

CHAPTER 24

FIRE PREVENTION CODE

(Amd. GO 30-09)

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PURPOSE AND SCOPE

24.01 **INTENT**. It is the intent of this chapter to safeguard 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 or property in the use or occupancy of buildings or premises.

24.02 **APPLICABILITY**.

(1) This chapter shall apply to both new and existing conditions, provided existing conditions not in strict compliance with the terms of this chapter may be permitted to continue where such continuation does not constitute a substantial hazard to life or property.

(2) Nothing contained in this chapter shall be construed as applying to the transportation of anything shipped under the jurisdiction of and in compliance with the regulations prescribed by the United States Department of Transportation nor as applying to the military forces of the United States.

(3) Violations of City ordinances or State codes that are unrelated to fire prevention but are under the jurisdiction of another City department shall be referred to that department for disposition.

(4) Where existing structures have components or systems that fail to comply with the current requirements of this ordinance, such existing conditions shall be brought into compliance with the current code at such time where there is a change of use or occupancy type, a change of ownership, an addition is made to such premises, or remodeling of 50% of the value of the structure, not including value of the property, is made over a four-year period.

24.03 **OTHER PROVISIONS A PART OF THIS CHAPTER**. This chapter shall consist of the following:

(1) The express provisions set forth herein.

(2) All ordinances and lawful orders of the City now or hereafter in effect relating to fire prevention or the safeguarding of life and property from the hazards of fire and explosion, the handling, storage, sale, and use of hazardous substances, materials and devices, conditions hazardous to life and property in the use or occupancy of buildings, structures, or premises, and the safety of firefighters in the performance of their duties.

(3) All laws and lawful orders of the State relating to conditions as described in sub. (2) now or hereafter in effect. They shall have the same force and effect as though fully set forth herein.

(4) (Amd. GO 36-12) International Fire Code® 2009 Edition Adopted. (Rep. & Rec. GO 30-09) The International Fire Code® (“IFC”) 2009 Edition is hereby adopted and by reference made part of this Chapter as if fully set forth herein.

(a) The following sections contained within the IFC are hereby revised:

1. Section 101.1 – Insert: City of Green Bay
2. Section 109.3 – Insert: SPECIFY OFFENSE: civil ordinance violation
AMOUNT: \$500.00 plus costs
NUMBER OF DAYS: the number of days allowed by law
3. Section 111.4 – Insert: AMOUNT (1): \$500.00 plus costs
AMOUNT (2): \$1000.00 plus costs

(b) The geographic limits referred to in certain sections of the 2006 International Fire Code® are hereby established as follows:

1. Section 3204.3.1.1: storage of flammable cryogenic fluids in stationary containers is governed by all applicable NFPA standards.
2. Section 3404.2.9.5.1: storage of Class I and Class II liquids in above-ground tanks outside of buildings is governed by all applicable NFPA standards.
3. Section 3406.2.4.4: storage of Class I and Class II liquids in above-ground tanks is governed by all applicable NFPA standards.
4. Section 3804.2: for the protection of heavily populated or congested areas, storage of liquefied petroleum gas is governed by all applicable NFPA standards.
- (5) Where the requirements of the State Code and the express provisions of this chapter conflict, the stricter requirements shall govern.

ADMINISTRATION

24.04 **AUTHORITY**. The City of Green Bay Fire Prevention Code shall be enforced by the Chief of the Green Bay Fire Department.

24.05 **THE CHIEF OF THE FIRE DEPARTMENT MAY DELEGATE AUTHORITY**. The Chief may delegate authority to subordinates in the Fire Department, and the actions of such authorized subordinates shall be construed as valid actions of the Chief.

24.06 **ORDERS TO ELIMINATE DANGEROUS OR HAZARDOUS CONDITIONS**.

(1) **WHEN TO BE ISSUED**. Whenever the Chief finds in any building or upon any premises any of the following dangerous or hazardous conditions or materials which present a clear and present danger due to likelihood of fire or explosion, such materials shall be removed or conditions remedied in a reasonable manner:

- (a) Dangerous or unlawful amounts of combustible or explosive materials.
- (b) Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive materials.

(c) Dangerous or unlawful accumulations of rubbish, waste, paper boxes, shavings, or other flammable materials.

(d) Accumulations of dust or waste material in air conditioning or ventilation system or of grease in kitchen or other exhaust ducts.

(e) Obstructions of fire escapes, stairs, passageways, doors, or windows which are liable to interfere with the operations of the Fire Department or egress of occupants in case of fire.

(2) SERVICE OF ORDERS.

(a) The service of written orders for the correction of violations of this chapter shall be made upon the owner, occupant, or other person responsible for the conditions, either by delivering a copy of same to any person in charge of the premises or by mailing such orders to the owner or other responsible person. This subsection shall not preclude the Chief from issuing orders orally or in such other manner as deemed appropriate under the circumstances.

(b) If buildings or other premises are owned by one person and occupied by another, the orders issued in connection with the enforcing of this chapter shall apply to the occupant thereof as well as to the owner, except where the rules or orders require the making of additions to or changes in the premises themselves, such as would immediately become fixtures upon real estate or 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.

(c) Receipt of such orders by the owner or occupant shall be sufficient notice to effect compliance with the order.

(d) (Amd. GO 30-09) The owner of any occupancy identified with a fire code violation will typically have 14 days to correct the deficiencies. Violations that present a significant threat to life, as identified in International Fire Code ® 2006 Edition, must be corrected immediately. The timeframe to correct deficiencies will be identified on the inspection report or through correspondence from the Fire Marshal's office. Any fire code violation not corrected within the specified time allotment will be warned again, and seven days will be given to correct non-Life Safety Code violations. A third warning for the same uncorrected violation will result in a citation being issued by the Fire Chief or designee.

(3) THREE STRIKES RULE. Whenever the Chief shall find in any building or upon any premises during any three consecutive inspections or re-inspections a fire prevention, detection, or suppression system which is defective, inoperative, improperly maintained or improperly operated, the Chief may order the following remedies:

(a) If the system includes one or more exit light(s) which have not been illuminated during inspections, the Chief may order that any or all of the exit lights in such premises be equipped with self-illuminating lights or lights equipped with light emitting diodes (LEDs).

(b) If the system includes one or more self-closing fire door(s), any of which have been found to have been held open with non-approved hold open devices during inspections, the Chief may order that any or all of the fire doors in such premises be equipped with an automatic closing device.

(c) If the system includes one or more battery operated smoke detector(s) which have been inoperative during inspections, the Chief may order that the premises be equipped with smoke detectors hardwired into the electrical service of the premises.

(d) If the system includes emergency exit doors which, during hours of occupancy, have been found to be secured or locked with bolts, bars, chains, padlocks, or locking devices other than the primary door lock, the Chief may order the removal of such bolts, bars, chains, padlocks, or additional locking devices; and the Chief may further order that all emergency exit doors within the premises be equipped with panic door release hardware.

(e) This subsection shall not be construed as a limitation upon the powers of the Chief to issue orders for corrections of violations nor shall this subsection be construed as a limitation upon any of the powers of the Chief under any applicable provision of the City of Green Bay Code of Ordinances, Wisconsin Administrative Code, or the Wisconsin State Statutes.

24.07 **DEFINITIONS.**

(1) The term "approved", as used in this chapter, means approval granted by the Fire Chief or the highest-ranking officer of the Fire Prevention Division under the regulations of this chapter.

(2) The term "authority having jurisdiction", as used in Wisconsin Administrative Code or IFC Codes or Standards adopted herein, means the City of Green Bay, the Fire Department, the Fire Chief, or the highest ranking officer of the Fire Marshall's office.

(3) (Amd. GO 30-09) MARSHAL. Fire Marshal's office, a section of the Green Bay Fire Department, which is responsible for fire prevention duties including, but not limited to, code enforcement, conduct of fire inspections, public information work, fire investigation, and other activity which may have as its purpose the prevention of fire and the reduction of life and property losses from fire.

24.08. **FIRE PREVENTION INSPECTIONS AND FEES.**

(1) Fees for Re-inspection. Any person who shall fail or neglect to comply with any lawful order of the Fire Chief or his/her designee issued pursuant to the provisions of this Chapter may be assessed \$30 per inspection for compliance inspections in excess of two. Re-inspection fees that are not timely paid shall be entered on the tax roll as a special charge against said lot or parcel of land pursuant to the provisions of Sec. 66.0627, Wis. Stats., for collection and settlement under Ch. 74, Wis. Stats.

(2) Reduction in Fire Inspection Frequency. (Cr. GO 40-10), (Amd. GO 37-12) Pursuant to SPS 314.001 (13)(b)7.a., the fire chief is authorized to reduce the frequency of fire inspections to not less than once per calendar year, provided the interval between those inspections does not exceed fifteen (15) months.