

Chapter 6  
**FIRE PROTECTION**

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## Article I. Fire and Rescue Department

### Sec. 6-01. Recognized.

The Marshfield Fire and Rescue Department is officially recognized as the fire and rescue department of the city, and the duties of firefighting, fire prevention, hazardous materials and control of emergency medical services are delegated to such department.

(Code 1982, § 5.01)

### Sec. 6-02. Appropriations.

The council shall appropriate funds annually for fire and rescue department operations and for such apparatus and equipment for the use of the fire and rescue department as the council may deem expedient and necessary to maintain efficiency and properly protect life and property from fire.

(Code 1982, § 5.02)

### Sec. 6-03. Compensation.

The officers and members of the fire and rescue department shall receive such salary and benefits from the city as may from time to time be fixed by the council.

(Code 1982, § 5.03)

### Sec. 6-04. Organization.

- (1) Generally. The organization and internal regulation of the fire and rescue department shall be governed by Marshfield Fire and Rescue Department rules and regulations, as established by the fire and police commission.
- (2) Chief. The board of police and fire commissioners shall appoint the chief of the fire and rescue department (referred to as "fire chief") who shall hold office during good behavior, subject to suspension or removal by the fire and police commission for just cause.
- (3) Subordinates. Full-paid members of the fire and rescue department shall be selected by the procedures prescribed in § 62.13 Wis. Stats.

(Code 1982, § 5.04)

### Secs. 6-5—6-20. Reserved.

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## Article II. In General

### Sec. 6-21. Definitions.

As used in this chapter, unless the context clearly indicates to the contrary, the following terms shall have the following definitions:

*Accessory building* means any building not used for human occupancy and which is physically separated from buildings intended for human occupancy.

*Approved* means acceptable to the Marshfield Fire and Rescue Department.

*Emergency* means a fire, explosion or hazardous condition that poses an immediate threat to the safety of life or damage to property.

*Existing condition* means any situation, circumstance or process that was ongoing or in effect prior to the effective date of the ordinance from which this chapter derives.

*Fire hazard* means any situation, process, material or condition that, on the basis of applicable data, may cause a fire or explosion or provide a ready fuel supply to augment the spread or intensity of the fire or explosion and that poses a threat to life or property.

*Fire protection system* means any fire alarm device or system, or fire extinguishing device or system, or combination thereof, designed and installed for detecting, controlling or extinguishing a fire or otherwise alerting occupants, the fire department or both that a fire has occurred.

*Hazardous* means a condition, circumstance, or combination of factors which create a substantial risk or danger of causing damage or injury to persons or property.

*High-rise building* means a building more than 60 feet in height. Building height shall be measured from the lowest level of fire department vehicle access to the floor of the highest occupiable story.

*Immediately hazardous* means a hazardous condition which creates a risk of imminent injury or damage to persons and property, such that remedial action cannot reasonably be delayed.

*Incident commander* means the fire department official in charge of an emergency incident. *Isolated storage* means storage in a different storage room or in a separate and detached building located at a safe distance.

*Key box* means a container of a type approved by the Marshfield Fire & Rescue Department installed in an accessible location for the purpose of containing keys to gain necessary access to areas of the premises.

*May* is a term used to state a permissive use or alternative method to a specific requirement.

*One-and two-family dwellings* include buildings containing not more than two dwelling units in which each living unit is occupied by members of a single family with no more than three outsiders, if any, accommodated in rented rooms.

*Permit* means a document issued by the Marshfield Fire and Rescue Department for the purpose of authorizing performance of a specified activity.

*Private building* means a building, or that portion of a building, that is normally not frequented by, nor open to, the public.

*Process* means the manufacturing, handling, blending, conversion, purification, recovery, separation, synthesis or use, or any combination, of any commodity or material regulated by this chapter.

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*Public way* means any street, alley or other similar parcel of land essentially open to the outside air, deeded, dedicated or otherwise permanently appropriated to the public for public use and having a clear width and height of not less than ten feet.

*Shall* indicates a mandatory requirement.

*Special structure* means any structure located on real property which is not for human occupancy and which is physically separated from buildings used for human occupancy. Special uses shall include, but not be limited to, events or occurrences where life threatening safety situations or fire hazards exist or are likely to exist as determined by the Marshfield Fire and Rescue Department.

*Standard* means a document containing only mandatory provisions using the word "shall" to indicate requirements. Explanatory material may be included only in the form of "fine print" notes, in footnotes or in an appendix.

*Standpipe system* means an arrangement of piping, valves, hose connections and allied equipment installed in a building or structure with the hose connections located in such a manner that water can be discharged in streams or spray patterns through attached hoses and nozzles, for the purpose of extinguishing a fire and so protecting a building or structure and its contents in addition to protecting the occupants. This is accomplished by connections to water supply systems or by pumps, tanks and other equipment necessary to provide an adequate supply of water to hose connections.

*Street* means any public thoroughfare (road, avenue, boulevard) 30 feet or more in width that has been dedicated or deeded to the public for public use and is accessible for use by the fire department in fighting fire. Enclosed spaces and tunnels, even though used for vehicular and pedestrian traffic, are not considered streets for the purposes of this chapter.

*Structure* means that which is built or constructed. The term "structure" shall be construed as if followed by the words "or portion thereof."

*Summarily abate* means to immediately judge a condition to be a fire hazard to life or property and to order immediate correction of such condition.

*System* means several items of equipment assembled, grouped or otherwise interconnected for the accomplishment of a purpose or function.

*Written notice* means a notification in writing delivered in person to the individual or parties intended or delivered at or sent by certified or registered mail to the last residential or business address of legal record.

(Code 1982, § 5.21; Ord. No. 1000, § 1, 2, 11-11-2003)

### **Sec. 6-22. State statutes adopted.**

The statutory provisions following the prefix "6" describing and defining regulations with respect to the provisions of following enumerated sections of the Wisconsin Statutes, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of such statutes, and to the extent consistent with the remaining provisions of this chapter, are hereby adopted and by reference made a part of this chapter as if fully set forth in this chapter. Any act required to be performed or prohibited by any statute incorporated in this section by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutes incorporated in this section are intended to be made part of this Code in order to ensure compliance with the provisions of such statutes within the city:

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<i>Wis. Stats.</i>	
6.101.01	Definitions
6.101.09	Storage of flammable, combustible and hazardous liquids
6.101.14	Fire inspections, prevention, detection and suppression
6.101.16	Liquefied petroleum gas
6.101.121	State historic building code
6.101.143	Petroleum storage remedial action; financial assistance
6.101.145	Smoke detectors

(Code 1982, § 5.20)

### **Sec. 6-23. Wisconsin Administrative Code sections adopted.**

The following sections in the Wisconsin Administrative Code, as now written and as hereafter amended, are hereby adopted and by reference made a part of this chapter as if fully set forth in this chapter. Any act required to be performed or prohibited by any such administrative code provision incorporated in this section by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the Wisconsin Administrative Code provisions incorporated in this section are intended to be made part of this Code: Wisconsin Administrative Code SPS 304; SPS 305; SPS 307; SPS 309; SPS 310; SPS 314; SPS 328; SPS 330; SPS 340; SPS 360—366; SPS 370 and SPS 375-379; NFPA 20, 1999 edition; NFPA 24, 2002 edition; and NFPA 25, 2002 edition.

(Code 1982, § 5.24; Ord. No. 1220, § 1, 2-28-2012)

### **Sec. 6-24. Scope.**

The provisions of this chapter are applicable to:

- (1) The inspections of buildings, processes, equipment, systems and other fire related life safety situations.
- (2) The investigation of fires, explosions, hazardous materials incidents and other related emergency incidents handled by the Marshfield Fire and Rescue Department.
- (3) Access requirements for fire department operations.
- (4) Hazards from outside fires in vegetation, trash, building debris and other materials.
- (5) The regulation and control of special events, including but not limited to, exhibits, trade shows, amusement parks, haunted houses and other similar special occupancies.
- (6) The interior finish, decorations, furnishings and other combustibles that contribute to the fire spread, fire load and smoke production.

(Code 1982, § 5.06)

### **Sec. 6-25. Application.**

- (1) Buildings permitted for construction after the adoption of the ordinance from which this chapter derives shall comply with the provisions stated in this chapter for new buildings.
- (2) When in fixed locations and occupied as buildings, vehicles, vessels or other mobile structures shall be treated as buildings and comply with this chapter.

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- (3) Additions, alterations or repairs to any building shall conform to that required of a new building without requiring the existing building to comply with all the requirements of this chapter. Additions, alterations or repairs shall not cause an existing building to become unsafe or adversely affect the performance of the building as determined by the Marshfield Fire and Rescue Department.
- (4) Where two or more classes of occupancy occur in the same building or structure, and are so intermingled that separate safeguards are impracticable, means of egress facilities, construction, protection and other safeguards shall comply with the most restrictive fire safety requirements of the occupancies involved.

### **Sec. 6-26. Equivalencies and alternatives.**

- (1) Nothing in this chapter is intended to prevent the use of systems, methods or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability and safety to those prescribed by this chapter, provided technical documentation is submitted to the Marshfield Fire and Rescue Department to demonstrate equivalency and the system, method or device is approved for the intended purpose.
- (2) The specific requirement of this chapter may be modified by the Marshfield Fire and Rescue Department to allow alternative arrangements that will secure as nearly equivalent fire safety as practical, but in no case shall the modification afford less fire safety than, in the judgment of the Marshfield Fire and Rescue Department, that which would be provided by compliance with the corresponding provisions contained in this chapter.
- (3) Buildings with alternative fire protection features approved by the Marshfield Fire and Rescue Department shall be considered as conforming with this chapter.
- (4) Each application for an alternative fire protection feature shall be filed with the Marshfield Fire and Rescue Department and shall be accompanied by such evidence, letters, statements, results of tests or other supporting information as may be required to justify the request. The Marshfield Fire and Rescue Department shall keep a record of actions on such applications, and a signed copy of the Marshfield Fire and Rescue Department's decision shall be provided for the applicant.

(Code 1982, § 5.09)

### **Sec. 6-27. Maintenance and testing.**

- (1) Whenever or wherever any device, equipment, system, condition, arrangement, level of protection or any other feature is required for compliance with the provisions of this chapter, such device, equipment, system, condition, arrangement, level of protection or feature shall thereafter be permanently maintained unless this chapter exempts such maintenance.
- (2) Any nonrequired system that creates an unsafe or hazardous condition shall be removed.
- (3) Every automatic sprinkler system, fire detection and alarm system, smoke control system, exit lighting system, fire door and other item of equipment shall be continuously maintained in proper operating condition. Written records of testing and maintenance must be maintained by the building owner and available for inspection by the Marshfield Fire and Rescue Department.
- (4) Any equipment requiring testing or periodic operation to ensure its maintenance shall be tested or operated as specified elsewhere in this chapter or as directed by the Marshfield Fire and Rescue Department.
- (5) Systems shall be under the supervision of a responsible person who shall ensure that proper tests are made at specific intervals and have general charge of all alterations and additions.

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- (6) Alarm and fire detection systems. Fire alarm signaling equipment shall be restored to service as promptly as possible after each test, and alarm signaling equipment shall be kept in normal condition for operation. Equipment requiring rewinding or replenishing shall be rewound or replenished as promptly as possible after each test or alarm.
- (7) Periodic testing of emergency lighting equipment. A functional test shall be conducted on every required emergency lighting system at 30-day intervals for a minimum of 30 seconds. An annual test shall be conducted for a 1 1/2-hour duration. Equipment shall be fully operational for the duration of the test. Written records of the test shall be retained by the owner for inspection by the Marshfield Fire and Rescue Department.
- (8) Emergency generators. Emergency generators used to provide power to emergency lighting systems shall be installed, maintained and tested in accordance with NFPA 110, Standard for Emergency and Standby Power Systems.
- (9) Elevator testing. All elevators equipped with firefighter service shall be subjected to a monthly operation with a written record of the findings made and kept on the premises for inspection by the Marshfield Fire and Rescue Department.

(Code 1982, § 5.11)

### **Sec. 6-28. Owner/occupant responsibilities.**

- (1) The owner, operator and occupant shall be jointly and severally responsible for compliance with this chapter.
- (2) The Marshfield Fire and Rescue Department shall be permitted to require tests or test reports as proof of compliance with the intent of this chapter.
- (3) The owner, operator or occupant of a building that is deemed unsafe by the Marshfield Fire and Rescue Department shall abate, through corrective action approved by the Marshfield Fire and Rescue Department, the condition causing the building to be unsafe either by repair, rehabilitation, demolition or other corrective action approved by the Marshfield Fire and Rescue Department.

(Code 1982, § 5.14)

### **Sec. 6-29. Fire reporting.**

- (1) The person discovering any fire, regardless of magnitude, shall:
  - (a) Immediately notify the person in charge of the premises and all occupants and guests in the immediate vicinity of the fire.
  - (b) Immediately notify the Marshfield Fire and Rescue Department by calling 911.
  - (c) Exception. Whenever an unwanted fire occurs in any building or on any premises of any kind, the owner, manager, occupant or any person in control of such building or premises, upon discovery of an unwanted fire, or evidence of there having been an unwanted fire, even though it has apparently been extinguished, shall immediately report the existence of such fire, circumstances of the fire, and the location thereof to be given to the Marshfield Fire and Rescue Department.

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- (d) The reporting requirements of this section shall not be construed to forbid the owner, manager or other person in control of the aforementioned building or premises from using all diligence necessary to extinguish any fire prior to the arrival of the Marshfield Fire and Rescue Department.
- (2) No person shall make, issue, post or maintain any regulation or order, written or verbal, that would require any person to take any unnecessary delaying action prior to reporting a fire to the Marshfield Fire and Rescue Department.
- (3) Subsection (1)(b) of this section shall not apply to firms that have established on-premises firefighting organizations and have coordinated and arranged procedures approved by the Marshfield Fire and Rescue Department.
- (4) It shall be a violation of this chapter for any person to willfully make to the Marshfield Fire and Rescue Department any false, fraudulent, misleading or unfounded report or statement or willfully to misrepresent any fact for the purpose of interfering with the orderly operations of the Marshfield Fire and Rescue Department or with the intention of misleading any member of the Marshfield Fire and Rescue Department.

(Code 1982, § 5.15)

### **Sec. 6-30. Fire lanes.**

- (1) Fire lanes shall be provided for all buildings that are set back more than 150 feet from a public road or exceed 30 feet in height and are set back over 50 feet from a public road, except for one- or two-family dwellings. The Marshfield Fire and Rescue Department may exempt any building from this provision where such building is protected throughout with an approved automatic sprinkler system or the building is an accessory building or special structure deemed exempt by the Marshfield Fire and Rescue Department.
- (2) For all buildings constructed after the effective date of the ordinance from which this section derives, fire lanes shall not be less than 24 feet of unobstructed width, able to withstand live loads of fire apparatus and have a minimum of 13 feet six inches of vertical clearance. An approved turnaround for fire apparatus shall be approved where an access road is a dead end and is in excess of 150 feet in length. The turnaround shall have a minimum centerline radius of 50 feet. The grade of the fire lane shall be within the limits established by the City of Marshfield. However, "T" or "Y" turnaround arrangements are permitted, and, when acceptable to the Marshfield Fire and Rescue Department, turnaround arrangements other than a cul-de-sac may be used.
- (3) Where a bridge is required to be used as access, it shall be constructed and maintained using live design loading sufficient to carry the imposed loads of fire apparatus. Where an elevated surface is used as access, that portion utilized by fire apparatus shall be constructed and maintained to accommodate fire apparatus.
- (4) Fire lanes shall be marked with freestanding signs or marked curbs, sidewalks or other traffic surfaces that have the words "fire lane—no parking" painted in contrasting colors at a size and spacing approved by the Marshfield Fire and Rescue Department.
- (5) The space between the fire lane and the building shall be free of permanent obstructions that may impede firefighting access, such as fences, hedges, walls, substantial grade changes or waterways.
- (6) Fire lanes shall be maintained free of all obstructions at all times, including parked vehicles and snow.

(Code 1982, § 5.17)

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### **Sec. 6-31. Outdoor fires.**

- (1) Recreational fires are defined as open outdoor fires used solely for the purpose of personal enjoyment and/or food preparation.
- (2) Recreational fires shall not be located closer than 30 feet to other flammable and combustible objects such as wood fences, open fields, standing brush, dried grass, structures, patios/decks, outbuildings, and similar improvements or hazards.
- (3) Recreational fires shall consist of only dry, clean wood and not be ignited by the use of flammable and combustible liquids. Materials for recreational fires may not include rubbish, garbage, trash, any material made of or coated with rubber, plastic, leather, or petroleum based materials and may not contain flammable or combustible liquids.
- (4) Smoke complaints as a result of a recreational fire shall be grounds for extinguishment.
- (5) Recreational fires shall be in a fire pit or other nonflammable containment, and may not be any larger than 36 inches in diameter.
- (6) The fire and rescue department may prohibit any or all recreational and other fires when atmospheric conditions or local circumstances make such fires hazardous.
- (7) On such occasions when the fire chief or his designee, or deputy chief for fire prevention executive of the Marshfield Fire and Rescue Department declares a dry season and establishes special regulations on the use of any form of fire or smoking materials, the Marshfield Fire and Rescue Department shall have the authority to assist in the enforcement of such regulations.
- (8) No charcoal burners or gas grills shall be kindled or maintained on combustible balconies or within ten feet of combustible patios on ground floors. This shall not apply to one and two-family dwellings.
- (9) Every commercial incinerator and commercial barbecue fireplace shall be equipped and maintained with a spark arrestor and shall be maintained in good working order and repair at all times.

(Code 1982, § 5.18)

### **Sec. 6-32. Fireworks, firework shows and storage or use of explosives.**

- (1) The storage or use of explosives within the City of Marshfield is prohibited, except as authorized by a permit from the Mayor pursuant to §167.10(3), Wis. Stats. When the Mayor takes the oath of office, he or she shall designate the individual who will issue said permits if it is to be anyone other than the Mayor. If the Mayor designates the Fire Chief of the Marshfield Fire and Rescue Department to issue the permit, the following procedure shall be used.
  - a. The individual, entity or group requesting the permit shall submit an application to the Marshfield Fire and Rescue Department along with proof of financial responsibility.
  - b. The Fire Chief or a member of the Marshfield Fire and Rescue Department designated by the Fire Chief shall review the application and determine whether all State of Wisconsin requirements will be complied with if a permit is issued.
  - c. Based upon the determination made under Sub. b. above, the Fire Chief shall either issue the permit or deny the issuance of the permit.
  - d. Any permit issued shall be issued for such term on occasion as the Fire Chief deems appropriate, not to exceed thirty (30) days, and subject to such conditions as the Fire Chief may deem necessary.
  - e. All permits issued shall specify the following:
    1. The name and address of the permit holder.

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2. The date on and after which fireworks may be purchased.
  3. The general kind and approximate quantity of fireworks which may be purchased.
  4. The date and location of permitted use.
  5. Other special conditions that may be prescribed by ordinance.
- f. All fireworks displays shall be carried out in accordance with NFPA 1123 Standard for Fireworks Display.
  - g. A copy of the permit along with the proof of financial responsibility shall be filed with the City Clerk's office upon issuance.
- (2) Storage of explosives and explosive devices shall be in strict conformance with SPS 307 of the Wisconsin Administrative Code, or any continuation, amendment or revision thereof, and violation of such regulations shall be a violation of this section.
  - (3) Storage and use of class "C" fireworks by individuals for personal use only shall not require a permit under this section.
  - (4) Any use of pyrotechnics in conjunction with theatrical, musical, or similar productions before a proximate audience, performers, or support personnel shall be carried out in accordance with NFPA 1126 Standard for the Use of Pyrotechnics Before a Proximate Audience. The fire and rescue department shall be notified at least five business days prior to such display. The use of pyrotechnics indoors before a proximate audience shall only be permitted in buildings that are protected by a complete automatic fire sprinkler system. The provisions of NFPA 1126 governing the storage and use of class C fireworks are hereby incorporated herein by this reference.
  - (5) Flame effects for entertainment, exhibition, demonstration, or simulation before an audience, including their design, fabrication, installation, testing, control, operation, and maintenance shall be carried out in accordance with NFPA 160 Standard for Flame Effects Before an Audience. The fire and rescue department shall be notified at least five business days prior to such display.

The use of flame effects indoors before a proximate audience shall only be permitted in buildings that are protected by a complete automatic fire sprinkler system. The provisions of NFPA 160 governing the storage and use of class C fireworks are hereby incorporated herein by this reference.

(Code 1982, § 5.18; Ord. No. 1007, § 1, 1-27-2004; Ord. No. 1007, § 2, 1-27-2004; Ord. No. 1220, § 1, 2-28-2012)

### **Sec. 6-33. Tents.**

No tent enclosing in excess of 1,500 square feet shall be erected within the City of Marshfield, except upon permit by the Marshfield Fire and Rescue Department. The fee for such permit shall be \$25.00 per occasion of use, and subject to such conditions as may be imposed by the fire chief or his designee, as required for public safety.

(Code 1982, § 5.18)

### **Sec. 6-34. Fire sprinkler and protection systems.**

- (1) Fire protection systems, including sprinkler systems, shall be installed and maintained as required by § 101.14 Wis. Stats. and state regulations pursuant thereto. The department may promulgate additional rules and regulations regarding sprinklers and fire protective systems, based on circumstances and uses specific to the premises in the community. Prior to installing fire sprinkler systems, hose connection piping and/or standpipe systems a permit shall be obtained from the Marshfield Fire Rescue Department. A permit is also required when upgrading systems when ten or more heads are added to an existing system.

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- (2) A fee of \$250.00 for any building of up to 50,000 square feet, \$350.00 for any building over 50,000 square feet and a fee of \$250.00 for any upgrade of a current system when ten or more heads are added to the system shall be submitted to the Marshfield Fire and Rescue Department prior to issuance of a permit. Three copies of sprinkler plans and three hydraulic calculations shall be submitted along with the permit application prior to obtaining an approved permit.
- (3) An additional \$100.00 shall be charged for all fire protection plans that are incomplete or inaccurate, and that must be corrected and resubmitted to the department for approval.

(Ord. No. 1000, § 3, 11-11-2003; Ord. No. 1047, § 1, 4-26-2005)

### **Sec. 6-35. Hazardous material incident response reimbursement.**

- (1) Prohibited discharges. No person shall discharge or cause to be discharged, leaked, leached or spilled upon any public or private street, alley, public or private property, or onto the ground, surface waters, subsurface waters or aquifers or within the city, except those areas specifically licensed for waste disposal or landfill activities and to receive such materials, any explosive, flammable or combustible solid, liquid or gas; any radioactive material at or above nuclear regulatory restriction levels; etiologic agents or any solid, liquid or gas creating a hazard, potential hazard or public nuisance; or any solid, liquid or gas having a deleterious effect on the environment.
- (2) Containment, cleanup and restoration. Any person in violation of subsection (1) of this section shall, upon direction of any fire and rescue department officer, begin immediate actions to contain, clean up and remove to an approved repository the offending material and restore the site to its original condition, with the offending person being responsible for all expenses incurred. Should any person fail to engage the necessary men and equipment to comply or to complete the requirements of this section, the office of the emergency management coordinators may order the required actions to be taken by public or private sources, and allow the recovery of any and all costs incurred by the City of Marshfield as action imposed by subsection (3) of this section.
- (3) Reimbursement for emergency services response. The city may require reimbursement for services necessary for response to hazardous materials incidents, including, but are not limited to, fire services, emergency medical services, and law enforcement services. A person who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall be responsible for reimbursement to the responding agencies for actual and necessary expenses incurred in carrying out their duties under this section. Actual and necessary expenses may include, but are not limited to: replacement of equipment damaged by the hazardous material, cleaning, decontamination and maintenance of the equipment specific to the incident; personnel inspection costs incurred in the procurement and use of specialized equipment specific to the incident; specific laboratory expenses incurred in the recognition and identification of hazardous substances in the evaluation of response, decontamination, cleanup and medical surveillance; and costs incurred in future medical surveillance of response personnel as required by the responding agency's medical advisor.
- (4) Site access. Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to fire and rescue department officers and staff and to City of Marshfield Police Department personnel for the purpose of evaluating the threat to the public and monitoring containment, cleanup and restoration activities.
- (5) Public protection. Should any prohibited discharge occur which threatens the life, safety or health of the public at, near or around the site of a prohibited discharge, and the situation is so critical that immediate steps must be taken to protect life and limb, the fire chief, his assistant, or the senior police official on the scene of the emergency may order an evacuation of the area or take other appropriate steps for a period of time until the council for the City of Marshfield can take appropriate action.

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- (6) Enforcement. The fire chief, as well as City of Marshfield police officers, shall have authority to issue citations or complaints under this section.
- (7) Civil liability. Any person in violation of this section shall be liable to the City of Marshfield for any expenses incurred by the city or loss or damage sustained by the city by reason of such violation.

(Code 1982, § 5.19; Ord. No. 1000, § 4, 11-11-2003)

### **Sec. 6-36. Certified inspector.**

The fire chief, or his or her designee, shall appoint a certified inspector who shall be responsible for plan review and installation inspection of systems less than 5,000 gallons capacity and for closure inspection/monitoring of the same. In connection therewith, the Marshfield Fire and Rescue Department shall charge the following fees:

- (1) Tank installation: \$200.00.
- (2) Systems upgrade: \$65.00.
- (3) Tank closure: \$100.00 for the first tank and \$25.00 for each additional tank.

(Code 1982, § 5.22)

**Secs. 6-37—6-50. Reserved.**

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### Article III. Administration and Enforcement

#### Sec. 6-51. Fire prevention.

- (1) Fire prevention bureau. Fire prevention shall be enforced as follows:
  - (a) Enforcement. Fire prevention shall be enforced under the supervision of the chief of the fire and rescue department.
  - (b) Appointment of deputy chief. The fire chief shall appoint a deputy chief to be in charge of fire prevention. He may be removed at the discretion of the fire chief.
  - (c) Fire inspectors. The fire chief may detail such members of the fire and rescue department as inspectors as shall from time to time be necessary.
- (2) Inspections. The fire chief, deputy chief for fire prevention or an inspector, upon the complaint of any person or whenever he or they deem it necessary, may inspect any building or premises within their jurisdiction. If entry to a premises is denied by the owner or occupant, a special inspection warrant shall be obtained pursuant to § 66.0119 Wis. Stats.
- (3) Orders. Whenever any of the officers, members or inspectors of the fire and rescue department or bureau of fire prevention shall find in any building or upon any premises dangerous or hazardous conditions, they shall order such dangerous conditions or materials to be removed or remedied in such manner as may be specified by the fire chief or deputy chief for fire prevention.
- (4) Service of orders. Service of orders shall be in accordance with the following:
  - (a) The service of such orders as mentioned in this chapter may be made upon the owner, occupant or other person responsible for the conditions, either by delivering a copy of the order personally or by delivering the order to any person in charge of the premises, or if no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the premises. Whenever it is necessary to serve such an order upon the owner of the premises, it may be served either by delivering to and leaving with the person a copy of the order, or if the owner is absent from the jurisdiction of the officer making the order, by mailing such a 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 and enforcing this chapter shall apply to the occupant thereof, except where the rules or orders require the making of additions to or changes in the premises themselves. In such cases the rules or orders shall affect the owner and not the occupant unless otherwise agreed between the owner and the occupant.

(Code 1982, § 5.05)

#### Sec. 6-52. Authority.

- (1) This chapter shall be enforced by the fire chief, his/her designee, and the Marshfield Fire and Rescue Department.
- (2) The Marshfield Police Department and other law enforcement agencies shall have authority to render assistance in the enforcement of this chapter when requested to do so by the fire chief, his/her designee or an authorized member of the Marshfield Fire and Rescue Department.

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- (3) The fire chief or his/her designee may delegate other qualified individuals such powers as necessary for the proper administration and enforcement of this chapter.
- (4) The Marshfield Fire and Rescue Department is authorized to inspect, at all reasonable times, any building or premises for dangerous or hazardous conditions or materials as set forth in this chapter. The Marshfield Fire and Rescue Department may order any person to remove or remedy such dangerous or hazardous condition or material. Any person failing to comply with such order shall be in violation of this chapter.
- (5) Where conditions exist which are determined by the Marshfield Fire and Rescue Department to be immediately hazardous to life and property, the Marshfield Fire and Rescue Department shall have the authority to summarily abate such hazardous conditions that are in violation of this chapter.
- (6) To the full extent permitted by law, any authorized member of the Marshfield Fire and Rescue Department engaged in fire prevention and inspection work is authorized at all reasonable times to enter and examine any building, structure, marine vessel, vehicle or premises for the purpose of making fire safety inspections. Before entering a private dwelling, the Marshfield Fire and Rescue Department shall obtain the consent of the occupant thereof or obtain a court warrant authorizing entry for the purpose of inspection except in those instances where an emergency exists. As used in this subsection, "emergency" means circumstances that the Marshfield Fire and Rescue Department knows, or has reason to believe, exist and that reasonably may constitute immediate danger to life and property.
- (7) Persons authorized to enter and inspect buildings, structures, marine vessels, vehicles and premises as set forth in this section shall be identified by proper credentials issued by the Marshfield Fire and Rescue Department.
- (8) No person shall interfere with any member of the Marshfield Fire and Rescue Department carrying out any duties or functions prescribed by this chapter.
- (9) No person shall use a badge, uniform or other official credentials to impersonate any member of the Marshfield Fire and Rescue Department.
- (10) The Marshfield Fire and Rescue Department shall have the authority to investigate the cause, origin and circumstances of any fire, explosion or other hazardous condition. The Marshfield Fire and Rescue Department shall have the authority to take custody of all physical evidence relating to the cause of any fire, explosion or other hazardous condition. Information that may relate to trade secrets or processes shall not be made part of the public record except as may be directed by a court of law.
- (11) The Marshfield Fire and Rescue Department shall have the authority to require plans and specifications to ensure compliance with applicable codes and standards.
- (12) Whenever any installation subject to inspection prior to use is covered or concealed without having first been inspected, the Marshfield Fire and Rescue Department may require that such work be exposed for inspection. The Marshfield Fire and Rescue Department shall be notified when the installation is ready for inspection and shall conduct the inspection within a reasonable period of time.
- (13) Whenever any construction or installation work is being performed in violation of the plans and specifications as approved, a written notice shall be issued to the responsible party to stop work on that portion of the work that is in violation. The notice shall state the nature of the violation, and no work shall be continued on that portion until the violation has been corrected.
- (14) The Marshfield Fire and Rescue Department shall have the authority to order the immediate evacuation of any occupied building deemed unsafe when such building has hazardous conditions that present immediate danger to building occupants.

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- (15) The Marshfield Fire and Rescue Department shall have the authority to develop and implement a public fire safety education program as deemed necessary for the general welfare with respect to the potential fire hazards within the City of Marshfield.
- (16) The Marshfield Fire and Rescue Department shall have the authority to ensure that the appropriate or duly authorized public fire safety education programs or public fire safety messages are disseminated to the general public.

(Code 1982, § 5.07)

### **Sec. 6-53. Occupancy.**

- (1) No new construction or existing building shall be occupied in whole or in part in violation of the provisions of this chapter.
- (2) Existing buildings that are occupied at the time of adoption of the ordinance from which this chapter derives shall remain in use, provided:
  - (a) The occupancy classification remains the same.
  - (b) There exists no condition deemed hazardous to life or property that would constitute an imminent danger.
- (3) Buildings or portions of buildings shall not be occupied during construction, repair or alteration without the approval of the Marshfield Fire and Rescue Department if required means of egress are impaired or required fire protection systems are out of service, except normal or routine maintenance or repairs.
- (4) Changes of occupancies. In any building or structure, whether necessitating a physical alteration or not, a change from one occupancy classification to another shall be permitted only if such building or structure conforms with the requirements of this chapter applying to new construction for the proposed new use.

(Code 1982, § 5.10)

### **Sec. 6-54. Records and reports.**

- (1) A record of examinations, approvals and variances granted shall be maintained by the Marshfield Fire and Rescue Department and shall be available for public inspection during business hours in accordance with applicable laws.
- (2) The Marshfield Fire and Rescue Department shall keep a record of all fire prevention inspections, including the date of such inspections and a summary of any violations found to exist, the date of service of notices and a record of the final disposition of all violations.
- (3) All records required to be kept shall be maintained until their usefulness has been served or as otherwise may be required by law.

(Code 1982, § 5.12)

### **Sec. 6-55. Duties and powers of incident commander.**

- (1) The incident commander conducting operations in connection with control of any fire, explosion or other emergency shall have the authority to direct all operations of fire extinguishment or control and to take all

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necessary precautions to save life, protect property and prevent further injury or damage. During such operations, including the investigation of the cause of such emergency, the incident commander may control or prohibit the approach to the scene of such emergency by any vehicle, vessel or person.

- (2) No person shall obstruct the operation of the Marshfield Fire and Rescue Department in connection with extinguishing or control of any fire or actions relative to other emergencies or disobey any lawful command of the incident commander in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the Marshfield Fire and Rescue Department.
- (3) The incident commander in charge of an emergency scene shall have the authority to establish barriers to control access in the vicinity of such emergency and place, or cause to be placed, ropes, guards, barricades or other obstructions across any street or alley to delineate such emergency scene barrier. No person, except as authorized by the incident commander in charge of the emergency, may cross such barriers.

(Code 1982, § 5.13)

### **Sec. 6-56. Tampering with safety equipment.**

- (1) No person shall render any portable or fixed fire extinguishing system or device or any fire warning system inoperative or inaccessible except as may be necessary during emergencies, maintenance, drills or prescribed testing.
- (2) No person shall render a system or device inoperative during an emergency unless by direction of the incident commander.
- (3) No person, except a person authorized by the Marshfield Fire and Rescue Department, shall remove, unlock, destroy or tamper with in any manner any locked gate, door, barricade, chain, enclosure, sign, tag or seal that has been required by the Marshfield Fire and Rescue Department pursuant to this chapter.

(Code 1982, § 5.16)

### **Sec. 6-57. Penalty and enforcement.**

The fire chief, or his or her designee, may issue citations for violations of any provision of this chapter. Any person who violates any of the provisions of this chapter, or any order made under this chapter, shall for each violation and noncompliance be subject to a forfeiture as provided under section 1-05 of this Municipal Code.

### **Sec. 6-58. Special events.**

- (1) The organizer of any special event which will result in the occupancy or use of any building or premises by a larger number of persons than are normally present at or in such building or premises, or at a time when such building or premises is not normally being used, will notify the Marshfield Fire and Rescue Department of the planned special event at least five days prior to the date of the event.
- (2) The organizer will notify the Marshfield Fire and Rescue Department in writing of the special event, to include:
  - (a) The name of the organizer or contact person for the organizer.
  - (b) The time, date and location of the event.
  - (c) A general description of the planned activity.

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- (d) The number of persons anticipated to participate or be present.
- (3) The Marshfield Fire and Rescue Department may, if unique issues of access or hazardous activities are raised due to the location or planned activities, impose such limitations or requirements which the department deems necessary for the safety of persons and property involved in the event.

(Code 1982, § 5.23)