dwellings, 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 title 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 exitways, and maintenance of fire alarm and fire-detecting systems, and fire extinguishing systems and appliances.

The chief of the fire department or an inspector thereof, upon the complaint of any person or whenever he or they shall deem it necessary, shall inspect any buildings and premises within their jurisdiction. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.105).

* For statutory provisions on the police power of a volunteer fire company fire chief, see Wis.Stat. 1975 SS213.095; for provisions on inspection powers of the chief of the fire department, see Wis.Stat. 1975 SS101.14.

** For statutory provisions on the inspection powers of the chief of fire department, see Wis.Stat. 1975 SS1-01.14.

Chapter 7.16

INVESTIGATION OF FIRES

Sections:

- 7.16.010 Investigative authority of fire chief.
- 7.16.020 Assistance in investigations.

7.16.010 Investigative authority of fire chief. The chief of the fire department shall investigate or cause to be investigated, the cause, origin and circumstances of every fire occurring in the village. Such investigations shall be begun immediately 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 the prosecution of the case. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.106(a)).

7.16.020 Assistance in investigations. The village attorney and the police department, 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. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.106(b)).

Chapter 7.18

FIRE RECORDS

Sections:

- 7.18.010 Fire records.

7.18.010 Fire records. The chief of the fire department shall keep a record or cause to 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 made public. (Ord. A-296-75 Part I (part), 1975: prior code SS22.107).

Chapter 7.20

ANNUAL REPORT

Sections:

7.20.010 Annual report--Contents.

7.20.010 Annual report--Contents. A report of the fire department shall be made annually and transmitted to the village president and board. It shall contain all proceedings under this title, with such statistics as the chief of the fire department may wish to include therein. The chief of the fire department shall also recommend any amendments to the code which, in his judgment, shall be desirable. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.108).

Chapter 7.22

MODIFICATIONS TO CODE

Sections:

7.22.010 Modifications

7.22.010 Modifications. The chief of the fire department along with the building inspector, 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 the code; provided, that the spirit of the code shall be observed, public safety secured and substantial justice done. The records of such modification when granted or allowed and the decision of the chief of the fire department thereon shall be kept by the fire department and the building inspector, and a signed copy shall be furnished the applicant. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.109).

Chapter 7.24

APPEALS

Sections:

7.24.010 Appeals to be heard by board of appeals--Hearing--
-Notice

7.24.010 Appeals to be heard by board of appeals--Hearing--
Notice. Whenever the chief of the fire department disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of this title do not apply or that the true intent and meaning of this title have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the village board of appeals within ten days from the date of the decision of the chief. In the event of such appeal, the board of appeals shall set a time and place for hearing thereof and give to the appellant at least ten days' notice thereof by mail or personally. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.110).

Chapter 7.26

NEW MATERIALS, PROCESSES OR OCCUPANCIES

Sections:

7.26.010 New materials, processes or occupancies which
may require permits.

7.26.010 New materials, processes or occupancies which may require permits. The chief of the fire department and the village building inspector shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies which shall require permits, in addition to those now enumerated in this title. The chief of the fire department shall post such a list in a conspicuous place in his office and in the office of the village clerk, and may distribute copies thereof to interested persons. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.111).

Chapter 7.28

PERMITS

Sections:

- 7.28.010 Permissions granted--Limitations.
- 7.28.020 Approval before issuance.
- 7.28.030 Applications.
- 7.28.040 To be kept on premises.

7.28.010 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 activities. 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. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.112(1)).

7.28.020 Approval before issuance. Before a permit may be issued, the chief of the fire department, or his assistants, shall

inspect and approve the receptacles, vehicles, building or storage places 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. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.112(2)).

7.28.030 Applications. All applications for a permit required by this title shall be made to the chief of the fire department in such form and detail as it shall prescribe. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.112(3)).

7.28.040 To be kept on premises. Permits shall at all times be kept on the premises designated therein and shall at all times be subject to inspection by any officer of the fire or police department. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.112(4)).

Chapter 7.30

FIRE HYDRANT REQUIREMENTS

Sections:

- 7.30.010 Intent.
- 7.30.020 Location.
- 7.30.030 Fire equipment on private property.

7.30.010 Intent. The intent of this chapter is to ensure adequate water supply for firefighting purposes to existing or new structures, building, tank farms, lumber yards, commercial or industrial complexes located at extended distances from city water hydrants on private property. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.201(1)).

7.30.020 Location. Any tank farm, lumberyard, commercial or industrial complex, any structure or building now existing or hereafter erected, or structurally altered to increase the floor area by fifty percent or more, shall provide, at the owner's expense, an

approved water hydrant when such building is set back two hundred fifty feet or more from any street or highway or is located more than three hundred feet from a city water hydrant. Required hydrants shall be free standing and shall be located not more than fifty feet or less than twenty-five feet from the building. One hydrant shall be located not more than fifty feet or less than twenty-five feet from the main entrance to such building. Additional hydrants shall be provided around the perimeter of the building so that no water hydrant is more than three hundred feet from any other approved hydrant by normal access routes. All water hydrants shall be located within ten feet of an all-weather road and be accessible at all times to the fire department. The water pipe serving the hydrant shall not be less than six inches in diameter. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.201(2)).

7.30.030 Fire equipment on private property. The fire department, through its authorized representative, must approve all fire hydrants, standpipes and sprinkler systems for commercial, industrial or institutional buildings or properties. A permit must be issued before such equipment may be installed. Hydrants to be used on such properties shall be of the type approved by the Grafton sewer and water commission and be consistent with the type universally used in the village. Hydrants are to be placed with six feet of earth cover and sufficient drainage bedding to allow the hydrant to drain dry. Hose connections for Class I standpipes and fire department connections for sprinkler and standpipe connections shall be two and one-half inches in diameter and shall have national standard couplings. Connection points shall be between three feet and four feet above the finished property grade. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.201(3)).

Chapter 7.32

SPRINKLER SYSTEMS

Sections:

- 7.32.010 Definitions.
- 7.32.020 Intent.
- 7.32.030 Required where.
- 7.32.040 Application to existing buildings.
- 7.32.050 Type of system--Approval of plans.
- 7.32.090 Exempted areas--Substitution of equipment.
- 7.32.100 Maintenance.

7.32.010 Definitions. For the purposes of this chapter, the following definitions shall be applicable:

A. "Approved" means the material, workmanship and installation of the sprinkler system complies with NFPA 13, and is approved by the fire department of the village.

B. "Area" means the ground floor area of a building or, when a building is divided by approved fire walls, each section so divided shall be considered an area.

C. "Automatic sprinkler equipment" means a system of water supply pipes and orifice to apply water to a fire when activated by an automatic, manual or remote-control device.

D. Other Terms. Other terms used in this chapter shall be as defined in Section 1.04.010 of this code or in Section 51 of the Wisconsin Administrative Code. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.202(2)).

7.32.020 Intent. The intent of this chapter is to provide a means for 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. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.202(1)).

7.32.030 Required where. Every building hereinafter constructed or structurally altered in any amount exceeding fifty percent of market valuation of such building shall have an approved automatic sprinkler system installed and maintained when occupied in whole or in part for the following purposes:

A. Factories, Office and Mercantile Buildings. Under the following conditions:

1. Fire resistive buildings if:
 - a. Not divided by fire walls into areas of twelve thousand square feet or less,
 - b. Over one story in height and exceeding six thousand square feet in area on a floor,
 - c. Over three stories in height regardless of area;
2. Non-fire-resistive buildings if:
 - a. Not divided by fire walls into areas of six thousand square feet or less,
 - b. Over one story in height and exceeding four thousand square feet or more on a floor,
 - c. Over two stories in height regardless of area.

B. Garages.

1. Throughout public garages as follows:
 - a. Fire resistive building over ten thousand square feet in area,
 - b. Non-fire-resistive buildings over six thousand square feet area;
2. The requirements of subsection (B)(1) of this section shall not be required in open-air parking garages or parking spaces with forty percent or more of the perimeter open to outer air, if built of noncombustible materials.

C. Basements. Throughout all basements and cellars of buildings having an area of twenty-five hundred square feet or more used for the manufacture, storage or sale of combustible material or merchandise, or the housing of automobiles.

D. Hotels and Motels.

1. Fire resistive buildings:
 - a. None required for single story,
 - b. Basements, stairways and corridors in buildings of two stories up to five stories,
 - c. Throughout buildings five stories or more;
2. Non-fire-resistive buildings:
 - a. Basements, stairways and corridors up to two stories,
 - b. Throughout if building is over two stories;
3. Heat-smoke detectors: U.L. or F.M. approved combination thermal rise and smoke detectors shall protect the entire building, including attic areas, regardless of building size or type of construction.

E. Multifamily Dwellings.

1. In the basements, cellars, storerooms, workrooms, furnace rooms, hallways and stairways of buildings of non-fire-resistive construction, if over five thousand square feet in area,

2. U.L. or F.M. approved combination thermal rise and smoke detectors shall protect the entire building, including attic areas, regardless of building size or type of construction,

3. The requirement of subsection (E)(1) of this section shall not be required when a building is divided by a reinforced solid concrete wall not less than six inches thick or a concrete block wall not less than eight inches thick from the basement floor extending through the roof by a three-foot parapet between every other unit,

4. The requirement of subsections (E)(1) and (2) of this section shall not be required when a building is divided by a reinforced solid concrete wall not less than six inches thick or a concrete block wall not less than eight inches thick from the basement floor extending through roof by a three-foot parapet between every unit.

F. Smoke Detectors Required in All Residential Buildings or Units (Places of Abode).

1. Requirements. All smoke detectors shall comply with National Fire Protection Association provisions of NFPA No. 72E, Standard on Automatic Fire Detectors, or NFPA No. 74, Household Fire Warning Equipment. Detector must be in place before resale of dwelling or unit.

2. Number and Location. Each dwelling or unit now in existence shall be equipped with a minimum of one approved listed and labeled smoke detector sensing visible or invisible particles of combustion, installed in a manner and location consistent with its listing.

3. Type. Smoke detectors required under subdivision 2 of this subsection shall be single-station devices, either battery operated, plug-in, or direct-wired A/C units.

G. Theaters and Halls. Throughout all buildings occupied or used as places of public assembly having a stage arranged for theatrical, operatic or similar performances, excepting only the auditorium, foyers, lobbies and immediate vicinity of automatic stage ventilators and throughout all such buildings of non-fire-resistive construction, if such places of assembly are located above the first floor, whether or not there is a stage.

H. Hospitals and other Institutional Buildings. Throughout every building.

I. Schools, Colleges and Universities.

1. Fire resistive buildings: Basements, workshops, laboratories, stairways, corridors, stage areas of auditoriums, janitor closets, kitchens, cafeterias and all places where combustible materials are handled or stored;

2. Non-fire-resistive Construction. Throughout all buildings.

J. Public Buildings. Throughout building if over two stories in height or if over ten thousand square feet in area regardless of

stories. (Ord. A-511-88 Parts 1, 2, 1988; Ord. A-396-75 Part 1 (part), 1975: prior code SS22.202(3)).

7.32.040 Application to existing buildings. Where the chief of the fire department finds that by reason of construction or highly combustible occupancy, existing buildings constitute a severe fire hazard to its occupants or to adjoining property, the provisions of this chapter will apply. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.202(4)).

7.32.050 Type of system--Approval of plans. Approved automatic sprinkler equipment shall be installed, connected to an adequate water supply with sprinkler heads, valves and auxiliary equipment of standard types suitable for an individual building to be protected as determined by NFPA 13. No automatic sprinkler equipment shall be installed or altered in a building until plans have been submitted and approved by the fire department plan review committee of the village. Three copies of the plans and specifications shall be submitted for review. Approved plans must be stamped "Approved by the Village of Grafton Subject to the Fire Code," signed and dated. Two copies shall be returned to the building inspector and one kept on file by the fire department. (Ord. A-368-79 Part 1, 1979: Ord. A-296-75 Part 1 (part), 1975: prior code SS22.202(5)).

7.32.090 Exempted areas--Substitution of equipment. Nothing contained in this chapter shall be construed as to require the installation of sprinklers in safe deposit or other vaults, or in rooms or building devoted to the manufacture or storage of aluminum powder, calcium carbide phosphide, metallic and potassium, quicklime, magnesium powder, sodium peroxide or like materials where the application of water may cause or increase combustion, nor shall it be construed in any way to prohibit the substitution of other automatic protective equipment when approved by the fire department of the village. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.202(6)).

7.32.100 Maintenance. The owner or occupant of a building containing the required automatic sprinkler system shall maintain the system in an operative condition at all times. The occupant of the building shall promptly notify the chief of the fire department in case such sprinkler protection is withdrawn, interrupted, curtailed or altered. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.202(7)).

Chapter 7.34

FIRE EXTINGUISHING EQUIPMENT

Sections:

- 7.34.010 Number, type and location of extinguishers.
- 7.34.020 Buildings where first aid standpipes are not required.
- 7.34.030 Accessibility--Distribution.
- 7.34.040 Maintenance.
- 7.34.050 Hydrostatic tests.

7.34.010 Number, type and location of extinguishers.
The chief of the fire department is 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. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.203(1)).

7.34.020 Buildings where first aid standpipes are not required.
In buildings where first aid standpipes are not required, standard fire extinguishers shall be provided on each floor including the basement. Type, size, location and number of which shall be approved by the fire department. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.203(2)).

7.34.030 Accessibility--Distribution. Fire extinguishers shall be conspicuously located where they will always be readily accessible and so distributed as to be immediately available in the event of fire. They shall be hung on hangers or set in brackets according to

NFPA No. 10. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.203(3)).

7.34.040 Maintenance. Fire extinguishers must be recharged and maintained according to instructions of the manufacturer. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.203(4)).

7.34.050 Hydrostatic tests. Fire extinguishers shall require a hydrostatic test as recommended by NFPA No. 10. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.203(5)).

Chapter 7.36

EQUIPMENT FOR FOOD SERVING ESTABLISHMENTS

Sections:

- 7.36.010 Installation required.
- 7.36.020 New and existing establishments--Time for compliance.
- 7.36.030 Type of equipment and installation requirements.
- 7.36.040 Maintenance requirements.

7.36.010 Installation required. Every kitchen operated and maintained to serve the public, including restaurants, clubs, schools, churches, taverns, hospitals, nursing homes and all other places having equipment used for frying), cooking and similar preparation of food, operated and maintained for serving the public shall be subject to this title. Such establishments shall have approved automatic fire extinguishing equipment which is actuated by fire alone. Such automatic fire extinguishing equipment shall be installed in or over all duct systems, grease removal devices, cooking stoves and cooking appliance hoods by a factory authorized distributor in accordance with Underwriters' Laboratories, Inc. and Factory Mutual listings and shall conform to the requirements of the fire department; provided, however, that such automatic fire protection extinguishing equipment on duct systems may be omitted where all cooking equipment is served by listed and approved grease extraction devices. All applications for

installation of automatic fire extinguishing equipment shall be submitted for review and approval by the fire department prior to installation. Two sets of plans and specifications shall be submitted to the fire department for review. One set shall be retained by the fire department and the other returned to the installer and, if approved, shall be stamped "Approved by the Fire Department" with the date of such approval. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.204(1)).

7.36.020 New and existing establishments--Time for compliance.
All new establishments subject to this title, shall comply therewith before a permit of occupancy is granted by the building inspector. All existing establishments subject to this title shall comply within six months of the effective date of the ordinance codified in this title. The building inspector shall, within twenty days after the effective date of the ordinance codified in this title, notify every existing establishment subject to this title of its duty to comply therewith; provided, however, that when in the case of any existing establishment the enforcement of this title within such six months will result in a practical difficulty or unnecessary hardship, it shall have the right, within ten days after receiving notice from the building inspector to comply, to appeal to the board of appeals for a variance from the terms and conditions of this title. Such appeal shall be made and be governed by the provisions of law relating to appeals to the board of appeals under the zoning code. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.204(2)).

7.36.030 Type of equipment and installation requirements.
Laboratories, Inc., "Fire Protection Equipment List," for the extinguishment of fires in hoods, filters and ducts used for ventilation of restaurant cooking equipment, or a system individually designed ("engineered systems") to the applicable standards for the type of extinguishing equipment: NFPA No. 12, "Carbon Dioxide Extinguishing Systems," NFPA No. 15, "Water Spray Systems for Fire Protection," or NFPA No. 17, "Dry Chemical Extinguishing Systems."

A. All equi

B. A manual control which is accessible to kitchen personnel shall be provided. A control located near the hood not over five feet high and not obstructed by cabinet, etc., will generally be acceptable. A remote control shall be provided if the control on the unit is not readily accessible. Instructions on the operation of the manual control and system shall be posted. A visual indicating device shall be provided and so located that at any time it can readily be determined if the system has discharged and is out of service. An automatic fuel shutoff device shall be provided on all gas-fired appliances where:

1. Full or partial surface protection is provided;
2. Hoods without filters are protected;

3. The stack of a gas-fired appliance extends into plenum (area behind filters).

No fuel shutoff device is required for electric appliances except electrically operated deep fat fryers which are protected.

C. Package units shall be installed in conformance with the limitations in the Underwriters' Laboratories, Inc., "Fire Protection Equipment List" as established by tests for the various unit sizes and nozzle arrangements.

D. All areas in the ventilating system that are enclosed or partly enclosed shall be protected, including areas behind filters, ductwork, including in some cases fresh air intakes, and enclosed air intakes ahead of filters. The size of the hood to be protected shall be the size of the plenum or area at the filters and not necessarily the overall dimensions of the hood. A hood with a plenum over three feet high will require an engineered system.

E. Cooking surfaces that are open or partly open shall be protected, including range tops, fat fryers, open broilers, griddles, etc. Fully, enclosed devices, such as ovens, enclosed broilers, coffee urns, etc., do not require protection.

F. At least one nozzle shall be installed for each fat fryer, unless the listing states otherwise.

G. Cylinders containing the extinguishing agent shall not be mounted in a concealed space.

H. Ready access for inspection and servicing shall be provided.

I. Protection of ducts shall be within the limitations of a single system. Multiple systems cannot be used to protect ducts which exceed the limitations of a single system. Ducts which exceed the limitations of a "package system" must be protected by engineered systems (see NFPA Nos. 12, 13, 15, or 17) or the ducts replaced with ducts which are within "package systems" limitations. Where no hoods are installed and cooking protection is provided, detector links with heat deflectors shall be located in the same relative position as if a hood was provided. One link shall be provided for each cooking appliance. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.204(3)).

7.36.040 Maintenance requirements. All extinguishing systems shall be inspected semiannually by a factory authorized representative and a certificate of this inspection, signed by the representative and the owner, shall be submitted to the fire prevention committee of the Grafton fire department. (Ord. A-296-75 Part 1 (part), 1975; prior code SS22.204(4)).

Chapter 7.38

FIRE STOP AND FIREWALL REQUIREMENTS

Sections:

7.38.010 Installation required when--Exceptions.

7.38.010 Installation required when--Exceptions.

A. Fire stops with two-hour resistance rating shall be installed as follows:

1. False mansard roofs on multifamily dwelling shall be fire stopped at each unit;
2. Maximum distance between fire stops on any false mansard roof shall not exceed thirty feet.

B. The requirements of subsection (A) of this section shall not be required when the building and mansard are constructed of noncombustible materials. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.2(6)).

Chapter 7.40

SMOKE AND HEAT VENTING

Sections:

7.40.010 Automatic fire venting.

7.40.020 Curtain boards.

7.40.010 Automatic fire venting. Approved automatic fire venting shall be installed, inspected and maintained as per NFPA Code No. 204 as follows: In buildings used for manufacture or sale of combustible goods or merchandise ten thousand square feet or more in area. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.217(1)).

7.40.020 Curtain boards. Approved curtain boards shall be installed as follows: In buildings used for manufacture or sale of combustible goods or merchandise forty thousand square feet or more in area. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.217(2)).

Chapter 7.42

TRASH BURNING

Sections:

- 7.42.010 Definitions.
- 7.42.020 Prohibition.

7.42.010 Definitions. A. "Bonfires" is a pile of material to be burned exceeding four feet by four feet by three feet high.

B. "Open burning" is a pile of material to be burned not exceeding four feet by four feet by three feet high.

C. "Trash" means rubbish, grass, leaves, branches, construction waste, paper products, industrial waste or any other type of debris. (Ord. A-511-88 Part 4 (part), 1988: Ord. A-296-75 Part 1 (part), 1975: prior code SS22.226(1) (a)) .

7.42.020 Prohibition. All open burning, trash burning and bonfires are prohibited within the corporate limits of the village.

(Ord. A-511-88 Part 4 (part), 1988: Ord. A-296-75 Part 1 (part), 1975: prior code SS22.226(1) (part)).

Chapter 7.44

OPEN FLAMES

Sections:

- 7.44.010 Flames prohibited near combustible material.
- 7.44.020 Place of assembly.
- 7.44.030 Stages.
- 7.44.040 Restaurants.
- 7.44.050 Exceptions.
- 7.44.060 Barbecue grills, kettles, outdoor hibachis.

7.44.010 Flames prohibited near combustible material.

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 is well secured in glass globe, wire mesh cage or similar approved device. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.227(1)).

7.44.020 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, church or lodge buildings, except when such candles or fixtures are actually held by such persons seated, standing or in procession in such auditoriums. Such candles or fixtures need not be held by persons in the auditorium if they are (1) securely supported on noncombustible bases; (2) the flame is at least seven feet above the floor; (3) they are so located as to avoid danger of ignition of combustible material; (4) they are under constant observation and supervision by a responsible person designated for each aisle; (5) they are kept lighted only when necessary during the ceremony or ritual; (6) and they are extinguished before the occupants leave the

auditorium. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.227(2)).

7.44.030 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. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.227(3)).

7.44.040 Restaurants. Open flame devices used for the warming of food may be used in restaurants and dining areas; provided, that such devices and their location are approved by the chief of the fire department. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.227(4)).

7.44.050 Exceptions. The use of open flame lights and devices may be permitted by the chief of the fire department, under such restrictions as in his judgement are necessary to avoid danger of ignition of combustible material or injury to persons. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.227(5)).

7.44.060 Barbecue grills, kettles, outdoor hibachis. It is unlawful to ignite or burn inside any building any type of barbecue grill. They shall not be burned within twenty-four inches of any combustible material or on a combustible floor. They may not be used on or below any balcony within five feet of any opening into a dwelling or apartment. (Ord. A-511-88 Part 6, 1988).

Chapter 7.46

APPARATUS CAPABLE OF IGNITING FLAMMABLE MATERIAL

Sections:

7.46.010 Apparatus capable of igniting flammable material prohibited.

7.46.010 Apparatus capable of igniting flammable material prohibited. 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. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.228).

Chapter 7.48

CHIMNEYS AND HEATING APPLIANCES

Sections:

7.48.010 Construction and maintenance.

7.48.010 Construction and maintenance. All chimneys, smokestacks or similar devices for conveying smoke or hot gases to the outer air, and the stoves, furnaces, cooking equipment, incinerators or boilers to which they are connected shall be constructed and maintained in such manner as not to create a hazard. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.229).

Chapter 7.50

TORCHES OR FLAME-PRODUCING DEVICES

Sections:

7.50.010 Use of torches or flame-producing devices.

7.50.010 Use of torches or flame-producing devices. Any person using a torch or other flame-producing device (in or on any building or structure) shall provide one approved fire extinguisher or

water hose connected to the water supply on the premises where such torch or other flame device is operated. Fire watch shall be maintained on the premises one hour after each use of the torch or flame-producing device. (Ord. A-511-88 Part 5, 1988: Ord. A-296-75 Part 1 (part), 1975: prior code SS22.230).

Chapter 7.52

COMBUSTIBLES

Sections:

- 7.52.010 Hot ashes and other dangerous materials.
- 7.52.020 Accumulations of waste materials.
- 7.52.030 Handling readily combustible materials.
- 7.52.040 Storage of readily combustible materials.
- 7.52.050 Flammable decorative materials in stores.

7.52.010 Hot ashes and other dangerous materials. No person shall deposit hot ashes, cinders or smoldering coals, or greasy and oily substances liable to spontaneous ignition, into any combustible receptacle or place the same within ten feet of any combustible materials, 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. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.231(1)).

7.52.020 Accumulations of waste materials. Accumulations of wastepaper, hay, grass, straw, weeds, litter or combustible or flammable waste or rubbish of any kind shall not be permitted to

remain upon any roof or in any courtyard, vacant lot or open space. All weeds, grass, vines or other growth, when the same endangers property, or is liable to be fired, shall be cut down and removed by the owner or occupant of the property it is on. (Ord. A-296-75 Part 1 (part), 1.975: prior code SS22.231(2)).

7.52.030 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. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.231(3)).

7.52.040 Storage of readily combustible materials. Storage in buildings shall be orderly, shall not be within two feet of the ceiling, and not so located as to endanger exit from the building. Storage in the open shall not be more than twenty feet in height, shall be so located with respect to adjacent buildings as not to constitute a hazard, and shall be compact and orderly. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.231(4)).

7.52.050 Flammable decorative materials in stores. Cotton batting, 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 lightbulbs in stores shall not be decorated with paper or other combustible materials unless such materials shall first have been rendered flameproof. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.231(5)).

Chapter 7.54

STORAGE OF PETROLEUM PRODUCTS

Sections:

- 7.54.010 Storage and delivery restricted where.
- 7.54.020 Existing underground storage tanks.

7.54.010 Storage and delivery restricted where. No person, firm or corporation shall deliver, place, receive or store, aboveground or underground, in excess of ten gallons, any gasoline (or like product of petroleum which has a flash point of less than one hundred degrees Fahrenheit when tested in the Tagliabue closed cup tester) upon any premises located in any district of the village zoned as single-family, duplex or multiple-family residence district. (Ord. A-296-75 Part I (part), 1975: prior code SS22.232(1)).

7.54.020 Existing underground storage tanks. Underground storage tanks, as regulated in this section, that were installed prior to adoption of this title, and that are in good repair, may continue to be used until January 1, 1981.

Existing underground storage tanks, as regulated in this section, not in use or not in good repair, shall be abandoned according to approved practices. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.232(2)).

TENTS

Sections:

- 7.56.010 Permit required when.
- 7.56.020 Fire watchers required when.
- 7.56.030 Tents for assembly--Design and construction standards.

7.56.010 Permit required when. No tent exceeding fifteen hundred square feet in area shall be erected, maintained or used without a permit. (Ord. A-296-75 Part I (part), 1975: prior code SS22.233(1)).

7.56.020 Fire watchers required when. 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 condition of exits, and shall patrol the entire tent area during the time of occupancy. They shall see that the aisles and exitways are kept open and that "no smoking" rules are enforced. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.233(2)).

7.56.030 Tents for assembly--Design and construction standards. The design, construction, flameproofing, location, maintenance and use of tents for assembly shall be in accordance with recognized safe practices. Compliance with "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 practices. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.233(3)).

Chapter 7.58

SMOKING PROHIBITIONS

Sections:

- 7.58.010 Smoking defined.
- 7.58.020 Authority of fire chief to prohibit smoking.
- 7.58.030 "No smoking" signs.
- 7.58.040 "No smoking" signs--Violation--Removal of signs prohibited.

7.58.010 Smoking defined. "Smoking" means and includes the carrying of lighted pipe, cigar, cigarette or tobacco in any form. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.234(1)).

7.58.020 Authority of fire chief to prohibit smoking. 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 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 department shall designate specific safe locations, if necessary, in any building, structure or place in which smoking may be permitted. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.234(2)).

7.58.030 "No smoking" signs. "No smoking" signs required in accordance with Section 7.58.020 shall read "By Order of the Chief of the Fire Department." (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.234(3)).

7.58.040 "No smoking" signs--Violation--Removal of signs prohibited. No person shall remove any legally required "no smoking" sign or smoke in any place where such signs are posted. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.234(4)).

Chapter 7.60

FIRE HAZARDS

Sections:

7.60.010 Hazardous conditions--Orders to eliminate.

7.60.020 Hazardous conditions--Service of orders.

7.60.010 Hazardous conditions--Orders to eliminate.

Whenever any of the officers, members or inspectors of the Fire Department, as mentioned in Chapter 7.14, find in any building or upon any premises any dangerous or hazardous conditions as follows, he or they shall order such dangerous conditions or materials to be removed or remedied in such manner as may be specified in the order:

A. Dangerous or unlawful amounts of combustible or explosive matter;

B. Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive matter;

C. Dangerous accumulations of rubbish, wastepaper, boxes, shavings or other highly flammable materials;

D. Accumulations of dust or waste material in air-conditioning systems or of grease in kitchen exhaust duct;

E. 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;

F. Any building 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 age or dilapidated condition, or from any other cause, creates a fire hazard or a threat to life and safety. (Ord. A-511-88 Part 8, 1988; Ord. A-296-75 Part 1 (part), 1975: prior code SS22.235(1)).

7.60.020 Hazardous conditions--Service of orders. The service of such orders as mentioned in Section 7.60.010 may be 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 such 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 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.

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 title 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. (Ord. A-296-75 Part 1(part), 1975: prior code SS22.235(2)).

Chapter 7.62

PERMIT FEE SCHEDULE

Sections:

7.62.010 Permit fee schedule.

7.62.010 Permit fee schedule. The schedule of permit fees to be paid shall be as follows and such fees must be paid prior to installation of any fire protection system:

- A. Twenty dollars for plan review and construction inspection;
- B. Fifteen dollars for sprinkler system hydrostatic test inspection. (Ord. A-258-78 Part 16, 1978: Ord. A-329-77 Part 1, 1977: Ord. A-296-75 Part 1 (part), 1975: prior code SS22.301).

Chapter 7.64

PENALTY

Sections:

7.64.010 Violations subject to penalty.

7.64.020 Penalty for violations.

7.64.010 Violations subject to penalty. A. Any person who shall violate any of the provisions of this title 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 order as affirmed or modified by the chief of the fire department or the village board, or by a court of competent jurisdiction, within the time fixed in this title shall be subject to the penalty provided in Section 7.64.020.

B. The application of the penalty in subsection (A) of this section shall not be held to prevent the enforced removal of prohibited conditions. (Ord. A-296-75 Part 1 (part), 1975: prior code SS22.302).

7.64.020 Penalty for violations. A. Penalty Designated. Any person who shall violate any of the provisions of this title shall upon conviction of such violation, be subject to a penalty which shall be as follows:

1. First offense. Any person who violates any provisions of this title subject to a penalty shall, upon conviction thereof, forfeit not less than twenty-five dollars nor more than two hundred dollars, together with the cost of prosecution. In the event of a failure to pay such forfeiture where no showing of indigency is made,

the defendant may be imprisoned for no more than ninety days, as the court deems fit, or until such judgment is sooner paid.

2. Second Offense. Any person found guilty of violating any ordinance or part of an ordinance codified in this title who has previously been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than fifty dollars nor more than two hundred and fifty dollars per day for each such offense together with the costs of prosecution. In the event of a failure to pay such forfeiture, where no showing of indigency is made, the defendant may be imprisoned for no more than ninety days, as the court deems fit, or until judgment is sooner paid.

B. Continued Violations. Each violation and a violation continues or occurs shall constitute a offense. Nothing in this title shall preclude the village from maintaining any appropriate action to prevent violation or remove violation of any provision of this title.

C. Execution Against Defendant's Property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of the court for violation of any ordinance of the village, the court may in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and cost. (Ord. A-511-88 Part 7, 1988; Ord. A-359-78 Part 15, 1978: prior code SS22.303).