

## CHAPTER 3

### Fire Prevention Code; Hazardous Materials

#### SEC. 5-3-1 ADOPTION OF STATE CODES.

- (a) Wis. Stats. §35.93 and Wisconsin Administrative Codes SPS 301 to SPS 399 Safety, Buildings, and Environment and ATCP 93, Flammable and combustible Liquids are hereby adopted by reference and made a part of the City Fire Prevention Code. For the purposes of this section, these provisions are adopted to enable the Fire Department to note any violations of such codes and to report those violations to the appropriate community service inspectors. The fire inspectors shall have the authority to cite such violations on fire inspections.

Overall enforcement responsibility for the provisions of this section will be equally shared by the building inspector and the fire inspector. The building inspector has the primary responsibility during construction of the building while the fire inspector has primary responsibility after the building is completed. Primary responsibility for particular sections of the above provisions shall be as indicated in the Wisconsin Administrative Code.

- (b) The most current, published edition of the International Fire Code® (hereinafter "IFC") is hereby adopted as the local use and maintenance fire prevention code as though fully set forth herein, with the following exception: Section 105 (Permits) of Chapter 1, "Administration," of the IFC is not included as part of the adoption of the IFC.
- (c) The National Fire Protection Association (NFPA) codes and standards currently adopted by the State are hereby adopted by reference and made a part of the City Fire Prevention Code with the same force and effect as though set forth herein in full, unless otherwise found to be in conflict with superseding state or local codes and/or standards, the most stringent code will apply.
- (d) Any fire prevention concern not herein addressed by code or adopted standards will be addressed on the basis of current adopted International Fire Code and/or the aforementioned National Fire Protection Association Standards.

#### SEC. 5-3-2 DISCLOSURE OF HAZARDOUS MATERIALS AND INFECTIOUS AGENTS; REIMBURSEMENT FOR CLEAN-UP OF SPILLS

(a) **APPLICATION.**

- (1) All persons, firms or organizations using, researching or producing hazardous materials and/or infectious agents shall notify the Fire Department as prescribed by this Section.
- (2) The provisions of this Section shall apply to all persons, firms or organizations using, researching, producing or storing hazardous materials and/or infectious agents on and after the effective date of this Section.

(b) **DEFINITIONS.**

- (1) "Infectious agent" is a bacterial, mycoplasmal, fungal, parasitic or viral agent known to cause illness in humans which is used, researched, produced or stored within or on premises.
- (2) "Hazardous materials" are those materials that can cause death or disabling injury from brief exposure; those materials that could cause a lost-time injury from exposure; and those materials that could cause temporary disability or injury without permanent effects which are used, researched, produced or stored within or on premises except those household consumer products used at the point of consumption and not used for commercial or experimental purposes. This definition of hazardous materials shall include radioactive materials.

(c) **INFORMATION REQUIRED.**

- (1) Any person, firm or organization using, researching, producing and/or storing any hazardous materials shall provide in writing to the Fire Department the following information:
  - a. Address, location of where hazardous materials are used, researched, stored or produced;
  - b. The trade name of the hazardous material;
  - c. The chemical name and any commonly used synonym for the hazardous material and the chemical name and any commonly used synonym for its major components;
  - d. The exact locations on the premises where materials are used, researched, stored and/or produced;
  - e. Amounts of hazardous materials on premises per exact location;
  - f. The boiling point, vapor pressure, vapor density, solubility in water, specific gravity, percentage volatile by volume, evaporation rate for liquids and appearance and order of the hazardous material;
  - g. The flashpoint and flammable limits of the hazardous substance;
  - h. Any permissible exposure level, threshold limit value or other established limit value for exposure to a hazardous material;
  - i. The stability of the hazardous substance;
  - j. Recommended fire extinguishing media, special firefighting procedures and fire and explosion hazard information for the hazardous material;
  - k. Any effect of over-exposure to the hazardous material, emergency and first aid procedures and telephone numbers to call in an emergency;
  - l. Any condition or material which is incompatible with the hazardous material and must be avoided.
  - m. Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming into contact with the hazardous materials;
  - n. Procedures for handling or coming into contact with the hazardous materials.
- (2) Any person, firm or organization using, researching, producing and/or storing infectious agent and/or carrier of an infectious agent shall provide in writing to the Fire Department the following:
  - a. The name and any commonly used synonym of the infectious agent;
  - b. Address/location where infectious agents are used, researched, stored and/or produced;
  - c. The exact locations where infectious agents are used, researched, stored and/or produced;
  - d. Amount of infectious agent on premises per exact locations;
  - e. Any methods of route of transmission of the infectious agents;
  - f. Any symptoms of effect of infection, emergency and first aid procedure and a telephone number to be called in an emergency;
  - g. Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming in contact with the infectious agent;
  - h. Procedure for handling, clean-up and disposal of infectious agents leaked or spilled.

- (d) **REIMBURSEMENT FOR CLEANUP OF SPILLS.** Any person who possesses or controls a hazardous material or infectious agent which was discharged or caused the discharge of a hazardous material or infectious agent shall reimburse the City for actual and necessary expenses incurred by the City or its agent to contain, remove or dispose of the hazardous substance or infectious agent or take any other appropriate action which is deemed appropriate under the circumstance.

### **SEC. 5-3-3 SMOKE DETECTOR REQUIREMENT.**

- (a) **GENERAL REQUIREMENTS FOR SMOKE DETECTORS.** All required smoke detectors shall comply with the provisions of NFPA No. 72-E-1982-Standard on Automatic Fire Detectors or NFPA No. 74-1980-Household Fire Warning Equipment.
- (b) **INSTALLATIONS.**
  - (1) Each living unit shall be provided with an approved, listed and labeled smoke detector sensing visible or invisible particles of combustion, installed in the basement of the dwelling unit and on each floor level except the attic or storage area of each dwelling. "Basement" means that portion of a dwelling between floor and ceiling which is below or partly below and partly above grade but so located that the vertical distance from the grade to the floor below is more than the vertical distance from grade to ceiling. A smoke detector will be required in a basement only if the ceiling height is six (6) feet or more and only if that portion of the structure is used for storage, heating, air conditioning or living space.
  - (2) Except as provided in Section ILHR 57.16(2)(b), all smoke detectors connected with each other or with the manual fire alarm system shall be installed in accordance with the provision of NFPA No. 72A-1979-Standard for the Installation, Maintenance and Use of Local Protective Signaling Systems for Guard's Tour, Fire Alarm and Supervisory Service. Where smoke detectors are interconnected with the manual fire alarm system, the smoke detectors shall be wired in accordance with the provisions specified in Section ILHR 16.34, Wis. Adm. Code.
- (c) **OPERATION AND MAINTENANCE.**
  - (1) The owner of any rental unit shall be responsible for the installation of a smoke detector system in compliance with Subsections (b)(1) and (2) above. It shall be the responsibility of the owner to assure that the system is operational prior to initial occupancy and upon change of tenants.
  - (2) The tenant shall be responsible for day-to-day maintenance and testing of the smoke detector system including replacement of batteries where applicable. In the event of malfunction other than that which can be remedied by day-to-day maintenance, the tenant shall notify the owner in writing of any such malfunction.
  - (3) The owner shall have five (5) days upon receipt of the written notice from the tenant to repair or replace the smoke detector or smoke detection system.
- (d) **COMPLAINT OF TENANTS.** Any time a complaint is received by the Fire Inspector or Building Inspector from a tenant of a dwelling unit that smoke detectors are not provided, the Fire Inspector shall issue orders to the owner of said property, requiring that a smoke detector verification form be completed and signed when the smoke detectors are installed.
- (e) **VERIFICATION FORM.** Upon resale where real property status is requested from the City for a property used in whole or part for residential purposes, a smoke detector verification form shall be completed and signed by the owner or agent, indicating that smoke detectors are installed in said dwellings. A copy of the verification form shall be kept on file in the Department of Community Development.
- (f) If Neenah-Menasha Fire Rescue responds to a non-owner occupied residential property and finds that properly installed working smoke detectors are not present, it will install smoke detectors as needed and the property owner will be responsible to pay the cost, as determined by the Common Council, imposed as a special charge pursuant to §66.0627, Wis. Stats. Notice of the special charge shall be mailed to the last-known address of the owner of the parcel and shall be payable within thirty (30) days after billing. Any charge not paid on or before the next succeeding November 15 shall be placed upon the tax roll for collection as other special municipal taxes.

#### **SEC. 5-3-4 AUTOMATIC SPRINKLER SYSTEMS.**

- (a) **SYSTEM REQUIREMENTS.** Whenever automatic sprinkler equipment is required or installed, it shall be connected to an adequate water supply with sprinkler heads, valves and auxiliary equipment of standard types suitable for the individual building to be protected as determined by Standard 13 National Fire Prevention Association in effect at the date of installation. No automatic sprinkler equipment shall be installed or altered in a building until plans have been submitted to the Fire Prevention Bureau and approved. Two (2) copies of plans shall be submitted and approved plans stamped "Approved by Fire Prevention Bureau." One (1) copy shall be returned to the owner and the other kept on file in the Fire Department. This is in addition to plans that are on file with the Building Inspector.
- (b) **INSPECTIONS.** Every automatic sprinkler system required under this Section shall be inspected upon installation and at least once a year by the Bureau of Fire Prevention. A certificate indicating such inspection has been made and that the system is approved shall be issued to the owner by the Bureau.
- (c) **MAINTENANCE.** The owner or occupant of a building containing the required automatic sprinkler system or in which one is installed shall maintain the system in an operative condition at all times. The occupant of the building shall notify the Chief of the Fire Department prior to interrupting this system for any reason or at the time it is withdrawn or its service interrupted or curtailed.
- (d) **FEE REQUIRED.** The initial fee for the installation of an automatic sprinkler system shall be a Ten Dollar (\$10.00) base fee for up to One Thousand Dollars (\$1,000.00) in the value of the system. Thereafter, the fee shall be increased One Dollar (\$1.00) per One Thousand Dollars (\$1,000.00) to Fifty Thousand Dollars (\$50,000.00), and Fifty Cents (50) per One Thousand Dollars (\$1,000.00) over Fifty Thousand Dollars (\$50,000.00).

#### **SEC. 5-3-5 RE-INSPECTIONS OR MISSED APPOINTMENTS.**

- (a) Any person who shall fail to comply with any lawful order of the Fire Chief or a designated NMFR representative, issued pursuant to the provisions of this Chapter, may be assessed a re-inspection fee, which fee shall be established by the Common Council.
- (b) The Fire Chief shall keep an accurate account of all unpaid inspection fees incurred for re-inspection or missed appointment services and such fees shall be charged to and paid by the parcel or lot owner. Notice of the bill for such fees shall be mailed to the last-known address of the owner of the parcel or lot and shall be payable within thirty (30) days after billing. Any charge not paid on or before the next succeeding November 15 shall be placed upon the tax roll for collection as other special municipal taxes.