

CHAPTER 5

FIRE PREVENTION CODE¹

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Introduction

Permits covered by Section 17 of the Fire Prevention Code and required in various articles are for the purpose of giving the Fire Department more effective control over hazardous conditions regulated by the code. Where fees are charged for such permits it is desirable that the money for fees be handled by some agency other than the Fire Department, to avoid the impression that inspections are made for obtaining the fees rather than for providing fire prevention service. It is also desirable to fix in the adopting ordinance the time period for which a permit is valid. Where licenses are required by a municipality in addition to permits required by the Fire Prevention Code and such licenses are renewable each year, it is suggested that permits be made valid for an indefinite period. Where licenses are not required it is suggested that permits be made renewable each year. This recommendation has been incorporated in the following regulations which adopt the model Fire Prevention Code.

5.01 Adopting Of Fire Prevention Code

There is hereby adopted by the Municipality, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code recommended by the American Insurance Association,

¹Adopted as part of the Development Codes of the Village of Oostburg. Adopted by Ordinance 2-1974, on November 11, 1974. See Minutes of the Village Board, Vol. 4 pg. 422.

being particularly the 1970 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended (by Section 9 of this Ordinance), of which code not less than one (1) copy has been and now is filed in the office of the Clerk of the Municipality and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Ordinance shall take effect, the provisions thereof shall be controlling within the limits of the Municipality.

5.02 Enforcement

The code hereby adopted shall be enforced by the Chief of the Fire Department.

5.03 Definitions

Wherever the word "Municipality" is used in the Fire Prevention Code, it shall be held to mean the Village of Oostburg, Wisconsin.

5.04 Permits

Permits required by Section 17 of the code hereby adopted shall be valid for an indefinite period where additional licenses renewable annually are required by the Municipality. Where additional licenses are not required by the Municipality, the permits required by Section 17 of the code hereby adopted shall be valid for one year from date of issuance and shall be thereafter renewable on an annual basis.

5.05 Establishment Of Limits Of Districts In Which Storage Of Explosives And Blasting Agents, Storage Of Flammable Liquids In Outside Aboveground Tanks And Bulk Storage Of Liquefied Petroleum Gases Is To Be Restricted.

The limits referred to in Section 53b of the code hereby adopted, in which storage of explosives and blasting agents is prohibited, the limits referred to in Section 74a of the code hereby adopted in which storage of Class I liquids in outside aboveground tanks is prohibited and the limits referred to in Section 114 of the code hereby adopted in which bulk storage of liquefied petroleum gas is restricted are hereby established as follows: The limits or areas referred to herein above shall include all land areas located within the Municipality except those zoned RD (Rural Development) or I (Industry) and further that such uses meet any and all requirements of the Municipal Zoning Ordinance.

5.06 Establishment Of Motor Vehicle Routes For Vehicles Transporting Explosive And Blasting Agents

The routes referred to in Section 55i of the Fire Prevention Code for vehicles transporting explosives and blasting agents are hereby established as follows: Within the Municipality, Center Avenue (CTH A and CTH AA) shall be designated as motor vehicle routes for vehicles transporting explosives and blasting agents. Where it shall be necessary for said vehicles to pass over streets and areas other than that indicated above, in order to reach a point of destination or transshipment point, the shortest most direct route between the designated route and the point of destination shall be used.

5.07 Establishment Of Motor Vehicle Routes For Vehicles Transporting Hazardous Chemicals Or Other Dangerous Articles

The routes referred to in Section 109.1b of the Fire Prevention Code for vehicles transporting hazardous chemicals and other dangerous articles are hereby established as follows: The routes established in Section 6 above shall apply.

5.08 Establishment Of Fire Lanes On Private Property Devoted To Public Use

The fire lanes referred to in Section 169.20 of the Fire Prevention Code are hereby established as follows: (None.)

5.09 Amendments Made In The Fire Prevention Code

The Fire Prevention Code is amended and changed in the following respects: (None.)

5.10 Modifications

The Chief of the Fire Department shall have power to modify any of the provisions of 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.

5.11 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 has been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the Governing Body within 30 days from the date of the decision appealed.

5.12 Penalties

- a. Any person who shall violate any of the provisions of the code hereby adopted 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, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Governing Body or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty for a misdemeanor and subject to a fine of not less than \$10.00 nor more than \$100.00 or imprisonment in the County jail for a term not more than 30 days.
- b. The application of the above shall not be held to prevent the enforced removal of prohibited conditions.

5.13 Repeal Of Conflicting Ordinances

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance or of the code hereby adopted are hereby repealed.

5.14 Validity

The Governing Body hereby declares that should any section, paragraph, sentence, or word of this Ordinance or of the code hereby adopted be declared for any reason to be invalid, it is the intent of the Governing body that it would have passed all other portions of this Ordinance independent of the elimination herefrom of any such portions as may be declared invalid.

5.15 Date Of Effect

This Ordinance shall take effect and be in force from and after its approval as required by law.