

Title 17

FIRE PREVENTION

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Chapter 17.04

PURPOSE, SCOPE, AND EXCEPTIONS

Sections:

- 17.04.010 Purpose.
- 17.04.020 Scope.
- 17.04.030 Exceptions.

17.04.010 Purpose. It is the intent of this code 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. (Ord. 61-5320 §1, 2007, File No. 92-1019.)

17.04.020 Scope. The provisions of this code shall apply equally to new and existing conditions except that existing conditions not in strict compliance with the terms of this code shall be permitted to continue where the exceptions do not constitute a distinct hazard to life or adjoining property. (Ord. 61-5320 §1, 2007, File No. 92-1019.)

17.04.030 Exceptions. Nothing contained in this code shall be construed as applying to the transportation of any article or thing shipped in conforming with the regulations prescribed by the Interstate Commerce Commission, nor as applying to the military forces of the United States. (Ord. 61-5320 §1, 2007, File No. 92-1019.)

Chapter 17.08

ADOPTION OF CODES

Sections:

- 17.08.010 Codes adopted.
- 17.08.020 Interpretation of conflict.
- 17.08.030 Copies filed.

17.08.010 Codes adopted. The following codes as adopted by the state of Wisconsin are by reference made a part of the city fire prevention code along with any subsequent amendments and/or revisions thereto also adopted by the State of Wisconsin:

- (a) Comm 5 - Credentials;
- (b) Comm 7 - Explosive Materials;
- (c) Comm 9 - Manufacture of Fireworks;
- (d) Comm 10 - Flammable and Combustible Liquids;
- (e) Comm 14 - Fire Prevention;
- (f) Comm 16 - Electrical;
- (g) Comm 18 - Elevators;
- (h) Comm 28 - Smoke Detectors;
- (i) Comm 50-64 - Building and Heating, Ventilation, and Air Conditioning (built prior to July 1, 2002);
- (j) Comm 61-65 - Wisconsin Commercial Building (built on or after July 1, 2002);
- (k) Comm 66 - Uniform Multifamily Dwellings (built prior to July 1, 2002);
- (l) Comm 70 - Historic Building;
- (m) Comm 75-79 - Existing Buildings;
- (n) NFPA 1 - Fire Prevention Code;
- (o) NFPA 54 - National Fuel Gas Code;
- (p) NFPA 58 - Liquefied Petroleum Gas Code; and
- (q) NFPA 101 - Life Safety Code.

(Ord. 61-5320 §1, 2007, File No. 92-1019.)

17.08.020 Interpretation of conflict. Whenever the provisions of the codes mentioned in section 17.08.010, conflict, the stricter interpretation shall apply. (Ord. 61-5320 §1, 2007, File No. 92-1019.)

17.08.030 Copies filed. Official copies of each of the codes are now on file in the office of the clerk and the chief of the fire department, and shall remain so filed and be, at all reasonable times, open to inspection by any interested persons. (Ord. 61-5320 §1, 2007, File No. 92-1019.)

Chapter 17.10

INSPECTION FEES AND PERMITS

Sections:

- 17.10.010 Fees designated.
- 17.10.020 Permits required.

17.10.010 Fees designated. Fees for the following matters shall be as provided in section 3.40.010(a) unless specifically noted otherwise:

(a) Department of Commerce Petition for Variance.

- (1) Variance requires no position statement, chief's signature
- (2) Variance requires position statement, no site visits
- (3) Variance requires position statement, one site visit
- (4) Multiple variances filed concurrently for same site

First petition	\$60.00
Each additional petition	\$25.00
Per site visit	\$35.00

(b) Aboveground/Underground Storage Tank(s) Inspection for Removal and/or Installation of Tanks Not Covered by Department of Commerce Codes.

- (1) Initial permit fee
- (2) Tank removals and/or installations (per tank)
- (3) Tank installation or lining fees:

Plan examination:

1st tank system/component _____ x \$35 =	\$
2nd through 10th system/component	
(Max. = \$150 for 11 or more) _____ x \$10 =	\$
Total plan examination fees	\$

Site inspection:

\$50.00 for each tank system/component
 (Min. = \$100; Max. = \$1,700) _____ x \$50 =\$
 Line tanks (includes inspection fee) per submission x \$65 =\$
 New construction/conversion to self-service,
 key-card-code per submission x \$78 =\$

(c) Aboveground/Underground Storage Tank Inspections.

(1) Fees for addition of upgrade for leak detection, spill protection, overfill protection, corrosion protection:

Plan examination \$22.00
 Site inspection..... \$50.00
 Revision of previously approved plan (Plan No. _____) \$22.00

(2) Fees for system upgrades in conjunction with the addition of piping and/or tank(s) in systems under five thousand gallons shall be:

Installation plan review \$35.00
 Site inspection..... \$100.00
 Upgrade plan review..... \$22.00
 Site inspection..... \$50.00
 Total..... \$

(d) Temporary or permanent L.P. installations of 250 gallon to 2,000 gallon W.C. - commercial and/or industrial site (one and two family residential and agricultural installations are not excluded) \$50.00

(e) Fees for reinspection. Any person who shall fail or neglect to comply with any lawful order of the chief of the fire department or his/her designee issued pursuant to the provisions of this chapter may be assessed thirty dollars per inspection for compliance inspections in excess of two. Reinspection 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 Section 66.0627 of the Wisconsin Statutes for collection and settlement under Chapter 74 of the Wisconsin Statutes.

(Ord. 61-5320 §1, 2007, File No. 92-1019; Ord. 61-4880 §1, 1994; Ord. 61-4799 §1, 1993; Ord. 61-4789 §1, 1993; Ord. 61-4728 §1, 1990.)

17.10.020 Permits required. The fees for the following permits shall be as provided in section 3.40.010(a):

- (a) Controlled burning
- (b) Fireworks/Pyrotechnics

- (c) Tents
- (d) Wood-fired apparatuses
- (e) Recreational burning permit (for a term of 5 years)

(Ord. 61-5605 §30(part), File No. 13-1109; Ord. 61-5605 §29(part), File No. 13-1109; Ord. 61-5378 §1, 2009, File No. 03-0119; Ord. 61-5333 §1, 2007, File No. 03-0119; Ord. 61-5320 §1, 2007, File No. 92-1019.)

Chapter 17.12

DEFINITIONS

Sections:

- 17.12.010 Generally.
- 17.12.020 Approved.
- 17.12.040 Dwelling.
- 17.12.060 Institutional building.
- 17.12.070 Multifamily dwelling.
- 17.12.080 Person.
- 17.12.110 Tents.

17.12.010 Generally. Unless otherwise expressly stated, the following terms shall, for the purpose of this code, have the meanings indicated in this chapter. (Ord. 61-5320 §1, 2007, File No. 92-1019.)

17.12.020 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. 61-5320 §1, 2007, File No. 92-1019.)

17.12.040 Dwelling. “Dwelling” means a building occupied exclusively for residence purposes and having not more than two apartments, or as a boarding or rooming house serving not more than fifteen persons with meals or sleeping accommodations or both. (Ord. 61-5320 §1, 2007, File No. 92-1019.)

17.12.060 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. (Ord. 61-5320 §1, 2007, File No. 92-1019.)

17.12.070 Multifamily dwelling. “Multifamily dwelling” means a building occupied as the home or residence of individuals, families or households living independently of each other, of which three or more are doing cooking within their apartments; including tenement house, apartment house, flat. (Ord. 61-5320 §1, 2007, File No. 92-1019.)

17.12.080 Person. “Person” means and includes person, persons, firm, corporation or copartnership. (Ord. 61-5320 §1, 2007, File No. 92-1019.)

17.12.110 Tents. A temporary structure, the covering of which is made of pliable material that achieves its support by mechanical means such as beams, columns, poles, or arches, or rope or cables, or both. A tent shall also include temporary tensioned-membrane structures and canopies. (Ord. 61-5320 §1, 2007, File No. 92-1019.)

Chapter 17.16

FIRE CHIEF

Sections:

- 17.16.010 Authority to enter premises.
- 17.16.020 Inspections of buildings and premises.
- 17.16.030 Investigation of fires.
- 17.16.040 Fire records.
- 17.16.050 Annual report.
- 17.16.060 Modifications.
- 17.16.070 Appeals.
- 17.16.080 New materials, processes or occupancies which may require permits.
- 17.16.090 Fire equipment on private property.

17.16.010 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. 61-5320 §1, 2007, File No. 92-1019.)

17.16.020 Inspections of buildings and premises. (a) 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 members, 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 code and of any other ordinance affecting the fire hazard, and to insure 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. (Ord. 61-5320 §1, 2007, File No. 92-1019.)

(b) 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. 61-5320 §1, 2007, File No. 92-1019.)

17.16.030 Investigation of fires. (a) The chief of the fire department shall investigate the cause, origin and circumstances of every fire occurring in the city which is of suspicious nature or which involves loss of life or injury to persons 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 officer in whose district the fire occurs, 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. 61-5320 §1, 2007, File No. 92-1019.)

(b) The city 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. 61-5320 §1, 2007, File No. 92-1019.)

17.16.040 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.

17.16.050 Annual report. A report of the fire department shall be made annually and transmitted to the mayor and common council. It shall contain all proceedings under this code, 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. 61-5320 §1, 2007, File No. 92-1019.)

17.16.060 Modifications. The chief of the fire 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 the code, provided that the spirit of the code 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 department thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant. (Ord. 61-5320 §1, 2007, File No. 92-1019.)

17.16.070 Appeals. Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the common council within ten days from the date of the decision of the chief. In the event of such appeal, the council 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. 61-5320 §1, 2007, File No. 92-1019.)

17.16.080 New materials, processes or occupancies which may require permits. The mayor, the chief of the fire department and the city engineer 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 code. The chief of the fire department shall post such a list in a conspicuous place in his office and in the office of the clerk, and may distribute copies thereof to interested persons. (Ord. 61-5320 §1, 2007, File No. 92-1019.)

17.16.090 Fire equipment on private property. The fire department, through its authorized representative, must approve all fire hydrants, stand pipes 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 a nonjacket type, five inch valve opening with two two and one-half inch and one four inch connections, with threads to be TP7532.

The hydrant must open to the right with a Wausau standard operating nut. The main valve gasket shall be leather. Hydrants are to be placed with seven feet of earth cover and sufficient drainage bedding to allow hydrant to drain dry. Stand pipes or sprinkler connections for fire protection, internal or external, shall be two and one-half inch diameter and shall have national standard couplings. Connection points shall be between three feet and four feet above the finished property grade. (Ord. 61-5320 §1, 2007, File No. 92-1019.)

Chapter 17.20

PERMITS

Sections:

- 17.20.010 Permissions granted—Limitations.
- 17.20.020 Approval before issuance.
- 17.20.030 Applications.
- 17.20.040 To be kept on premises.

17.20.010 Permissions granted—Limitations. A permit shall constitute permission to conduct the activity authorized by the chief of the fire department or his designee. Such permit does not take the place of any license required by law. (Ord. 61-5320 §1, 2007, File No. 92-1019.)

17.20.020 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. 61-5320 §1, 2007, File No. 92-1019.)

17.20.030 Applications. All applications for a permit required by this code shall be made to the chief of the fire department in such form and detail as it shall prescribe. (Ord. 61-5320 §1, 2007, File No. 92-1019.)

17.20.040 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 departments. (Ord. 61-5320 §1, 2007, File No. 92-1019.)

Chapter 17.24

BURNING, HEATING AND LIGHTING

Sections:

- 17.24.010 General prohibition on outdoor burning and refuse burning.
- 17.24.020 Open fire and burning allowed by permit.
- 17.24.030 Authority to extinguish fires.
- 17.24.070 Open flame.
- 17.24.080 Apparatus capable of igniting flammable material prohibited.
- 17.24.090 Chimneys and heating appliances.
- 17.24.100 Use of torches or flame producing devices.

17.24.010 General prohibition on outdoor burning and refuse burning. Except as provided for in section 17.24.020, opening burning, outdoor burning, refuse burning, burn barrels, and outdoor wood boilers are prohibited in the city of Wausau, except for:

(a) Cooking with gas or charcoal on portable or permanent grills. For all multi-family dwellings of three or more separate occupancies, the use of an open or closed outdoor cooking fire, charcoal, or propane cooking device or any open-flame device is prohibited within fifteen feet of the structure or above the ground floor. Smoke from cooking grills shall not create a nuisance for neighboring property owners.

(b) Recreational burning in outdoor fireplaces which are fueled by propane or natural gas and are manufactured for this purpose are allowed when they are properly installed to prevent heat or flame from the device from igniting nearby structures, grass, leaves or vegetation. In no event shall any outside fireplace be allowed which utilizes fuel other than natural or LP gas. Additional fuels such as logs, charcoal, coal, wood, paper, vegetation, leaves or cardboard shall not be added to outdoor fireplaces. Installation of all flame producing devices shall follow manufacturer's specifications and shall comply with any applicable permits required by other sections of the city ordinances or state statutes.

(c) Approved training for fire-protection purposes.

(d) Even when open burning is one of the allowed exceptions or allowed by permit, the fire chief shall be authorized to cease all burning and revoke all permits for burning when climatic conditions would make open flames and fires a danger to adjoining properties or when there would be noxious products of combustion affecting neighboring properties. When it is necessary to issue such burning bans, the fire chief shall issue such notice through publication of the ban in the official newspaper of the city and through public service announcements on television and radio stations serving the city of Wausau or by direct notice to a property owner. (Ord. 61-5333 §2, 2007, File No. 03-0119; Ord. 61-5320 §1, 2007, File No. 92-1019; Ord. 61-5198 §1, 2003, File No. 03-0119; Ord. 61-5137 §2, 2001, File No. 01-1018; Ord. 61-4594 §2, 1986.)

17.24.020 Open fire and burning allowed by permit. The fire chief shall be authorized to issue permits for open fires and burning for the following special purposes:

(a) Controlled burning of agricultural materials, forestry debris or prairie areas on parks, farms, wildlife sanctuaries, and cemeteries; provided such burns are issued a current permit by the fire department, the smoke and products of combustion do not create a hazard to nearby streets or a noxious atmosphere for neighbors, the burns are attended by personnel who have readily available fire fighting equipment, and the fire chief has not declared a no burn period due to dry conditions or other unfavorable weather. Such burns shall be restricted to properties of at least five acres under single ownership, and this permit process shall not be construed to allow property owners to burn leaves, grass, trees or landscape debris from their individual properties.

(b) Recreational fires and permits.

(1) Intent. It is the intent of the city that citizens shall have the opportunity to have recreational fires at single-family and two-family dwellings provided that such fires are in strict compliance with restrictions relating to recreational fires. It is further the intent of the city that the police department and fire department shall strictly enforce these restrictions so as to insure that such fires do not compromise safety nor annoy neighbors. Such enforcement shall require an investigation into any complaint and an independent determination by either the police department or the fire department as to whether a particular recreational fire is in compliance with these regulations.

(2) Definitions. The following words, terms and phrases, when used in this section shall have the meaning ascribed to them in this subsection, except where the context clearly indicates a different meaning:

“Fire pit” includes both a below-ground pit and a portable device intended to contain and control outdoor wood fires.

A “recreational fire” is a small, outdoor fire intended for recreation or cooking.

(3) No recreational fire may be started or allowed to continue burning unless such recreational fire is contained in a fire pit.

(4) All recreational fires shall not have a diameter larger than three feet nor may the fire extend more than two feet above the fire pit. All below-ground fire pits shall be at least four inches in depth and shall be surrounded on the outside, above ground, by a noncombustible material such as concrete block, rock or metal. A portable device shall be placed upon a noncombustible surface and secured.

(5) Portable fire pits, such as devices commercially designed and intended to control and contain outdoor wood fires, may be used in accordance with the

manufacturer's specifications, and these regulations, and must be based upon a noncombustible surface at ground level.

(6) Only clean, dry wood or untreated and unpainted lumber is permitted to fuel a recreational fire. If anything else is used, the fire department may respond and extinguish the fire and a citation may be issued.

(7) No recreational fire shall be closer than twenty-five feet from any building, structure, shed, garage, combustible fence or any combustible material or ten feet from any lot line.

(8) No recreational fire shall be started or allowed to continue burning when the wind direction or wind speed will cause smoke, embers, or other burning materials to be carried by the wind toward any building or other combustible materials, nor anytime when the wind speed exceeds seven miles per hour. Smoke from any recreational fire shall not create a nuisance for neighboring property owners. The fire shall be completely extinguished immediately upon the complaint of any smoke nuisance. The police department and the fire department shall strictly enforce this section so as to comply with the intent of subsection (b)(1).

(9) Adequate fire suppression equipment shall be immediately available to control or extinguish the recreational fire.

(10) All recreational fires shall be attended at all times by at least one responsible person of age eighteen or older from the ignition of the fire until the fire is completely extinguished.

(11) The property owner and/or person who have started any recreational fire shall hold the city harmless from any and all damages caused by a recreational fire.

(12) A person utilizing or maintaining an outdoor fire shall be responsible for all suppression costs and any other liability resulting from damage caused by the fire.

(13) Any property owner who wishes to have a recreational fire must obtain a permit from the city clerk. The permit shall contain the name and address of the location where the portable fire pit is to be used. Such permit is not transferable to any other person nor any other location. Such a permit shall issue upon a showing that there will be compliance with all applicable laws and ordinances.

(14) The permit specified in subsection (b)(13) of this section shall require a fee as provided in section 3.40.010(a) to be paid to and collected by the clerk/finance department. A permit shall be valid from the date of issuance and shall expire on March 31st of the fifth year following issuance. No permit shall be valid for more than five (5) years and there shall be no prorating the fee for a partial year. A copy of section 17.24.020 shall be provided to the permittee by the city clerk's office along with the permit.

(15) No recreational fire shall be started or allowed to continue unless the permit can be produced and shown to anyone who requests to see it.

(16) No recreational fire may be started or allowed to continue between 12 a.m. and 12 p.m. Any such fire is presumed unreasonable and must be extinguished upon demand.

(17) The city clerk's office shall send to any permittee a copy of any subsequent amendments to this section. Any such amendments may be sent by regular mail to any permittee.

(18) Recreational fires may be permitted at business, commercial, or other like establishments upon application for a permit by the owner of the premises, approval of a permit as provided herein, and strict compliance with all provisions of the subsection. Applications for permits by business, commercial, or other like establishments shall be submitted to the city clerk who shall forward the application to the chief of the fire department. The chief of the fire department or his or her designee shall perform an assessment of the premises for which the permit is requested to determine the ability of the premises and applicant to comply with the provisions of this subsection and shall make a recommendation to the Public Health and Safety Committee which shall then make the determination for issuance of the permit on a case by case basis.

(c) Use of wood-fired apparatuses by businesses, commercial establishments, and organizations or if used in conjunction with community events.

(d) The fire chief or any authorized officer, agent, employee or representative of the city of Wausau who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance. Note: If this owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with Sections 66.0119 of the Wisconsin Statutes.

(e) The penalty for violation of any portion of this ordinance shall be a forfeiture in the deposit amount of two hundred fifty dollars plus the cost of prosecution and may result in the permanent revocation of the permit. Penalties are doubled for second and subsequent offenses.

(Ord. 61-5641 §1, 2014; Ord. 61-5605 §31(part), File No. 13-1109; Ord. 61-5529 §1, 2012, File No. 03-0119; Ord. 61-5333 §3, 2007, File No. 03-0119; Ord. 61-5320 §1, 2007, File No. 92-1019; Ord. 61-5220 §1, 2003, File No. 03-0119; Ord. 61-5216 §1, 2003, File No. 03-0119; Ord. 61-5198 §1, 2003, File No. 03-0119.)

17.24.030 Authority to extinguish fires. The fire chief or designee shall have the authority to order open burning and fires extinguished when such fires are deemed to present a hazard to life, property or health. The fire department shall have the authority to extinguish fires or open flames to

protect the lives, property, and health of the city and its citizens. (Ord. 61-5320 §1, 2007, File No. 92-1019; Ord. 61-5198 §1, 2003, File No. 03-0119.)

17.24.070 Open flame. 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. (Ord. 61-5320 §1, 2007, File No. 92-1019.)

17.24.080 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. 61-5320 §1, 2007, File No. 92-1019.)

17.24.090 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. (Ord. 61-5320 §1, 2007, File No. 92-1019.)

17.24.100 Use of torches or flame producing devices. Any person using a torch or other flame or heat-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. (Ord. 61-5320 §1, 2007, File No. 92-1019.)

Chapter 17.28

COMBUSTIBLE MATERIALS

Sections:

- 17.28.010 Hot ashes and other dangerous materials.
- 17.28.020 Accumulations of waste materials.
- 17.28.030 Handling readily combustible materials.
- 17.28.040 Storage of readily combustible materials.
- 17.28.050 Flammable decorative materials in stores.

17.28.010 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 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. 61-5320 §1, 2007, File No. 92-1019.)

17.28.020 Accumulations of waste materials. Accumulations of waste paper, 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 court, yard, vacant lot or open space. All weeds, grass, vines or other growth, when 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. 61-5320 §1, 2007, File No. 92-1019.)

17.28.030 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. 61-5320 §1, 2007, File No. 92-1019.)

17.28.040 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. 61-5320 §1, 2007, File No. 92-1019.)

17.28.050 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 flame proofed; 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 flame proof. (Ord. 61-5320 §1, 2007, File No. 92-1019.)

Chapter 17.36

SMOKING

Sections:

- 17.36.010 Smoking defined.
- 17.36.020 Chief to designate areas where smoking shall be prohibited.
- 17.36.030 No smoking signs.
- 17.36.040 Smoking and removal of no smoking signs prohibited.

17.36.010 Definitions. When used in this chapter, the following words shall have the following meanings:

- (a) “Electronic delivery device” shall have the meaning set forth in section 2.90.010(c) of this code.
- (b) “Smoke” or “smoking” shall have the meaning set forth in section 2.90.010(d) of this code. (Ord. 61-5694 §7(part), 2016; Ord. 61-5320 §1, 2007, File No. 92-1019.)

17.36.020 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 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. 61-5320 §1, 2007, File No. 92-1019.)

17.36.030 No smoking signs. “No Smoking” signs required in accordance with section 17.36.020 shall read “By Order of the Chief of the Fire Department.” (Ord. 61-5320 §1, 2007, File No. 92-1019.)

17.36.040 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. (Ord. 61-5320 §1, 2007, File No. 92-1019.)

Chapter 17.40

FIRE HAZARDS

Sections:

- 17.40.010 Orders to eliminate.
- 17.40.020 Service of orders.

17.40.010 Orders to eliminate. Whenever any of the officers, members or inspectors of the fire department as mentioned in section 17.16.020, shall find in any building or upon any premises 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, waste paper, boxes, shavings or other highly flammable materials;
- (d) Accumulations of dust or waste material in air conditioning systems or of grease in kitchen exhaust ducts;
- (e) Obstructions to or on fire escapes, stairs, passageways, door 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. 61-5320 §1, 2007, File No. 92-1019.)

17.40.020 Service of orders. (a) The service of such orders as mentioned in section 17.40.010 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 by mailing such orders to the owner or other responsible person. 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.

(b) 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 code 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.

(c) Receipt of such orders by the owner or occupant shall be sufficient notice to effect compliance with the order. (Ord. 61-5320 §1, 2007, File No. 92-1019.)

Chapter 17.44

ENFORCEMENT

Sections:

- 17.44.010 Fire chief to enforce.
- 17.44.020 Liability.

17.44.010 Fire chief to enforce. The fire prevention code shall be enforced by the chief of the fire department and such subordinates in the fire department as the chief shall designate. (Ord. 61-5320 §1, 2007, File No. 92-1019.)

17.44.020 Liability. This code shall not be construed to affect the responsibility of any person owning, operating or installing any equipment for damage to persons or property caused by any defect therein, nor shall the municipality be held as assuming any such liability by reason of the inspection or reinspection authorized herein or the permit issued as herein provided or by reason of the approval or disapproval of any equipment authorized herein. (Ord. 61-5320 §1, 2007, File No. 92-1019.)

Chapter 17.48

PLACES OF ASSEMBLY

Sections:

- 17.48.010 Inspection of exits.
- 17.48.020 Announcements.
- 17.48.030 Records.
- 17.48.040 Alternatives.

17.48.010 Inspection of exits. Not more than ninety minutes prior to the scheduled commencement of any noncontinuous activity, event, performance, show, meeting, function, or other occasion for which persons will gather at a Class A or B commercial place of assembly (as defined in the 2006 Edition of the Life Safety Code - NFPA No. 101^{*}), the owner (or designee pursuant to written authority, instructions or procedures), shall inspect every required exit, ways of approach thereto, and way of departure therefrom. If such inspection reveals that any required means of egress is obstructed, inaccessible, locked, fastened, or otherwise unsuited for immediate use, the scheduled program shall not begin, nor shall admittance to the place of assembly be permitted, until necessary corrective action has been completed. (Ord. 61-5320 §1, 2007, File No. 92-1019; Ord. 61-4421 §1(part), 1979.)

17.48.020 Announcements. Immediately prior to the start of the program, the owner or an authorized agent shall orally notify all attendees concerning the location of the exit(s) to be used in case of fire or other emergency. (Ord. 61-5320 §1, 2007, File No. 92-1019; Ord. 61-4421 §1(part), 1979.)

17.48.030 Records. (a) Accurate records of all inspections, corrections, and notifications made pursuant to this chapter shall be kept and retained for at least two years in the offices of the building owner. The records shall contain:

- (1) A brief description of each activity, event, performance, etc., including date, time and location;
- (2) The name and signature of the person who performed each requirement of this chapter; and
- (3) The date and time when each requirement was performed.

* Available from the National Fire Protection Association, NFPA Fulfillment Center, 11 Tracy Drive, Avon, MA 02322; Phone 1-800-344-3555; www.nfpa.org.

(b) Such records shall be made available upon request to the State Fire Marshal, deputies, assistants, or any fire inspector of the city. (Ord. 61-5320 §1, 2007, File No. 92-1019; Ord. 61-4421 §1(part), 1979.)

17.48.040 Alternatives. In cases of practical difficulty or undue hardship, or in which compliance with this chapter would not significantly increase life safety, the city fire inspector may approve or accept alternative means of accomplishing the objectives of this chapter. (Ord. 61-5320 §1, 2007, File No. 92-1019; Ord. 61-4421 §1(part), 1979.)

Chapter 17.49

GENERAL FIRE SAFETY REQUIREMENTS

Sections:

- 17.49.010 Tents.
- 17.49.030 Access boxes.
- 17.49.040 Commercial change in occupancy.
- 17.49.050 Tavern licensing.
- 17.49.060 Fireworks/pyrotechnics.

17.49.010 Tents. (a) Permit required. No tent exceeding two hundred forty square feet in area shall be erected, maintained, operated or used without a 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 condition of exits, and shall patrol the entire tent area during the time of occupancy. They shall see that aisles and exitways 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 Comm 14. 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. (Ord. 61-5320 §1, 2007, File No. 92-1019.)

17.49.030 Access boxes. (a) Access boxes of the fire department-approved type (Knox® brand) shall be installed in an approved accessible location for all structures or areas that have fire alarm systems, automatic fire suppression systems, or where access is difficult because of security.

(b) Elevator key boxes shall be of the fire department-approved type (Knox® brand) and shall be installed in a fire department-approved location as required by Wisconsin Administrative Code, Ch. Comm 18. (Ord. 61-5320 §1, 2007, File No. 92-1019.)

17.49.040 Commercial change in occupancy. Any owner, agent or occupant making a change in occupancy of an existing commercial building, or occupying a previously vacant space, to exclude any private dwelling portion thereof, shall be required to obtain a fire inspection by this department prior to the new tenant taking occupancy of any building or structure that was previously vacated or any change in occupancy of any existing building or structure portion thereof.

(a) Inspection. The owner, agent or occupant of a commercial building shall schedule an appointment with a fire inspector for an inspection of the building and occupied space(s). Any violations of this chapter or any other portion of the Wausau Municipal Code observed at the time of

inspection shall be corrected prior to the new tenant taking occupancy. (Ord. 61-5320 §1, 2007, File No. 92-1019.)

17.49.050 Tavern licensing. All licensed taverns with the city of Wausau shall be inspected for compliance with this code at least four months prior to the renewal of their license. Any violations at the time of this inspection shall be corrected within the time stated on such order. A final copy of all orders shall be submitted for review at the time of renewal. Failure to comply with any written order may result in the suspension of, or nonissuance of their license by the common council or any other municipal authority. (Ord. 61-5320 §1, 2007, File No. 92-1019.)

17.49.060 Fireworks/pyrotechnics. (a) There shall be no indoor or outdoor display of fireworks/pyrotechnics within the city of Wausau without a permit from the fire department. These permits may be obtained at the Central Fire Station 606 East Thomas Street, during the hours of 8 a.m. and 4:30 p.m., Monday through Friday. An officer of the fire department must inspect the fireworks/pyrotechnics before they are used. A fee as provided in section 3.40.010(a) will be charged for each permit.

(b) Anyone caught using pyrotechnics without the appropriate permits is subject to the penalties as set forth in section 1.01.025.

(c) The use of fireworks allowed by Section 167.10 of the Wisconsin Statutes does not require a permit. (Ord. 61-5605 §32(part), File No. 13-1109; Ord. 61-5320 §1, 2007, File No. 92-1019.)