

ORDINANCE NO. 0-2013-07

**AN ORDINANCE REPEALING AND RECREATING SECTIONS 5.33 AND 5.34,
CHAPTER 5, FIRE PREVENTION AND EMERGENCY SERVICES – SMOKE ALARMS
AND OPEN BURING AND EMERGENCY POWERS OF FIRE CHIEF
OF THE MUNICIPAL CODE OF THE VILLAGE OF BELLEVUE, WISCONSIN**

**THE VILLAGE BOARD OF THE VILLAGE OF BELLEVUE, BROWN COUNTY, WISCONSIN, DOES ORDAIN
THAT SECTION 5.33 SMOKE ALARMS AND SECTION 5.34 OPEN BURING AND EMERGENCY POWERS OF
FIRE CHIEF, OF THE VILLAGE OF BELLEVUE MUNICIPAL CODE BE AMENDED TO READ AS FOLLOWS:**

SECTION 1. Section 5.33 SMOKE ALARMS AND DETECTION EQUIPMENT

(1) **GENERAL REQUIREMENTS.** Smoke detectors shall be installed in all new and existing residential occupancies in accordance with chs. SPS 328 and 362, Wis. Adm. Code.

(2) **INSTALLATIONS FOR COMMERCIAL AND PUBLIC RESIDENTIAL OCCUPANCIES.** All new commercial or public residential occupancy shall install and maintain a monitored smoke alarm system as defined in NFPA 72.

(3) **APPROVAL REQUIRED.** Prior to installation of any new fire alarm or smoke detection system, or the alteration of an existing system in a commercial or public building, plans approved by the Department of Safety and Professional Services shall be submitted to the fire department or its designee for review and approval. In the event no state approval is required, the Department will require local approval.

(a) **Standards.** All fire alarm or detection systems, shall apply with that of NFPA 72, "National Fire Alarm Code", and any of its referenced standards, (most current state of Wisconsin adopted edition at time of modification or installation). All Systems must be monitored by an outside monitoring Service unless twenty four hour operations are conducted and then only if approved in writing by the Fire Chief.

(b) **Submittals.** Four copies of the plans, specifications and calculations shall be submitted for review. Approved plans shall be stamped "Conditionally Approved", with the date and signature of the approving person. One copy will be kept on file by the fire department, while the other three copies will be returned to the contractor. Full responsibility for the accuracy of the plans and calculations is the sole responsibility of the contractor.

(c) **Fees.** A plan review fee of seventy five dollars (\$75) shall be submitted with each plan prior to review.

(d) **Notification.** No work may begin on the installation of fire alarm or detection system until plans have been submitted and reviewed by the fire department. The fire department shall be contacted no less than 48 hours in advance for any tests required by code either during installation or inspection, testing, or maintenance of the system.

(e) Documentation. Copies of all inspection, testing, and maintenance of alarm detection systems shall be forwarded to the Fire Department. In addition, the most current test/maintenance record shall be posted at the system control panel.

(f) Runner Service. The Fire Department requires that a person arrive within one hour to restore the system or notify the fire department that the system is considered out of order. In such case, notification must be made to all occupants of the building that the fire alarm, detection systems is out of order. The fire department shall be notified when the system is restored.

(g) Alarm Restoration. The Village of Bellevue Fire Department shall make every effort to reset accidentally tripped systems. This is a service call situation however and emergency calls will take precedence. The Bellevue Fire Department is not responsible for restoring fire or detection alarms beyond a best effort basis.

(4) OPERATION AND MAINTENANCE.

(a) The building owner shall be responsible for the installation of a smoke detector system in compliance with this section. It shall be the responsibility of the owner to assure that the system is operational prior to initial occupancy and upon change of tenants. The owner will be responsible for maintenance of detectors in all common areas.

(b) 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 must notify the owner in writing of any such malfunction.

(c) The owner shall have five days upon receipt of written notice from the tenant or fire department to repair or replace the smoke detector for smoke detection system.

Section 5.34 OPEN BURNING AND EMERGENCY POWERS OF FIRE CHIEF.

(1) OPEN BURNING. All open burning including but not limited to the burning of combustible waste, rubbish, leaves, grass, wood, brush, or other material, or the use of burn barrels is **prohibited** within the Village of Bellevue, except for:

(a) Outdoor-Cooking Fires. Open or closed cooking grills (charcoal, clean wood, propane, or natural gas) are exempt from the open-burning restriction described above, except as follows:

1. The use of any outdoor cooking fire, cooking device including deep fryer, charcoal, gas and electric grills, or any other open-flame device is prohibited within 15 feet of structure building; other combustible material such as a deck, wood pile; or above-grade floor level. Smoke from an outdoor cooking fire shall not create a nuisance.

2. Cooking using outdoor designed grills, cooking over open fire, using a deep fryer, or other open flame cooking device such as a turkey fryer inside any structure is prohibited. This does not include appliances expressly designed for indoor cooking and so marked as approved by Underwriters Laboratory, Factory Mutual or another recognized testing company or agency.

(b) Church, Tavern, or Other Group Gatherings Where Outdoor-Cooking Devices are Utilized. The following restrictions shall apply:

1. Approval from the Fire Department shall be obtained for all public events where food is to be sold and where open-flame cooking devices are utilized. Outdoor sales may require a permit from the Village of Bellevue Zoning and Building Inspection Department.

2. All open-flame cooking devices shall be a minimum of 15 feet from any combustible material and at least 15 feet from any vegetation and shall be placed upon the ground or a stable non-combustible surface.

3. Fire extinguishing equipment, such as portable fire extinguishers, charged water hoses, or an amount of water sufficient to extinguish the fire, shall be provided within 50 feet of any open-flame cooking device.

4. All open-flame cooking devices shall be attended at all times by the person possessing the Fire Department permit or a designee.

5. Open-flame cooking devices shall not be located in a tent unless the tent has a fire-proof rating.

(c) Recreational Fires. Recreational fires are defined as any fire such as a campfire or bonfire fire located at a single or multi-family residence for the purpose of recreation and personal enjoyment. All recreational fires shall comply with the following requirements:

1. No recreational fire shall be closer than 25 feet from any, building or any other combustible material and 15 feet from property line, unless the fire is contained within an outdoor permanently built masonry fireplace that is approved through a design submitted to the Village Building and Zoning Departments.

2. All recreational fires except those noted above in outdoor fireplaces shall be in a below-ground fire pit with a minimum depth of 4 inches and a maximum diameter of 3 feet; or in a portable (Weber-type) device that is placed upon a stable non-combustible surface. The fire may not extend more than 4 feet above the ground at any time. Burning materials must be contained within the fire pit enclosure at all times. All below-ground fire pits shall be surrounded on the perimeter by an above ground non-combustible material such as concrete block, rock or metal.

3. No recreational fire shall be started unless there are favorable conditions for burning with regard to wind direction and speed. No recreational fire shall be started at a time when the wind speed exceeds ten miles per hour.
 4. No recreational fire shall be started when the wind will cause smoke, combustibles, or other materials to be carried by the wind toward any building or other combustible or flammable materials. Smoke from any recreational fire shall not create a nuisance for neighboring property owners. Any On Duty Firefighter, Inspector or Law Enforcement Officer shall have the authority to restrict recreational fires if such fire is causing health concerns, fire danger, or nuisance.
 5. Materials for recreational fires shall not include rubbish; garbage; recyclable items; trash; yard waste; any materials made of or coated with rubber plastic, leather, or petroleum based materials; and shall not contain any flammable or combustible liquids
 6. Adequate fire-suppression equipment shall be present to extinguish or control the recreational fire at all times. Adequate fire suppression equipment may consist of shovels, fire extinguishers, water hoses, or other like equipment sufficient to extinguish the fire if necessary.
 7. All recreational fires shall be attended at all times by at least one responsible person of age 18 or older until the fire is completely extinguished.
 8. It shall be the duty of any renter or lessee at a multi-family dwelling to notify and obtain written permission from the property owner prior to initiating any recreational fire. There shall be no recreational fires within the Mobile Home communities known as Perret and Parkview mobile home parks.
 9. Citations may be issued for failure to comply with the above regulations in an amount not less than \$50, and not more than \$500 per offense.
 10. The property owner, renter, or lessee may be held liable for any damage caused by any recreational fire, including the cost of any citations and associated costs related to the fire suppression activities of the fire department.
- (d) Required Burning Permit. The following described fires shall require a burning permit from the Fire Chief or designee. The material to be burned may only consist of clean wood, brush or leaves, generated as a result of an agricultural or road construction operation; originating from and being burned on a parcel of land located east of Huron Road under one ownership of a gross size of one (1) acre or more. All other open burning may be approved at the discretion of the Fire Chief or designee upon receipt of a burning permit and inspection by Fire Department staff.
- (2) EMERGENCY POWER OF FIRE CHIEF. When the Fire Chief determines there are environmental conditions likely to produce a serious threat of fire to life and property, the Chief of the Fire Department may impose a burning ban and burning restrictions in

accordance with the provisions of Wisconsin Administrative Code, and require that no person may:

(a) Set, build, or maintain any open fire, except charcoal or propane grills when in the immediate vicinity of a residential dwelling and when placed on a non-combustible surface.

(b) Throw, discard, or drop matches, ashes, or other burning material while outdoors in the immediate vicinity of combustible natural vegetation.

(c) Light or use any fireworks, as defined by Wisconsin Statutes, or caps, toy snakes, sparklers, smoke bombs, or cylindrical or cone fountains that emit sparks and smoke, except in displays or use authorized by the Fire Department where adequate fire prevention measures have been taken.

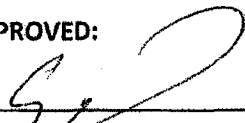
(d) This ban shall be lifted when the environmental conditions change so that a serious threat of fire is no longer present.

SECTION 2. All ordinances or part of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect upon its adoption and publication.

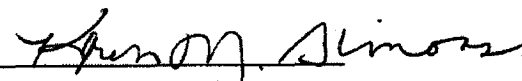
Adopted by the Village Board of Trustees for the Village of Bellevue, Wisconsin, this 10th day of April 2013.

APPROVED:



Craig Beyl, Village President

ATTEST:



Karen M. Simons, Clerk-Treasurer

Motion by: Beyl

Second by: Katers

Motion: Adopted Defeated

Name	Aye	Nay	Abstain	Absent
Pres. Beyl	X			
Trustee Katers	X			
Trustee Brennan	X			
Trustee Soukup	X			
Trustee Kaster	X			