

CHAPTER 34

FIRE PREVENTION CODE

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FIRE PREVENTION CODE

Section

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34.01 GENERAL PROVISIONS.

- (1) Intent of Code.

It is the intent of this code to prescribe regulations consistent with nationally recognized standards for the safeguarding to a reasonable 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, property and the environment in the use or occupancy of buildings or premises. Compliance with codes and standards of the National Fire Protection Association, the International Code Council, or other approved nationally recognized safety standards, as later referred to or as specified in this code, shall be deemed to be prima facie evidence of compliance with this intent.
- (2) Application of Code.
 - (a) 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 property in the opinion of the Chief.
 - (b) Nothing contained in this code shall be construed as applying to the transportation of any article or thing shipped under the jurisdiction of and in compliance with the regulations prescribed by the U. S. Department of Transportation (DOT), or as applying to the military forces of the United States.
 - (c) Except as provided herein, this code applies to each building and premises, public or privately owned and public thoroughfares located within the City of Madison. (Cr. by ORD-05-00087, 5-10-05)
- (3) Authority of the Chief.

The Chief has the authority to administer and enforce this code. The Chief may delegate any or all his or her authority under this code to such subordinates in the Fire Department as s/he may designate and the actions of such authorized subordinates shall be construed as valid actions of the Chief.
- (4) Authority to Enter Premises.
 - (a) The Chief may, at reasonable hours, request permission of the owner or occupant to enter any building or premises for the purpose of making any inspection or investigation, which, under the provisions of this code, he or she may deem necessary to be made.
 - (b) The Chief may obtain a search warrant under Wis. Stat. § 968.10, 968.12, 66.0119 when necessary in his/her opinion for the purpose of making an inspection or investigation of any building or premises where the owner or occupant has refused admission. (Am. by ORD-07-00127, 10-5-07)
 - (c) No person, having been duly informed of the existence of a search warrant to search the premises owned or occupied by that person, shall refuse to permit such search to be made. Each day, or part thereof, during which such refusal continues, shall be deemed to be a separate violation.
- (5) Inspection of Buildings and Premises.

It shall be the duty of the Chief to inspect all buildings and premises, except the interiors of dwelling units, as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, endanger life from fire, or any violations of the provisions or intent of this code and of any other ordinance affecting the fire hazard.
- (6) Plan Review. Pursuant to the provisions of Wis. Admin. Code § Comm 61.70 and Comm 61.71, the Chief may seek approval from the Wisconsin Department of Commerce, or seek an appointment as an agent of the Wisconsin Department of Commerce, for the purposes of conducting plans review and inspections of all fire protection systems. All persons installing, erecting, and/or modifying any fire alarm system or any fire suppression system within the

City of Madison including any system subject to plan review under Wis. Admin. Code ch. Comm 61, prior to the commencement of any such work, shall submit such plans to the Chief for review and approval, irrespective of whether such person(s) intends to submit such plans to any other lawful approving authority.

(7) Issuance of Orders.

- (a) Order to Eliminate Dangerous or Hazardous Conditions. Whenever the Chief shall find in any building or upon any premises dangerous or hazardous conditions or materials as follows, s/he shall order such dangerous conditions or materials to be removed or remedied:
1. Dangerous or unlawful amounts of flammable, combustible or explosive or otherwise hazardous materials;
 2. Hazardous conditions arising from defective or improperly installed equipment for handling or using flammable, combustible or explosive or otherwise hazardous materials;
 3. Dangerous accumulations of rubbish, waste material, boxes, shavings, vegetation or other highly combustible materials;
 4. Accumulations of dust or waste material in air conditioning or ventilating systems or of grease in kitchen hoods or other exhaust ducts or inadequate clearances to unprotected combustible materials from hoods, grease extractors, and ducts;
 5. Obstructions to or on fire escapes, designated access openings in exterior walls for Fire Department use, stairs, passageways, doors or windows, liable to interfere with the operations of the Fire Department or egress of occupants in case of fire;
 6. Any building or other structure which, for want of repairs, lack of adequate 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 hazardous condition.
- (b) Order Requiring Replacement of Fire Prevention, Detection or Suppression System Due to Recurring Violations. Whenever the Chief shall find in any building or upon any premises during any three consecutive inspections or reinspections a fire prevention, detection or suppression system which is defective, inoperative, improperly maintained or improperly operated, the Chief may order the following remedies:
1. If the system includes one or more exit light(s) which have not been illuminated during inspections the Chief may order that all of the exit lights in such premises be equipped with self-illuminating lights or lights equipped with light emitting diodes (LED);
 2. If the system includes one or more self-closing fire door(s) any of which have been found to have been held open with non-approved hold open devices during inspections the Chief may order that all of the fire doors in such premises be equipped with an automatic closing device as that term is defined in Wis. Admin. Code Comm § 51.01(17)(a) as that section existed on June 30, 2002;
 3. If the system includes one or more battery operated smoke alarm(s) which have been inoperative during inspections the Chief may order that the premises be equipped with smoke alarms hardwired into the premises electrical service;
 4. If the system includes emergency exit doors which, during hours of occupancy, have been found to be secured or locked with bolts, bars, chains, padlocks or locking devices other than the primary door lock the Chief may order the removal of such bolts, bars, chains, padlocks or additional locking devices and the Chief may further order that all emergency exit doors within the premises be equipped with panic door release hardware;
 5. This subsection shall not be construed as a limitation upon the powers of the Chief to issue orders for corrections of violations under Subsection (7)(a) above nor shall this subsection be construed as a limitation upon any of the powers of the Chief under any other applicable provision of the Madison General Ordinances, Wisconsin

- Administrative Codes or the Wisconsin State Statutes.
- (c) Corrective Action. Whenever the Chief may find a violation of this code, Wisconsin State Statutes, or the Wisconsin Administrative Codes, the Chief may order corrective action to cause the violation to be eliminated.
- (d) Fees for Reinspections.
1. Any person who shall fail or neglect to comply with any lawful order of the Chief issued pursuant to the provisions of this Chapter may be assessed fifty dollars (\$50.00) per inspection for compliance inspections in excess of one.
 2. The Chief shall keep an accurate account of all unpaid inspection fees incurred for reinspection services rendered and report the same to the City comptroller, who shall annually prepare a statement of these special charges at each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be by said Clerk entered in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate as provided in Wis. Stat. § 66.0703.
- (e) Authority to Abate Hazard. The Chief shall have the authority to order the immediate abatement of any hazard deemed by the Chief to be an imminent hazard to the life, safety, and well-being of the public. Whenever the owner shall refuse or neglect to abate said hazard, the Chief may cause the same to be abated and the City shall recover the expenses incurred thereby from the owner. The Chief shall keep an accurate account of all unpaid expenses incurred by the City for hazard abatement rendered and report the same to the City Comptroller, who shall annually prepare a statement of these special charges at each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be collected in all respects like other special charges upon real estate as provided in Wis. Stat. § 66.0703. (Cr. by ORD-07-00127, 10-5-07)
- (f) Authority to Vacate. The Chief shall have the authority to order to vacate any property deemed by the Chief to be necessary due to an imminent hazard to the life safety and well being of the public. (Cr. by ORD-07-00127, 10-5-07)
- (g) The Chief shall have the authority to order the installation of double action pull stations or pull station covers with horn when the department has responded to three or more intentional false alarms at a premises. (Cr. by ORD-07-00127, 10-5-07)
- (8) Service of Orders.
- (a) The service of written orders for the correction of violations of this code or for the replacement of fire prevention, detection or suppression systems shall be made upon the owner, occupant or other person responsible for the conditions, either by delivering a copy of same to any person in charge of the premises, or by mailing such orders to the owner or other responsible person. This subdivision shall in no way preclude the Chief from issuing oral orders in such other manner, as the Chief deems appropriate under the circumstances.
 - (b) If buildings or other premises are owned by one person and occupied by another the orders issued in connection with the enforcing of this code shall apply to the occupant thereof as well as the owner, except where the rules or orders require the making of additions to or changes in the premises themselves, such as would immediately become fixtures upon real estate and be the property of the owner of the premises, and 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 is sufficient notice to effect compliance with the order.
- (9) Liability For Damages.
This Code shall not be construed to hold the City of Madison or its employees responsible for

any damage to persons or property by reason of the inspection or reinspection authorized herein or failure to inspect or reinspect or the permit issued as herein provided or by reason of the approval or disapproval of any plans or equipment authorized herein.

- (10) Board of Building Code, Fire Code, Conveyance Code and Licensing Appeals.
The Board of Building Code, Fire Code, Conveyance Code and Licensing Appeals, as established in Sec. 29.18 of the Madison General Ordinances, shall act upon appeals from the decision of the Chief in respect to the provisions of this code and to advise the Chief on any matters regarding this code on which the Chief may request its opinion. (Am. by ORD-09-00019, 3-14-09)
- (11) Appeals.
Whenever the Chief shall disapprove an application or refuse to grant a permit, approval, or certificate applied for, or revoke a permit, approval or certificate, or when it is claimed that the provisions of the Code have been misconstrued or wrongly interpreted, the person affected may appeal from the decision of the Chief to the Board within fifteen (15) days from the date of the decision appealed and upon payment of fifty dollars (\$50) payable to the City of Madison. The Board may, by majority vote, uphold, overrule or modify the action of the Chief. Thenceforth, further action sought from any decision rendered by the Board must be to a Court of Law and only one appeal from the decision of the Chief is allowed.
- (12) Modifications.
The Board shall have power to modify any of the provisions of this Code upon application in writing by the owner or lessee, or his/her 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 secure, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Board thereon shall be entered upon the records of the Board and a signed copy shall be furnished the applicant.
- (13) Approvals.
- (a) Devices and materials required by this Code to be subject to the approval of the Chief shall be approved only as they are suitable for their intended use and provide adequately for safeguarding the lives and safety of the public and for reasonable safety to property.
 - (b) The Chief may base his/her approvals for the design, construction, use, operation and maintenance for devices, materials and systems not covered in the State of Wisconsin or City of Madison codes on any applicable nationally recognized standards or published listings of nationally recognized testing laboratories, and on request shall state the basis for his/her decision.
- (14) Adoption by Reference: State and National Codes.
The most current edition and any subsequent editions of the following are adopted by reference and made a part hereof, as if fully set forth herein:
- (a) The International Fire Code, and referenced codes and standards, published by the International Fire Code Council, 5203 Leesburg Pike, Suite 708, Falls Church Virginia 22041-3401, except as amended by this Chapter. (Am. by ORD-07-00127, 10-5-07)
 - (b) The following Wisconsin Administrative Code Chapters:
 - Comm 5 – Credentials
 - Comm 7 – Explosive Materials
 - Comm 9 – Manufacture of Fireworks
 - Comm 10 – Flammable and Combustible Liquids
 - Comm 14 – Fire Prevention
 - Comm 16 – Electrical
 - Comm 18 – Elevators
 - Comm 28 – Smoke Detectors
 - Comm 40 – Gas Systems
 - Comm 43 – Anhydrous Ammonia

Comm 50-64 – Building and Heating, Ventilation and Air Conditioning (built prior to July 1, 2002)

Comm 61-65 – Wisconsin Commercial Building (built on or after July 1, 2002)

Comm 66 – Uniform Multifamily Dwellings (built prior to July 1, 2002)

Comm 70 – Historic Buildings

Comm 75-79 – Existing Buildings

Comm 81-87 - Plumbing

(Am. by ORD-07-00127, 10-5-07)

(c) The codes in the International Fire Code and the Wisconsin Administrative Codes that are adopted by reference are the most current edition of the referenced code and any subsequent editions of the referenced codes. (R. & Rec. by ORD-07-00127, 10-5-07)

(d) In case of a conflict between any provisions of this Chapter, the Wisconsin Administrative Code or the International Fire Code, the code containing the strictest provisions shall apply. (R. & Rec. by ORD-07-00127, 10-5-07)

(e) A copy of the Codes and Standards incorporated by reference shall be kept at all times and available for inspection during reasonable hours in the office of the Chief. (Cr. by ORD-07-00127, 10-5-07)

(15) Penalties.

(a) Any person violating any of the provisions of this Code for which a penalty is not otherwise specified shall upon conviction be subject to a forfeiture of not less than ten dollars (\$10) nor more than two hundred dollars (\$200). Every day or fraction thereof during which any person fails or neglects to observe and comply with any provisions of this chapter shall constitute a separate violation.

(b) Any person who does not comply with any lawful order of the Chief issued pursuant to the provisions of this Code shall be in violation of this Code, and every day or fraction thereof during which such person fails or neglects to comply with such order shall constitute a separate offense.

(c) Any person violating any of the provisions of the Special Order from the Department of Commerce dated July 30, 2002 and signed by Mayor Bauman and Department of Commerce Secretary Philip Albert will be subject to the penalties under sub. (a). (Cr. by ORD-07-00127, 10-5-07)

(16) 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.

(17) Validity.

The Common Council of the City of Madison 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 said Common Council that it would have passed all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

(18) Miscellaneous Inspection Fees.

(a) Inspections outside of normal work hours (Monday through Friday, 7:00 a.m. to 5:00 p.m.) whether required or requested shall be subject to the fees in this section. Inspections outside of normal work hours to verify compliance with permitted activities, which are conducted outside of normal work hours, shall be subject to the fees listed in this section. When fire inspection personnel are required as standby personnel for events or emergencies, the owner shall pay for personnel time in accordance with this section.

(b) Inspection fee - \$60.00 per hour.

(c) The Chief shall keep an accurate account of all unpaid fees incurred for inspection services rendered and report the same to the City Comptroller, who shall

annually prepare a statement of these special charges at each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be by said Clerk entered in the tax roll as a special charge against said lot or parcel of land, and the same shall be collected in all respects like other special charges upon real estate as provided in Sec. 66.0703 of the Wisconsin State Statutes.

34.02 IFC PROVISIONS OMITTED FROM CITY OF MADISON CODE.

- (1) The requirement of the following IFC sections are not included as part of this Chapter:
- Section 103 Department of Fire Prevention – omit
 - Section 104.6 Official Records – omit
 - Section 104.10 Fire Investigations – omit
 - Section 105.1.3 Permits for the same location – omit
 - Section 105.6.4 Carnivals and fairs – omit
 - Section 105.6.13 Exhibits and trade shows- omit
 - Section 105.6.15 Explosives – omit
 - Section 105.6.16 Flammable and combustible liquids – omit 1., 4., 6., and 7.
 - Section 105.6.18 Fruit and crop ripening – omit
 - Section 105.6.19 Fumigation and thermal insecticidal fogging – omit
 - Section 105.6.23 Hot work operations – omit
 - Section 105.6.24 Industrial ovens – omit
 - Section 105.6.26 Liquid- or gas-fueled vehicles or equipment in assembly buildings – omit
 - Section 105.6.27 LP-gas – omit
 - Section 105.6.29 Miscellaneous combustible storage – omit
 - Section 105.6.32 Open flames and candles – omit
 - Section 105.6.35 Private fire hydrants – omit
 - Section 105.6.38 Refrigeration equipment – omit 2.
 - Section 105.6.40 Rooftop heliports – omit
 - Section 105.6.44 Tire-rebuilding plants – omit
 - Section 105.7.2 Battery Systems - omit
 - Section 105.7.6 Flammable and combustible liquids – omit 1.
 - Section 105.7.8 Industrial ovens – omit
 - Section 105.7.13 Temporary membrane structures, tents and canopies – omit
 - Section 108 Board of Appeals – omit
 - Section 109.2.1 Service – omit
 - Section 109.3 Violation penalties – omit
 - Section 603.4.1 Prohibited Locations – omit
 - Section 1004.2 Increased Occupant Load – omit

(Am. by ORD-07-00127, 10-5-07)

34.03 MODIFICATIONS, AMENDMENTS AND SUBSTITUTIONS TO THE INTERNATIONAL FIRE CODE.

- (1) In each place where the word “permits” appears in Section 105.2 of the IFC, the following words are substituted: “permits and licenses”. In the first sentence, where the word “code official” appears substitute “City Clerk”.
- (2) In Section 105.3.1, add the following language “Licenses issued under this section shall expire on June 30 of each year.
- (3) In Section 105.6.16.5, the words “tank vehicle” are not included as part of this Chapter. (R., Am. & Renum. by ORD-07-00127, 10-5-07)
- (4) In Section 105.6.30 the exception for recreational fires is not included as part of this Chapter. In addition to the requirements of Section 105.6.30, a permit is required for recreational fires. A permit is not required for outdoor cooking, fire in approved outdoor fireplaces, campfires in approved campgrounds and burning related to training for fire departments. (Am. by ORD-07-00127, 10-5-07)

- (5) The following language is substituted for Section 105.7.9 of the IFC: Construction permits are required for containers of 500 gallon, or aggregate, water capacity or more, except individual containers of 2000 gallon water capacity or larger or where the aggregate water capacity is 4000 gallon or larger must be submitted to Commerce. (Am. by ORD-07-00127, 10-5-07)
 - (6) The following language is substituted for Section 603.4 of the IFC: Portable unvented fuel-fired heating equipment is prohibited except during construction or demolition of a building as allowed under IFC Section 1403.
 - (7) The following language is substituted for Section 904.11.6.4 of the IFC: Automatic fire-extinguishing systems shall be serviced at least every 6 months and after activation of the system. Inspection shall be by qualified individuals, and a certificate of inspection shall be maintained and made available to the Chief upon request.
 - (8) In Section 907.10.2 of the IFC the following language is substituted for the corresponding language: The minimum sound pressure levels shall be: 70 dBA in occupancies in Groups R and I-1; 90 dBA in mechanical equipment rooms; and 70 dBA in other occupancies.
 - (9) The following exception is added to the exceptions in Section 1025.12 of the IFC: Seats not secured to the floor are permitted for companions of a person with a disability. (Am. by ORD-07-00127, 10-5-07)
 - (10) The following language is substituted for Section 1027 of the IFC: The entire means of egress system shall remain clear and unobstructed continuous to the public way or safe dispersal area at all times. All components of the means of egress system shall be maintained to remain in compliance with the building and illumination codes in effect at the time of construction. (Am. by ORD-07-00127, 10-5-07)
 - (11) The following language is substituted for Section 3301.2.4 of the IFC: Every public display permittee shall have and maintain adequate liability insurance with minimum limits of \$1,000,000 (one million dollars) bodily injury and property damage, combined single limit, naming the City, its officers, employees and agents as additional insureds. Said insurance shall indemnify and defend the City, its officers, employees and agents against all claims, liability, loss, damages or expenses, whether caused by or contributed to by the negligence of the City, its officers, employees or agents. Said insurance shall provide that the City receive written notice thirty (30) days prior to any cancellation, nonrenewal or material change in the policy. Proof of said insurance shall be submitted to the Chief at the time of the permit application.
 - (12) In Section 105.6.31, the phrase “to remove paint with a torch; or” is not included as part of this Chapter.
 - (13) The following exception is added to Section 315.2.3 of the IFC: Combustible material may be stored in equipment rooms where in the judgment of the Chief it does not create a fire hazard. In all cases access must be provided to the equipment and the clearances specified by the equipment manufacturer must be maintained.
 - (14) The following language is in addition to Section 604.1.1 of the IFC: Except as otherwise approved by the Chief, where an emergency or standby power supply system is required by this code, that power shall be supplied by an on-premises generator with an onsite fuel supply source.
 - (15) In Section 604.2.15.1.1 the exception for the use of pipeline natural gas as the fuel supply for the generator is not included as part of this Chapter.
 - (16) The following language is in addition to Section 901.5 of the IFC: Except as otherwise approved by the Chief, all portions of a fire protection system that will be concealed shall be tested by the installing contractor, and be approved by an inspector of the Madison Fire Department, before concealment.
 - (17) In addition to IFC 503: IFC Appendix D105, is included as part of this code.
 - (18) In Section 505.1, the words “or alphabet letters” are not included as part of this Chapter.
- (Renum. Secs. 34.03(4)-(13) to 34.03(3)-(12) and Cr. Secs. (13)-(18) by ORD-07-00127, 10-5-07)

34.04 LICENSES AND PERMITS.

The following requirements are in addition to the requirements in IFC Section 105.1.1:

- (1) A license shall constitute permission to maintain, store or handle materials, or to conduct processes, which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such license does not take the place of any license required by law. It shall not be transferable, and any change in equipment, ownership, use or occupancy of premises shall require a new license.
- (2) All applications must be submitted 30 days prior to commencing the prescribed activities. All applications shall be acted upon promptly, and the Chief shall within fifteen (15) business days from the receipt of an application, either issue the requested license or state to the applicant the reasons for not issuing it.
- (3) Licenses shall at all times be prominently displayed on the premises.
- (4) A fee and license shall be required for each hazard listed unless specifically stated elsewhere in this Code.
- (5) Licenses shall be valid so long as the original conditions of their issuance are maintained, but in no case shall they exceed one (1) year unless specifically provided otherwise. The term of each annual license shall be from July 1 to June 30 of the next succeeding year. Licenses for a part of a year may be issued, expiring on June 30. Licenses issued for a period of three (3) months to one (1) year shall be subject to the entire applicable fee.
- (6) A fee of one hundred dollars (\$100) shall be made for each license under this code, except as listed in this section or as specified elsewhere in this code, payable to the City of Madison. Renewal licenses shall be obtained on or before June 30 of each year or be subject to a late filing fee of 15 percent of the license fee. Payment of a late filing fee shall not relieve any person from any other penalties prescribed in this chapter for failing to possess or obtain a license. (Am. by ORD-06-00154, 11-23-06)
- (7) Public display of fireworks or pyrotechnic special-effect materials (\$250). (Am. by ORD-06-00154, 11-23-06)
- (8) Open burning permit (\$50). (Cr. by ORD-07-00186, 12-20-07)
- (9) The Chief shall maintain a record of all licenses issued, which shall be open to public inspection on request.
- (10) No permit shall be issued to minors.
- (11) No permit granted hereunder shall be transferable.
- (12) The Chief may revoke any permit, approval or certificate issued under this Code where any condition of issuance has not been complied with or maintained, or where there has been any false statement or misrepresentation of any material fact in the application or plans on which the issuance was based. The Chief shall promptly notify the holder of the revocation. The holder may appeal the Chief's decision to the Board. Such revocation shall be in effect pending the decision of the Board, and the holder shall immediately comply with the conditions of revocation. Thereafter, it shall be unlawful for any person to continue or maintain the conditions causing the revocation excepting that the Board finds in favor of the holder or a new permit is issued.
(Am. by ORD-07-00127, 10-5-07; Secs. 34.04(8)-(11) Renum. to (9)-(12) by ORD-07-00186, 12-20-07)

34.05 HIGH-PILED COMBUSTIBLE STORAGE PERMITS.

The following requirements are in addition to the requirements in IFC Section 105.6.22: Three sets of construction documents, meeting the requirements found in IFC 2301.3, shall be submitted for review. The fee for the review and inspection of high piled combustible storage shall be \$200 (two hundred dollars). Plans shall be submitted prior to placing any commodities in a high piled combustible storage array. Prior to making any revisions to an approved high piled combustible storage array, the proposed revision shall be submitted for review and a fee of \$200 (two hundred dollars) paid. A high piled combustible storage permit shall not be issued without approved construction documents. (R. & Recr. by ORD-07-00127, 10-5-07)

34.06 COVERED MALL BUILDINGS.

The following requirements are in addition to the requirements in IFC Section 105.6.9: A permit is required for each special event or use of the common area of the mall including but not limited to the display of goods, retail sales displays, fashion shows, art shows, motor vehicle displays, and holiday events. A detailed floor plan drawn to scale of the area to be used shall be submitted with the permit application. The plan shall show the location of all assembly seating areas, stages, booths, displays, exhibits, and demonstrate compliance with the means of egress system requirements of Wis. Admin. Code chs. Comm 61 to 65. (Am. by ORD-07-00127, 10-5-07)

34.07 PYROTECHNIC SPECIAL EFFECTS MATERIAL.

The following requirements are in addition to the requirements in IFC Section 105.6.36: An operational permit is required for the use or display of Fireworks. A new permit is required for each display.

34.08 TENTS AND CANOPIES.

The following exceptions are in addition to the exceptions contained in IFC Section 105.6.43: Tents or canopies used for retail sales adjunct to a business (a building permit is required). Funeral tents and curtain or extensions attached thereto, when used for funeral services.

34.09 REINSPECTIONS.

The following requirements are in addition to the requirements in IFC Section 107.2.2: Reinspections will be subject to the \$50 fee as set forth in this Chapter.

34.10 DEFINITIONS.

The following definitions are in addition to the requirements in IFC Section 202:

- (1) Board means the Board of Building Code, Fire Code, Conveyance Code and Licensing Appeals (Am. by ORD-09-00019, 3-14-09);
- (2) Chief means the Chief of the Madison Fire Department;
- (3) Code Official means the Chief of the Madison Fire Department;
- (4) Comm or Commerce means Wisconsin Department of Commerce;
- (5) Fire Department means the City of Madison Fire Department;
- (6) IFC means the International Fire Code as adopted and amended by this Code;
- (7) Inspector means Fire Inspector, Fire Code Enforcement Officer, Fire Prevention Officer, Fire Protection Engineer, Fire Marshal, Firefighter or other Fire Department personnel authorized by the Chief to perform the duties of administration and enforcement of this Code;
- (8) License shall also include a permit;
- (9) Permit shall also include a license.

34.11 PROHIBITED ACTIVITIES.

The following requirements are in addition to the requirements in IFC Section 301.1:

- (1) The following activities are prohibited. The consequences shall be as specified in ss. 941.12, and 941.13 Wis. Stats:
 - (a) Interfering with the proper functioning of a fire alarm system;
 - (b) Interfering with the lawful efforts of a firefighter to extinguish a fire;
 - (c) Interfering with, tampering with or removing a fire extinguisher, automatic fire sprinkler system, fire hose or other fire fighting equipment without proper authorization;
 - (d) Interfering with the accessibility of a fire hydrant;
 - (e) Intentionally giving a false alarm to any public officer or employee.
- (2) Matches. The manufacture, storage and distribution of matches shall comply with s. 167.07, Stats.

34.12 COMBUSTIBLE WASTE.

The following requirements are in addition to the requirements in IFC Section 304.1:

- (1) Accumulation or Storage of Combustible Waste and Refuse.
 - (a) The following exception is in addition to the exceptions in Section 304.3.3 of the IFC: Dumpsters and containers constructed of noncombustible material with lids constructed of noncombustible material may be placed within 5 feet of combustible walls, openings or combustible roof eave lines. (Am. by ORD-07-00127, 10-5-07)
 - (b) Refuse shall be in approved bins equipped with covers and doors in a closed position except while filling or emptying. (Am. by ORD-07-00127, 10-5-07)
 - (c) Interior storage prior to collection in apartment buildings:
 1. Refuse storage in excess of one (1) cubic yard for more than twenty-four (24) hours shall be in rooms constructed in accordance with Madison General Ordinances Section 29.20(8)(c), and shall be of sufficient size to store all refuse generated in the building prior to removal.
 2. All refuse shall be removed at least once each week.
 3. Refuse holding rooms shall not be used for any other purpose.
- (2) Other Accumulation of Combustible Waste.
 - (a) Combustible waste or refuse shall be properly stored or disposed of at the end of each working day, before vacating a building or premises and whenever necessary to prevent unsafe, uncontained accumulations.
 - (b) Roofs, courts, yards, vacant lots and open spaces shall be kept free and clear of deposits or accumulations of waste paper, hay, grass, straw, weeds, litter or combustible waste or refuse of any kind, except as permitted in Section 7.361.
 - (c) No person shall place, deposit, dump or otherwise dispose of hazardous material, combustible waste, refuse or rubbish in or on any street, alley, public sidewalk or public place except as permitted in Section 10.18, Madison General Ordinances.
- (3) IFC Section 304.1 is modified to read, Waste accumulation prohibited. Combustible waste material, including confidential material intended for destruction, creating a fire hazard shall not be allowed to accumulate in buildings or structures or upon premises. (Cr. by ORD-07-00127, 10-5-07)

34.13 OPEN BURNING.

The following requirements are in addition to the requirements in IFC Section 307.1:

The unsafe burning of buildings or property is prohibited. The consequences for violations shall be as specified in ss. 941.11, 943.02 and 943.03, Wis. Stats.

34.14 PERMIT REQUIRED FOR OPEN BURNING.

The following requirements are in addition to the requirements in IFC Section 307.2:

- (1)
 - (a) Authorization. In addition to authorization from the Chief, a permit must be obtained in accordance with Section 7.45 of the Madison General Ordinances.
 - (b) Definitions.
 1. "Conservation Park" is defined under Madison General Ordinances Sec. 8.40(2).
 2. "Natural Area" is an area containing locally significant native plant and wildlife communities which provide critical ecological functions and preserve biological diversity while providing for compatible public uses.
- (2) Prohibitions.
 - (a) Bonfires are not permitted. The burning of rubbish, leaves, construction waste, vegetation, etc. is prohibited.

- (b) Exceptions.
1. The Madison Parks Division may conduct controlled burns of vegetation and brush piles in conservation parks and any other natural areas under the jurisdiction of the City of Madison Parks Division. Such burns are used as a land management tool to protect and foster growth and improve the habitat of the conservation and natural areas. The controlled burns shall be conducted only on public property and in strict compliance with the standards set forth in a burning permit issued by the City of Madison Fire Department.
 2. The University of Wisconsin Arboretum may conduct controlled burns of vegetation and brush piles as a means of land management. Such burns may be conducted only on public property and in strict compliance with the standards set forth in a burning permit issued by the City of Madison Fire Department.
- (3) The Dane County Parks Division may conduct controlled burns of vegetation and brush piles in natural areas located within the City of Madison as a means of land management. Such burns may be conducted only on public property and in strict compliance with the standards set forth in a burning permit issued by the City of Madison Fire Department.
- (4) Fires.
- (a) No person shall maintain or kindle a recreational fire which is any annoyance or discomfort due to smoke or heat created by such combustion, to the neighborhood or traveling public or which may, because of the nature or location thereof, or for any reason, be liable or apt to cause or aid in the spread of fire.
 - (b) No person shall kindle a fire upon the land of another without permission of the owner thereof or his/her agent.
 - (c) The Chief may prohibit any outdoor fires when atmospheric conditions or local circumstance make such fires hazardous, and during such prohibition no person shall start or maintain or permit the starting or maintaining of any such fire.
- (5) The fee for an open burning permit under this section shall be \$50. (Cr. by ORD-07-00127, 10-5-07.)

(Am. by Ord. 13,657, 7-28-04)

34.15 OPEN FLAMES.

The following requirements are in addition to the requirements in IFC Section 308:
The negligent handling of burning material is prohibited. The consequences for violations shall be as specified in ss. 941.10 and 943.05, Wis. Stats.

34.16 FUELED EQUIPMENT. (Title Am. by ORD-07-00127, 10-5-07)

The following requirements are in addition to the requirements in IFC Section 313:

- (1) Small engine power equipment fueled by a flammable or combustible liquid shall be kept outside of a public building or in a garage.
- (2) It shall be unlawful to keep or store small engine power equipment fueled by flammable or combustible liquid inside of a public building, unless:
 - (a) the fuel tank is drained;
 - (b) the fuel tank is vented to the outside atmosphere for 15 minutes prior to placing the equipment in the building;
 - (c) the spark plug(s) is disconnected or removed;
 - (d) no more than 4 pieces of equipment are within the building;
 - (e) the equipment is not within a mechanical or electrical room; and
 - (f) the equipment is for on-site maintenance only.
- (3) All flammable or combustible fuel shall be stored in accordance with NFPA 30.

34.17 SMOKING.

The following requirements are in addition to the requirements in IFC Section 310:

- (1) No owner, manager or person in charge of any such occupancy shall permit smoking in violation of this subsection. This subsection shall not apply to smoking on a stage by members of a theatrical cast as part of an act or performances when such precautions are taken to prevent fire as are deemed adequate by the Chief.
- (2) Where smoking is permitted, suitable noncombustible ashtrays or receivers shall be provided at convenient locations. Ashtrays or receivers shall be emptied as necessary, and at the end of each day's operations, into suitable, safe, noncombustible covered receptacles.
- (3) No person by smoking or attempting to light or to smoke cigarettes, cigars, pipes, or tobacco in any manner in which lighters or matches are employed shall in a careless, reckless, or negligent manner, whether willfully or wantonly or not, set fire to any bedding, furniture, curtains, drapes, house or any household fittings, or any part of any building whatsoever, so as to endanger life or property in any way or to any extent. In each sleeping room of all hotels, rooming houses, lodging houses, and other places of public abode, a plainly printed notice shall be posted in a conspicuous place advising tenants of the regulations of this subdivision

34.18 FIRE WALL IDENTIFICATION.

The following requirements are in addition to the requirements in IFC Section 501 :

- (1) Identification Required. All owners shall identify, in accordance with the requirement of this section, the location of a fire division wall or occupancy separation wall at the exterior walls of buildings with a sign. A sign may not be required to identify a fire division wall or occupancy separation wall for the following:
 - (a) Abutting exterior walls of two or more buildings along streets in downtown areas;
 - (b) With a visible parapet from the street;
 - (c) Which extends above roofs and is an exterior wall of another part of a building; and
 - (d) In buildings more than three stories.
- (2) For the purposes of this section, fire division wall or occupancy separation wall means a wall extending from the lowest floor level to or through the roof and extending the full width or length of the building.
- (3) Sign Requirements.
 - (a) General. The sign shall consist of three circles arranged vertically on the exterior wall marking the location of the fire division wall or occupancy separation wall and centered on the fire division wall or occupancy separation wall. The circles may be affixed directly to the surface of the building or may be placed on a background material that is affixed to the building.
 - (b) Size of Circle. Each circle shall be the same size. The diameter of the circle shall be at least one and one half (1 1/2) inches, but no greater than two (2) inches.
 - (c) Spacing. The circles shall be spaced equal distance apart. The maximum distance measured from the top of the uppermost circle to the bottom of the lowermost circle shall be twelve (12) inches.
 - (d) Color. The color of the circle shall be limited to either red, amber (orange-yellow) or white (clear) and shall be reflective. The color of the circle shall contrast with the color of the background.
- (4) Location. The top of the sign shall be located on the face of the exterior wall of the building and located no more than twelve (12) inches below the eave, roof edge, fascia or parapet.
- (5) Effective Date. All buildings with fire walls permitted after September 1, 1995, shall comply with this section.

34.19 FIRE APPARATUS ACCESS ROADS.

- (1) Fire Lanes on Public or Private Property Devoted to Public Use.
The following requirements are in addition to the requirements in IFC Section 503.1:
- (a) The marking of fire lanes on public or private property devoted to public use shall be approved by the Chief.
 - (b) Obstructing fire lanes shall be prohibited at all times, including the accumulation of snow.
 - (c) General Requirements:
 - 1. Fire lanes shall be established on public or private property devoted to public use where the parking of motor vehicles or other obstructions may interfere with the ingress and egress of Fire Department vehicles, personnel and equipment for the protection of persons and property.
 - 2. At least two (2) exterior walls of each building shall be available for Fire Department access. The Chief may consider alternative designs that ensure adequate access for fire apparatus, equipment and personnel.
 - (d) Any person who violates any provision of this subsection or fails to comply with any of its requirements shall upon conviction thereof forfeit not less than twenty-five dollars (\$25) nor more than two hundred dollars (\$200).
- (2) Surface of Fire Apparatus Access Roads.
The following requirements are in addition to the requirements in IFC Section 503.2.3: Fire lanes shall be designed to support the imposed loads of fire apparatus and shall be constructed of asphalt or concrete.
- (3) Grade of Fire Apparatus Access Roads.
The following requirements are in addition to the requirements in IFC Section 503.2.7: The grade shall not exceed a slope of 8%.
- (4) Application. This section shall apply only to places of employment as defined in Sec. 101.01(11), Wis. Stats., and public buildings, as defined in Sec. 101.01(12), Wis. Stats., with the exception of multi-family dwellings as defined in Sec. 101.971(2), Wis. Stats. (Cr. by ORD-05-00087, 5-10-05)
- (5) The dimension in Wis. Adm. Code Section 62.0509(2)(a) may be increased from 150 feet to 250 feet if the conditions of Wis. Adm. Code Section 62.0509(2)(b) are met. (Cr. by ORD-07-00127, 10-5-07)

34.20 FIRE PROTECTION WATER SUPPLY.

The following requirements are in addition to the requirements in IFC Section 508.1:

- (1) Fire Protection Water Supply and Fire Hydrants.
- (a) Private fire hydrants and water mains shall be installed in accordance with NFPA 24, and the City of Madison Standard Specifications for Public Works Construction, Sec. 704.7. Private fire hydrants and water mains shall be maintained in accordance with NFPA 25. (Am. by ORD-07-00127, 10-5-07)
 - (b) Plans shall be submitted to the Chief for review to determine compliance with the applicable standards prior to the installation of private fire service mains and fire hydrants. The chief shall act upon such applications within 15 days of receipt thereof. Denials of such applications may be appealed to the Board.
 - (c) All portions of the exterior walls of newly constructed public buildings and places of employment and open storage of combustible materials shall be within 500 feet of at least two fire hydrants. Hydrant spacing shall not exceed 500 feet between any two hydrants. One- and two-family dwellings shall be within 500 feet of at least one fire hydrant. On new streets hydrants shall be located at the intersections and the end of dead end streets. Distances shall be measured along the path of the hose lay. Hydrants shall not be located where the hydrant is not accessible to fire apparatus.

Private fire hydrants shall not be located in the public right of way. Hydrant requirements in accordance with this standard may be met with existing public or private hydrants. The Chief may approve alternative locations and spacing of fire hydrants provided hydrants meet the fire suppression tactical needs of the Fire Department. (Am. by ORD-07-00127, 10-5-07)

- (d) Fire hydrants shall not be located within 40 feet of any building. Fire hydrants shall be no more than 10 feet and no less than five feet from the curb or edge of the street or fire apparatus access. Fire hydrants located in parking lot islands shall be a minimum of 3.5 feet from the center of the hydrants to the curb. Alternative setback distances may be considered by the Chief when site conditions conflict with the provisions of this section.
- (e) Minimum Flow and System Design.
 1. Private fire service mains serving fire hydrants shall be the same size as the public mains supplying the private water system unless hydraulically calculated to provide the minimum required flow and pressure in accordance with nationally recognized standards. In all cases, mains do not need to exceed 10 inches but shall be at least six inches in diameter. Alternative designs, based on nationally recognized standards for calculating fire flow demands, may be approved by the Chief. If the minimum flow and pressure requirements cannot be supplied by a private water supply system, the owner may be required to install a water reservoir and pressure boosting system, or a public water supply system and/or multiple points of connection to the public water main(s).
 2. Control valves shall be provided to limit the number of private hydrants affected by maintenance, repair or construction. Valves shall be located at street intersections and at no more than 800-foot intervals. Valves shall be provided in each hydrant lead.
 3. All hydrants shall be positioned so the largest outlet faces the street or fire lane.
 4. The center of the lowest outlet cap of fire hydrants shall be at least 18 inches above grade and not more than 24 inches above grade.
 5. Fire hydrants shall meet the specifications of section 702.4 in the City of Madison Standard Specifications for Public Works Construction.
(Am. by ORD-07-00127, 10-5-07)
- (f) Whenever the location of a fire hydrant may be obscured by its placement, or due to the placement of a building, structure, fencing, grade of land, vegetation, snow accumulation or other obstruction of vision, the Chief may require such fire hydrants to be identified and marked with above grade markers. Above grade markers are any devices, approved for use by the Chief, designed to promote and enhance the ready identification of fire hydrant locations.
- (g) No obstructions, including but not limited to power poles, trees, bushes, fences or posts may be located within five feet of a fire hydrant. Grade changes exceeding 1.5 feet are not permitted within five feet of a fire hydrant or hydrant lead. Owners shall remove snow, vegetation or other material that has covered or obscured the view of the hydrant(s) on their property.
- (h) Fire hydrants shall be installed and in-service prior to combustible construction.
- (i) Private fire hydrants and water systems placed out of service or made inoperable for maintenance, repair or construction shall be covered with a durable and weather resistant bag to indicate the hydrant is not useable. The Fire Prevention Division (266-4484) shall be immediately notified when hydrants and/or systems are out of service. Fire hydrants and/or water systems shall be repaired and returned to service within 48 hours except as otherwise approved by the Chief.
- (j) Inspection, testing and maintenance shall be recorded on forms approved by the Chief. Completed forms shall be submitted to the Fire Prevention Division within 15 days of the last recorded entry. Failure to submit completed forms as required shall constitute a rebuttable presumption that required inspections, testing and maintenance have not been performed.

- (2) Mobile Home Parks.
- (a) New mobile home parks shall have an approved fire protection water supply system. The system shall include water mains, fire hydrants and appurtenances in accordance with this Code. Approved fire hydrants shall be installed so that every lot or structure in the mobile home park is within five hundred (500) feet of a hydrant. Materials and equipment used must meet the standards, rules and regulations of the Madison Water Utility.
Note: Wis. DNR requires 500 gpm minimum at hydrants on fire protection water systems.
- (b) Existing mobile home parks lacking an approved fire protection water system shall be provided with a fire protection water system by the owner within one (1) year, upon notification by the Chief. Such system shall include water mains, fire hydrants and appurtenances capable of providing a minimum of (500) gallons per minute with 20 psi residual pressure in addition to the maximum domestic requirement at any hydrant on said system. Approved fire hydrants shall be installed so that every lot or structure in the mobile home park is within seven hundred fifty (750) feet of a hydrant. Materials and equipment used must meet the standards, rules and regulations of this Code and the Madison Water Utility.

34.21 ELECTRICAL EQUIPMENT.

The following requirements are in addition to the requirements in IFC Section 605.1:

- (1) Extension Cords and Relocatable Power Taps.
- (a) Definitions.
1. In this subsection, "Extension cord" means a cord set consisting of a length of flexible cord with an attachment plug at one end and a cord connector, which permits the connection of one or more attachment plugs, at the other end.
 2. In this subsection, "relocatable power tap" means a system consisting of an attachment plug cap and a length of flexible cord terminated in an enclosure in which are mounted one or more receptacles. A relocatable power tap may be provided with supplementary overcurrent protection, switches, indicator lights, transient voltage surge suppressors, or electromagnetic interference filters.
- (b) Listing. Extension cords and relocatable power taps shall be listed by UL or other approved nationally recognized testing agency.
Note: See standard UL 817-Cord Sets and Power Supply Cords or UL 1363-Relocatable Power Taps for additional information.
- (c) General Requirements.
1. Extension cords shall only be used for temporary wiring and shall not be substituted for permanent wiring.
 2. Extension cords shall be of a 3-wire grounding type when used in conjunction with devices equipped with 3-prong grounding type attachment plugs.
- (d) Ampacity. The current-carrying capacity of the extension cord or relocatable power tap may not be exceeded.

- (e) Use of Extension Cords and Relocatable Power Taps.
 1. Except as provided in Subdivision 2., extension cords and relocatable power taps may not be multiplied or plugged into one another.
 2. Extension cords may be used for temporary wiring at construction sites provided the cords comply with Article 305 of the National Electrical Code as adopted in ch. Comm 16, Wis. Adm. Code.
 3. Extension cords shall be permitted only with portable appliances, hand tools or fixtures.
 4. Relocatable power taps are permitted only with portable electronic equipment such as audio-visual equipment, computers and peripheral equipment.
 5. Except for listed adapter cord sets intended for construction site use, each extension cord shall serve only one portable appliance, hand tool or fixture.
- (f) Physical Protection.
 1. Extension cords and relocatable power taps shall be protected from physical impact and environmental damage.
 2. Extension cords and relocatable power taps may not be attached to structures or placed under doors or floor coverings.

34.22 MAINTENANCE OF FIRE RATED CONSTRUCTION.

The following requirements are in addition to the requirements in IFC Section 703.1:

At least every four years, all fire dampers, smoke dampers and ceiling dampers and components shall be operated to ensure they remain in working condition as designed and installed.

34.23 SEASONAL HOLIDAY TREES.

The following requirements are in addition to the requirements in IFC Section 806.1.1:

The requirements of IFC Section 806.1.1 do not apply to natural cut seasonal holiday trees. (Am. by ORD-07-00127, 10-5-07)

34.24 FIRE PROTECTION SYSTEMS.

The following requirements are in addition to the requirements in IFC Section 901.3:

(1) Application for Permit, Plans and Specifications.

(a) General.

No person may install, erect or construct any fire alarm system or fire suppression system, or add to, enlarge, move, improve, alter, convert, extend, replace components, or demolish any fire alarm system or fire suppression system, or cause the same to be done, or commence any work covered by this code on any fire alarm system or fire suppression system without first obtaining a Fire Alarm/Fire Suppression System permit therefore from the Chief. Such permit shall be issued in the name of the owner. (Am. by ORD-07-00127, 10-5-07)

- (b) Applications for Fire Alarm/Fire Suppression System permits shall be filed with the Chief in writing on a form to be furnished for that purpose. Such application shall describe the land and/or structure upon which the proposed system is to be installed or work done, either by street number, lot, block or tract, or similar general description which will readily identify and definitely locate the proposed installation or work and shall show the use or occupancy of all parts of the building and such other pertinent information as may be required by the Chief. The application shall be signed. The applicant certifies the finished installation will comply with the applicable codes.

The Chief or any inspector of the Fire Department shall, as a condition of granting a Fire Alarm/Fire Suppression System permit, have the right to enter the premises for which said permit was issued, at any reasonable time during and throughout the course of such work and until final approval thereof has been granted, for the purpose of inspecting said premises and its compliance as to construction or use with all statutory and ordinance regulations in

reference to the installation, modification, construction, repair, use, and location of fire alarm/fire suppression systems. (Am. by ORD-07-00127, 10-5-07)

- (c) Working plans and specifications showing the location of each component element of the proposed fire alarm system and/or fire suppression system, all drawings, manufacturers cut sheets for devices, calculations, material approvals, manufacturers listed installation and design manuals, pre-engineered design specifications, design specifications, and the manufacturer, model and type of each component element of such systems, shall accompany every application for a permit, and shall be filed in triplicate with the Chief; provided, however, that the Chief may authorize the issuance of a permit without plans or specifications for minor or inconsequential work.
1. Plans submitted shall be drawn to scale on substantial paper. The submitted plans shall be working plans of sufficient clarity to indicate the nature and character of the work proposed and to show that the regulations which apply will be complied with. They shall be prepared in accordance with the provisions of this Code, and shall bear the name of the architect, professional engineer, contractor or other person who prepared them.
 2. Specifications shall be in detail. Any specifications in which general expressions are used to the effect that “work shall be done in accordance with the Fire Code” or “to the satisfaction of the Fire Chief” shall be deemed imperfect and incomplete and every reference to the Fire Code shall be to the section or subsection applicable to the material to be used or to the method of construction proposed.
 3. Except for an initial tenant build-out for shell building projects, automatic fire sprinkler system projects involving the alteration, addition or removal of less than 21 sprinklers in an already existing automatic fire sprinkler system must comply with the requirements of s. Comm 61.34, Wis. Adm. Code. (Am. by ORD-07-00127, 10-5-07)
 4. Alterations to and/or modifications of an existing fire alarm system and/or fire suppression system may not, at the discretion of the Chief, require a complete set of plans as set forth above, however, each such application for a permit shall include appropriate supporting documentation establishing that the proposed alterations/modifications comply with all appropriate codes, ordinances and standards.
 5. For State owned buildings plans shall be approved by the appropriate State agency. A permit is required for said projects, a copy of the State plan approval letter is required as part of the permit application. The Chief shall inspect the fire protection systems in state owned buildings. When a State agency specifies plan review and inspection by the City, a complete submittal is required.
- (d) The data specified in all applicable IFC standards adopted by this Code shall be a part of, or shall accompany, all plans submitted for approval.
- (2) Fire Alarm/Suppression System Permit.
- (a) When plans are required for approval they shall be submitted in triplicate and work shall not be started until plans are approved, except by special permission to start work as issued by the Chief. The plans submitted shall be working plans that are clear, legible and permanent. If the application, plans and specifications are in conformity with the requirements of this code and all other laws or ordinances applicable thereto, the Chief shall, upon receipt of the required fee, grant a Fire Alarm/Suppression System permit for said work and shall sign, date and endorse in writing or by rubber stamp all sets of submitted plans as “approved” or, if approval is

conditioned upon changes to the plan or compliance with other conditions, the plans may be stamped as “conditionally approved.” In all such cases where plans are “conditionally approved” the Chief shall return, with the approved plans, written notification of the conditions that must be satisfied. Whenever a submitted application is incomplete, the Chief may suspend any action on such application and shall notify the applicant of the information needed to process such application.

- (b) Approved plans shall not be changed, the work shall be installed as shown on the plans and there shall be no modifications or alterations made without written permission from the Chief.
 - (c) Fire Alarm/Suppression System permits shall lapse and be void unless the work authorized thereby is commenced within one (1) year from the date thereof and completed or resumed within one (1) year from the date that construction begins and in the event of further construction after either of the latter of these time periods, a new permit must be obtained pursuant to all the requirements of the code then in force. The fees for such new permit shall be based upon the area (square footage of protected area) remaining to be done.
 - (d) If the Chief shall find at any time that any provisions of this Code, the Madison General Ordinances, laws, orders, plans and/or specifications are not being complied with, s/he may revoke the Fire Alarm/Fire Suppression System permit by written notice stating the error or violation which has occurred. Said notice shall be served on the owner and on the general contractor or one of her/his representatives on the job, or if there is no general contractor then on the person in charge of the work. Service of the notice shall be either personal or by mailing a copy of said notice to the address of said person as known to the Chief. When any such permit is revoked it shall be unlawful to do any further work until a new permit is issued, excepting such work as the Chief shall order to be done as a condition precedent to the issuance of a new permit, or which the Chief may authorize as reasonably necessary to protect work already done on the job, existing property, adjoining property and the public. Additionally, the Chief may pursue any other remedies for non-compliance with this Code as such remedies may be set forth in Madison General Ordinances and/or the Wisconsin State Statutes.
 - (e) The issuance or granting of a permit or approval of plans or specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this code. No permit presuming to give authority to violate, or to fail to comply with, the provisions of this code, shall be valid except insofar as the work or use that it authorizes is lawful. If, subsequent to the issuance of a permit, errors are discovered in the application, plans, specifications or execution of the work, the Chief may require the correction of said errors in said application, plans, specifications or construction and may rescind the permit and prevent installation/work operations from continuing when in violation of this code or of any ordinance of the City of Madison.
- (3) Fee Schedule.
- (a) Scope. The fees fixed in this ordinance shall be assessed and collected by the Chief for the examination and approval of fire alarm system plans and fire suppression system plans. These fees also include the inspection of newly installed/remodeled fire alarm systems and fire suppression systems. These fees do not cover any re-inspections. These fees are collected in advance from the owner or agent. This fee schedule applies to plans review and inspections done on buildings and premises within the City of Madison. The appropriate portion of each fee, as set forth in s. Comm 2.31, Table 2.31-3, Wis. Adm. Code shall be forwarded to Commerce.

(b) Plan Examinations.

1. Plans showing design and construction details, design computations, and specifications submitted for examination and approval as required by this Code shall be accompanied by a fee in the amount determined in accordance with this Code.
2. For the purpose of determining the fee on the basis of square foot, gross floor area measurements shall be taken from outside of building at each floor level, including basement and other areas affected or serviced by the proposed fire alarm system and/or fire suppression system. Except as otherwise specified in this Code, for remodeling or adding to an existing system, the appropriate fee shall be determined by calculating the square footage of the area to be serviced by such remodeling or addition to the fire alarm or suppression system.

(c) Fee Schedule.

Penalty for failure to obtain a permit before starting work shall be double the fees. This shall be in addition to any other penalties provided elsewhere in the Madison General Ordinance; in addition, a penalty of one hundred dollars (\$100) shall be assessed for each day that any work requiring a permit progresses without a permit, calculated from the date the notice of violation is delivered to either the property owner or the contractor performing the work, until the date the owner or contractor submits the proper plans in an approved format to the Chief.

1. New Systems. Except as otherwise specified in this section, plan review fees for new systems shall be computed upon the basis of the total square footage of each building or affected area and determined by the following table:

TABLE A

AREA (SQUARE FEET)	FIRE ALARM SYSTEM PLANS	FIRE SUPPRESSION SYSTEM PLANS
Less than 2,500	\$200	\$200
2,501 - 5,000	\$250	\$250
5,001 - 10,000	\$300	\$300
10,001 - 20,000	\$600	\$600
20,001 - 30,000	\$900	\$900
30,001 - 40,000	\$1,200	\$1,200
40,001 - 50,000	\$1,500	\$1,500
50,001 - 75,000	\$1,800	\$1,800
75,001 - 100,000	\$2,100	\$2,100
100,001 - 200,000	\$2,400	\$2,400
200,001 - 300,000	\$2,700	\$2,700
300,001 - 400,000	\$3,000	\$3,000
400,001 - 500,000	\$3,300	\$3,300
Over 500,000	\$3,600	\$3,600

2. Revisions.

- a. The fee of \$200 (two hundred dollars) or 50% (fifty percent) of the original plan examination fee whichever is higher shall be assessed for review of fire alarm system plans and fire suppression system plans that have been submitted following denial of plan approval, if the submission is within 8 months of the original denial.
- b. The fee of \$200 (two hundred dollars) shall be assessed for revisions to previously approved plans.
- c. The fee of \$200 shall be assessed for plan submittals that have been rejected for failing to comply with an administrative hold. Administrative holds shall be issued where plan submittals are incomplete.

3. Shell Buildings. This code section shall only apply to shell buildings which received approval under the previous published version of this code section and shall apply until 12 months after the effective date of this revised code section. A copy of the Madison Fire Department plan approval letter for the shell is required as part of the permit application for construction of the interior of a building. When an application is submitted for construction of the interior of a building where the shell of the building has been previously granted a permit, the fees shall be based on the square footage of that space as a percentage of the entire square footage of the subject building and that fee shall be calculated at 50% of the total fee for that particular fee group.
4. Multiple Identical Buildings. The fees set forth in this paragraph may be applied to a project, which contains multiple identical buildings. In order to qualify for the multiple identical building fee, plans for all buildings shall be submitted at the same time. The fees for the submittal of plans for the first building shall be determined in accordance with Table A on the basis of the total gross area of one building. The fee for each of the remaining identical buildings shall be the higher of either \$200 (two hundred dollars) or 25% (twenty five percent) of the otherwise appropriate fee set forth in Table A.
5. Alteration/Modifications and Repair/Replacement to Existing Systems.
 - a. The fee for review of submittals or review of plans for the alteration/modification to existing fire protection systems not subject to fees in Section 34.24(3)(c)1.4. and 6. shall be determined by Table A-1 for each type of alteration/modification submitted. The alteration/modifications subject to this fee shall include the alteration/modifications in Table A-1.

Table A-1 Alteration/modifications existing systems

<u>Device</u>	<u>Fee</u>
Existing Automatic Fire Sprinkler system of up to 20 Sprinkler Heads	\$100. Per System
Other existing fire protection systems of up to 3 devices	\$100. Per System
Dry Pipe preaction, deluge valve, and similar devices	\$100. Per System
Fire Pump	\$200. Per System
Fire Alarm Control Unit Replacement	\$100. Per System
Backflow Prevention Valve	\$200. Per System

- b. The fee for review of submittals or review of plans for the repair/replacement to existing systems not subject to fees in Section 34.24(3)(c)1., 4. and 6. shall be determined by Table A-2 for each type of repair/replacement submitted. The repair/replacement subject to this fee shall include the repair/replacements in Table A-2.

Table A-2 Repair/replacement existing systems

<u>Device</u>	<u>Fee</u>
Sprinkler head replacement, more than three	\$100. Per System
Nozzle replacement, more than three	\$100. Per System
Dry Pipe, preaction, deluge valve, and similar devices	\$100. Per System
Fire Pump	\$200. Per System
Fire Alarm Control Unit Replacement	\$100. Per System
Backflow Prevention Valve	\$200. Per System
Fire alarm initiating devices, more than 3	\$200. Per System
Fire alarm notification appliances, more than 3	\$200. Per System

6. Certain Devices/ Systems Subject to a Single Flat Fee. The fee for review of plans for the installation of new fire protection systems not subject to the fees in Section 34.24(3)(c)1, 4, and 5 shall be \$200 (two hundred dollars) for each type of system submitted. However, no additional fee shall be due under this paragraph if such devices are included as a component in a fire alarm or fire suppression systems plan which has been submitted to the Chief and for which a fee has been paid pursuant to this Code. The fire protection systems subject to this fee shall include the systems in Table A-3:

TABLE A-3 Certain Devices Subject to Single Flat Fee

<u>Device</u>	<u>Fee</u>
Digital alarm communicator transmitters (DACT)	\$200. Per system
Kitchen hood extinguishing systems	\$200. Per system
Dry chemical extinguishing systems	\$200. Per system
Deluge sprinkler systems (which protect openings in fire related construction)	\$200. Per system
Fire detection devices that actuate fire doors/shutters (which are not part of any fire alarm system)	\$200. Per system
Clean agent systems	\$200. Per system
Fire pumps	\$200. Per each
Standpipe systems (not to include combined sprinkler/standpipe systems)	\$200. Per system
Smoke and Heat Vents	\$200. Per system

Note: See Section 34.05 High Piled Combustible Storage permit, Section 34.29 Fire Command Center and Access Controlled egress doors and Delayed egress locks and Section 34.24 (3)(c) 11 Demolition Permits.

7. Reinspections. The plan review fee includes the inspections of work performed under an approved plan. The plan review fee does not include any reinspections required because the inspected work failed to pass inspection. Such reinspections shall be subject to the fees set forth in this Chapter.
8. The fee for the inspection only of fire protection systems in State owned buildings shall be ½ of the fees specified in Table A.
9. Fire Alarm/Fire Suppression System work permit shall be required for the demolition of any fire alarm or fire suppression system. However, no additional fee shall be due under this paragraph if the installation of a new fire alarm system or fire suppression system has been submitted to the Chief and for which a fee has been paid pursuant to this Code or a permit for the razing of the building is obtained from the City of Madison Inspection Division pursuant to Madison General Ordinance 29.13. The permit fee shall be \$200. (Am. by ORD-07-00018, 2-22-07)
10. The fee for review of submittals or review of plans for any work to be performed under Madison General Ordinance 34.24(1)(a) not specified in the fee schedules in Madison General Ordinance 34.24 (3) shall be \$200.

(Am. Sec. 34.24(3)(c) by ORD-07-00127, 10-5-07)

34.25 INSPECTION, TESTING AND MAINTENANCE OF FIRE PROTECTION SYSTEMS.

The following requirements are in addition to the requirements in IFC 901.6:

At least once each year, a person having the applicable credential specified in ch. Comm 5, Wis. Adm. Code, shall conduct the inspection, testing and maintenance specified for automatic fire sprinkler systems in NFPA 25.

Note: This section does not preclude non-credentialed individuals from conducting the daily, weekly, monthly, quarterly or semiannual inspection and testing activities for automatic fire sprinkler systems required under NFPA 25 and NFPA 72.

34.26 REMOVAL OR TAMPERING WITH FIRE PROTECTION SYSTEMS.

The following requirements are in addition to the requirements in IFC Section 901.8:

- (1) No person shall modify, remove, tamper with or in any manner interfere with or make any connection to any sprinkler system, standpipe system, private fire service main or fire hydrant, fire alarm system or appliance, fire extinguisher, or smoke detector including the removal from power sources necessary to make the said devices functional, without the written permission of the Chief. This section shall not apply to lawful and necessary maintenance work performed by qualified and, when necessary, licensed personnel.
- (2) Any person violating this section shall be subject to a forfeiture of up to five hundred dollars (\$500) for the first violation, and not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for the second or subsequent violation within a three (3) year period.

(Am. by ORD-07-00007, 2-2-07)

34.27 COMMERCIAL COOKING SYSTEMS.

The following requirements are in addition to the requirements in IFC Section 904.11.6 :

Duct and hood systems, including the fire extinguishing system, shall be maintained in accordance with NFPA 96, as referenced in chs. Comm 61 to 65, Wis. Adm. Code.

34.28 FIRE EXTINGUISHERS.

The following requirements are in addition to the requirements in IFC Section 906 :

- (1) Substandard Extinguishers Prohibited.
The Chief shall order the removal of extinguishing devices which s/he finds are a menace to the lives and safety of the public or s/he may order such extinguishers to be repaired or tested or both. It shall be unlawful to allow any extinguishing device to remain on the premises for which the Chief has ordered the removal thereof.
- (2) Recharging of Extinguishers.
 - (a) All extinguishers shall be recharged at periodic intervals so as to maintain them in continuous effective operating condition in accordance with the applicable standard specified in this Code.
 - (b) Only qualified persons who have obtained a license from the City of Madison for such work shall do the recharging and servicing of the extinguishers. The Chief shall issue such license after examination of the applicant, to make sure that s/he understands the requirements for recharging.
 - (c) Such license shall be issued on the first (1st) day of July each year, or thereafter when applied for, and shall expire on the thirtieth (30th) day of June following its issuance. (Am. by ORD-07-00186, 12-20-07)
 - (d) Any license may be revoked by the Chief in any case where s/he finds any extinguishers improperly recharged or serviced by the holder of the license, and the holder shall immediately surrender the license to the Chief.

34.29 PERMITS FOR CONSTRUCTION OTHER THAN FIRE PROTECTION SYSTEMS.

The following requirements are in addition to the requirements in IFC 104.2:

- (1) Prior to installation, or commencement of the regulated activity, construction documents shall be submitted for construction other than fire protection systems as required by the Chief. The application shall meet all the requirements of Section 34.24(1) and (2). The application shall be made on the form to be furnished for that purpose. The permit fee shall be \$200.
- (2) Construction requiring approval shall include but is not limited to; Fire Command Centers, Access Controlled Doors and Delayed Egress Locks.

(R & Rec. by ORD-07-00127, 10-5-07)

34.30 HAZARD IDENTIFICATION SIGNS.

The following requirements are in addition to the requirements in IFC Section 2703.5:

- (1) Hazardous Material Identification.
 - (a) Identification Signs Required. Buildings, storage trailers, stationary tanks, areas and rooms of buildings that contain a hazardous material shall be identified with signs in accordance with this section. Signs shall be maintained at all times and shall be located as directed by the Chief. Signs shall be durable, weather resistant and unobstructed.
 - (b) Exemptions. The following are not required to be identified with a sign:
 1. Buildings used primarily for a retail trade activity that do not store or sell hazardous materials in quantities to present an unusual hazard to first responders.
 2. Doors that directly access a laboratory shall be identified with a notice at least 8.5 inches by 11 inches in size. The notice shall contain at least the laboratory emergency information as specified in Table B.
 - (c) Building Identification. A sign at least 2 1/2 inches square with no numbers shall be conspicuously placed on or near all of the exterior building exit doors to identify the building to the Fire Department as a labeled building. A sign at least 7 1/2 inches square with the required identification numbers indicating the highest number of the most hazardous material for each hazard shall be conspicuously placed on or near the exterior door closest to the hazardous material.
 - (d) Room Identification. Doors that directly access a room or area that contains a hazardous material shall be identified with a numbered sign at least 7 1/2 inches square. In any room or area that has more than one hazardous material, the sign shall list the highest number of the most hazardous material for each hazard. The sign shall be placed on the door or as designated by the Chief.
 - (e) Tank Identification. A sign at least 7 1/2 inches square with the required identification numbers shall be placed on each individual tank in such a manner so that the sign is clearly visible on two sides.

TABLE B
LABORATORY EMERGENCY INFORMATION

Department:		Room:		Date of Latest Update:	
Supervisor Responsible for Lab.:		Office Phone:		Home Phone or 24 hr. access:	
Alternate Contact:		Office Phone:		Home Phone or 24 hr. access	
Alternate Contact:		Office Phone:		Home Phone or 24 hr. access	
Building Emergency Coordinator:		Office Phone:		Home Phone or 24 hr. access	
Alternate Contact:		Office Phone:		Home Phone or 24 hr. access	
BIOHAZARD		CHEMICALS		RADIATION	
Biosafety Level 1 <input type="checkbox"/> Low	Pathogens:	<input type="checkbox"/> Flammable Liquid	<input type="checkbox"/> Laser	Classification of Radiation:	
Biosafety Level 2 <input type="checkbox"/>	<input type="checkbox"/> None	<input type="checkbox"/> Air/Water Reactive	<input type="checkbox"/> Irradiator	<input type="checkbox"/> Radioactive I	<input type="checkbox"/> No
Biosafety Level 3 <input type="checkbox"/>	<input type="checkbox"/> Human	<input type="checkbox"/> Toxic/Carcinogen	<input type="checkbox"/> Radiation Sealed Source	<input type="checkbox"/> Radioactive II	<input type="checkbox"/> No
Biosafety Level 4 <input type="checkbox"/> High	<input type="checkbox"/> Animal	<input type="checkbox"/> Corrosives	<input type="checkbox"/> Radioactive Materials	<input type="checkbox"/> Radioactive III	<input type="checkbox"/> No
None <input type="checkbox"/>	Toxins:	<input type="checkbox"/> Gas Cylinder	<input type="checkbox"/> Radioactive Waste	<input type="checkbox"/> None	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Oxidizing Material	Other:		
	Other:	<input type="checkbox"/>	<input type="checkbox"/>		
	<input type="checkbox"/>				
Special Fire Control Agent: <input type="checkbox"/> Yes <input type="checkbox"/> No	Special Fire Control Agent: <input type="checkbox"/> Yes <input type="checkbox"/> No	Special Fire Control Agent: <input type="checkbox"/> Yes <input type="checkbox"/> No	Special Fire Control Agent: <input type="checkbox"/> Yes <input type="checkbox"/> No	Special Spill Control Agent: <input type="checkbox"/> Yes <input type="checkbox"/> No	Special Spill Control Agent: <input type="checkbox"/> Yes <input type="checkbox"/> No
Special Spill Control Agent: <input type="checkbox"/> Yes <input type="checkbox"/> No	Special Spill Control Agent: <input type="checkbox"/> Yes <input type="checkbox"/> No	Special Spill Control Agent: <input type="checkbox"/> Yes <input type="checkbox"/> No	Special Spill Control Agent: <input type="checkbox"/> Yes <input type="checkbox"/> No	Location:	Location:
Location:	Location:	Location:	Location:		
Nearest Safety/Contamination Shower Location:					
Additional Information:					

34.31 FIREWORKS.

The following requirements are in addition to the requirements in IFC Section 3301.1:

- (1) The Chief may prohibit or terminate the use or display of fireworks, recreational fireworks, or pyrotechnic special-effect material when in the opinion of the Chief atmospheric conditions or local circumstance make such use or display a fire hazard or other hazard to the safety of the public. During such prohibition no person may use or display or permit the starting of any use or display of fireworks, recreational fireworks or pyrotechnic special-effect material anywhere within the City of Madison.
- (2) A parent, foster, or family-operated group home parent or legal guardian of a minor who consents to the use of fireworks, recreational fireworks, or pyrotechnic special-effect material by the minor who is under the age of eighteen (18) years of age is liable for damages caused by the minor's use of those products and in addition shall be subject to the penalty as provided in Subsection (4) of this section.
- (3) The Chief may seize, at the expense of the owner, all explosives, fireworks, recreational fireworks or pyrotechnic special-effects material that is stored, handled, sold, possessed or used by any person in violation of this Code. Such seized products shall be destroyed after conviction for a violation, and other returned to the owner.
- (4) Any person who violates any provision of this Section 34.31 or Chapter 33 of the International Fire Code shall be subject to a forfeiture of not more than one thousand dollars (\$1000). (Am. by Ord. 13,373, 7-22-03)

34.32 RECREATIONAL FIREWORKS.

- (1) The following exceptions are additional exceptions to the requirements in IFC Section 3301.1.3: The retail sales, storage, handling and use of recreational fireworks as specified in this section is permitted.
- (2) Retail Sales and Permits. The following requirements are in addition to the requirements in IFC Section 3301.2
 - (a) A permit is required for the retail sales of recreational fireworks. All retailers, before selling or offering to sell recreational fireworks shall obtain a permit from the Chief. The permit shall be valid for no longer than one year. A permit shall not be issued to a minor who is under the age of eighteen (18) years of age.
 - (b) An application for a permit for the sales of recreational fireworks shall be made in writing at least thirty (30) days in advance of the sale or offer to sell, and shall specify:
 1. The name and address of the permit holder;
 2. The date on and after which sales or offers to sell shall be made;
 3. The kind, quantity, and location of each device to be offered for sale.
 - (c) No permit granted hereunder shall be transferable.
 - (d) Retail sales of recreational fireworks is limited to those items as defined in this chapter. (Sec. 34.32(2)(c) Rep. and 34.32(2)(d) and (e) Renum. by ORD-07-00186, 12-20-07)
- (3) Definition of Recreational Fireworks. The following requirements are in addition to the requirements in IFC Section 3302.1:

As used in this chapter, recreational fireworks means:

 - (a) A cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
 - (b) A toy snake that contains no mercury.
 - (c) A sparkler on a wire or wood stick not exceeding 36 inches in length or 0.25 inch in outside diameter which does not contain magnesium, chlorate or perchlorate.
 - (d) A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.
 - (e) A device designed to produce an audible sound but not explode, spark, move or emit an external flame after ignition and which does not exceed 3 grams in total weight.

- (4) Storage and Handling. The following requirements are in addition to the requirements in IFC Section 3304.1:
- (a) A person who stores or handles recreational fireworks shall immediately notify the Chief of the location, description and quantity of the recreational fireworks.
 - (b) No wholesaler, dealer or jobber may store recreational fireworks within one hundred (100) feet of a dwelling.
 - (c) No person may store recreational fireworks within one hundred (100) feet of a public assemblage or place where gasoline or volatile liquid is sold in quantities exceeding one gallon.

34.33 FIRE COMMAND CENTER.

The following requirements are in addition to the requirements in IFC 509.1:

The fire-fighter's control panel required by section 909.16 for smoke control systems and air-handling systems installed in the building. The status indicators and controls for air-handling systems required in subsection 5., shall be provided on the fire-fighters control panel, with the appearance and performance required in 909.16.

(Cr. by ORD-07-000127, 10-5-07)

34.34 RESERVED FOR FUTURE USE.

34.35 STORAGE TANKS FOR FLAMMABLE AND COMBUSTIBLE LIQUIDS.

The following requirements are in addition to the requirements in IFC Section 3404.2

- (1) Abandonment of Tanks. The owner and operator of storage tanks for flammable and combustible liquids, at service stations or other locations, assumes responsibility for the integrity of each and all tanks at the location, together with the piping and dispensing systems connected therein at all times from original installation until termination of use of the tanks, piping and dispensing equipment. The provisions contained in ch. Comm 10, Wis. Adm. Code, shall apply to the abandonment, closure, removal, change-in-service, or placing the system temporarily out of service of aboveground and underground tanks.
- (2) Pursuant to s. Comm 10.10(2), Wis. Adm. Code, the Chief shall exercise jurisdiction over the groundwater protection-related provisions of ch. Comm 10, Wis. Adm. Code, within the City of Madison.
- (3) Approval from the Chief shall be required for the closure, change-in-service, or the temporary removal from service of any tank system for flammable and combustible liquids. Tank "system" includes aboveground and underground storage tanks in excess of 60 gallons and system components including but not limited to piping, vents, leak detection, cathodic protection and spill/overflow protection systems. Approval of the plan must be obtained at least fifteen (15) days prior to the closure, change-in-service, or temporary removal from service date. Each application for approval shall include:
 - (a) Three (3) copies of the site assessment plan in accordance with s. Comm 10.734, Wis. Adm. Code and,
 - (b) three (3) site plot plans drawn to scale and showing the following:
 1. property lines;
 2. all buildings or structures;
 3. all tanks and piping;
 4. adjacent streets;
 5. overhead and underground utilities;
 6. limits of the excavation; and
 7. temporary location of excavated dirt and backfill.

(4) Fees under this section, payable to the City of Madison, are as follows:

Plan review	\$50
Site inspection, first tank,	\$75
Each additional tank	\$50

The penalty for failure to obtain closure approval under this section prior to commencement of closure or closure shall be twice the fees specified in Subsection (4). These fee penalties shall be assessed in addition to any other penalties provided elsewhere in this ordinance. A processing fee of twenty-five dollars (\$25) shall be assessed for each closure application that is returned for nonconformance with this ordinance.

34.36 INTERNATIONAL FIRE CODE SECTIONS AFFECTED BY CHAPTER 34, MADISON GENERAL ORDINANCES.

TABLE C

INTERNATIONAL FIRE CODE SECTIONS AFFECTED BY CHAPTER 34, MADISON GENERAL ORDINANCES.	
Note: This table lists modifications to the International Fire Code by Chapter 34, Madison General Ordinances.	
Section 103	omitted under ' 34.02, Madison General Ordinances
Section 104.2	modified under ' 34.29, Madison General Ordinances
Section 104.6	omitted under ' 34.02, Madison General Ordinances
Section 104.10	omitted under ' 34.02, Madison General Ordinances
Section 105.1	modified under ' 34.04, Madison General Ordinances
Section 105.1.3	omitted under ' 34.02, Madison General Ordinances
Section 105.2	modified under ' 34.03(1), Madison General Ordinances
Section 105.3.1	modified under ' 34.03(2), Madison General Ordinances
Section 105.6.9	modified under ' 34.06, Madison General Ordinances
Section 105.6.16.5	modified under ' 34.03(3), Madison General Ordinances
Section 105.6.22	modified under ' 34.05, Madison General Ordinances
Section 105.6.36	modified under ' 34.07, Madison General Ordinances
Section 105.6.43	modified under ' 34.08, Madison General Ordinances
Section 105.7.9	modified under ' 34.03(5), Madison General Ordinances
Section 105.6.30	modified under ' 34.03(4), Madison General Ordinances
Section 105.6.31	modified under ' 34.03(12), Madison General Ordinances
Section 105.6.4	omitted under ' 34.02, Madison General Ordinances
Section 105.6.13	omitted under ' 34.02, Madison General Ordinances
Section 105.6.15	omitted under ' 34.02, Madison General Ordinances
Section 105.6.16.1	omitted under ' 34.02, Madison General Ordinances
Section 105.6.16.4	omitted under ' 34.02, Madison General Ordinances
Section 105.6.16.6	omitted under ' 34.02, Madison General Ordinances
Section 105.6.16.7	omitted under ' 34.02, Madison General Ordinances
Section 105.6.18	omitted under ' 34.02, Madison General Ordinances
Section 105.6.19	omitted under ' 34.02, Madison General Ordinances

INTERNATIONAL FIRE CODE SECTIONS AFFECTED BY CHAPTER 34, MADISON GENERAL ORDINANCES. (Continued)	
Note: This table lists modifications to the International Fire Code by Chapter 34, Madison General Ordinances.	
Section 105.6.22	modified under ' 34.05, Madison General Ordinances
Section 105.6.23	omitted under ' 34.02, Madison General Ordinances
Section 105.6.24	omitted under ' 34.02, Madison General Ordinances
Section 105.6.26	omitted under ' 34.02, Madison General Ordinances
Section 105.6.27	omitted under ' 34.02, Madison General Ordinances
Section 105.6.29	omitted under ' 34.02, Madison General Ordinances
Section 105.6.32	omitted under ' 34.02, Madison General Ordinances
Section 105.6.38.2	omitted under ' 34.02, Madison General Ordinances
Section 105.6.40	omitted under ' 34.02, Madison General Ordinances
Section 105.6.44	omitted under ' 34.02, Madison General Ordinances
Section 105.6.35	omitted under ' 34.02, Madison General Ordinances
Section 105.7.8	omitted under ' 34.02, Madison General Ordinances
Section 105.7.5.1.	omitted under ' 34.02, Madison General Ordinances
Section 105.7.13	omitted under ' 34.02, Madison General Ordinances
Section 107.2.2	modified under ' 34.09, Madison General Ordinances
Section 108	omitted under ' 34.02, Madison General Ordinances
Section 109.2.1	omitted under ' 34.02, Madison General Ordinances
Section 109.3	omitted under ' 34.02, Madison General Ordinances
Section 202	modified under ' 34.10, Madison General Ordinances
Section 301.1	modified under ' 34.11, Madison General Ordinances
Section 304.1	modified under ' 34.12, Madison General Ordinances
Section 307.1	modified under ' 34.13, Madison General Ordinances
Section 307.2	modified under ' 34.14, Madison General Ordinances
Section 308	modified under ' 34.15, Madison General Ordinances
Section 313	modified under ' 34.16, Madison General Ordinances
Section 310	modified under ' 34.17, Madison General Ordinances
Section 315.2.3	modified under 34.03(13), Madison General Ordinances

INTERNATIONAL FIRE CODE SECTIONS AFFECTED BY CHAPTER 34, MADISON GENERAL ORDINANCES. (Continued)	
Note: This table lists modifications to the International Fire Code by Chapter 34, Madison General Ordinances.	
Section 501	modified under ' 34.18, Madison General Ordinances
Section 503.	modified under ' 34.03(17), Madison General Ordinances
Section 503.1	modified under ' 34.19, Madison General Ordinances
Section 503.2.3	modified under ' 34.19(2), Madison General Ordinances
Section 503.2.7	modified under ' 34.19(3), Madison General Ordinances
Section 505.1	modified under 34.03(18), Madison General Ordinances
Section 508.1	modified under ' 34.20, Madison General Ordinances
Section 509.1	modified under '34.33, Madison General Ordinance
Section 603.4	modified under ' 34.03(6), Madison General Ordinances
Section 603.4.1	omitted under ' 34.02, Madison General Ordinances
Section 604.1.1	modified under ' 34.03(14), Madison General Ordinances
Section 604.2.14.1.1	modified under ' 34.03(15), Madison General Ordinances
Section 605.1	modified under ' 34.21, Madison General Ordinances
Section 703.1	modified under ' 34.22, Madison General Ordinances
Section 806.1.1	modified under ' 34.23, Madison General Ordinances
Section 901.3	modified under ' 34.24, Madison General Ordinances
Section 901.5	modified under ' 34.03(16), Madison General Ordinances
Section 901.6	modified under ' 34.25, Madison General Ordinances
Section 901.8	modified under ' 34.26, Madison General Ordinances
Section 904.11.6	modified under ' 34.27, Madison General Ordinances
Section 904.11.6.4	modified under ' 34.03(7), Madison General Ordinances
Section 906	modified under ' 34.28, Madison General Ordinances
Section 907.10.2	modified under ' 34.03(8), Madison General Ordinances
Section 909.16	modified under ' 34.33(1), Madison General Ordinances
Section 1004.2	omitted under ' 34.02, Madison General Ordinances
Section 1025.12	modified under ' 34.03(9), Madison General Ordinances
Section 1027	modified under ' 34.03(10), Madison General Ordinances
Section 105.6.16.5	modified under ' 34.03(3), Madison General Ordinances

INTERNATIONAL FIRE CODE SECTIONS AFFECTED BY CHAPTER 34, MADISON GENERAL ORDINANCES. (Continued)	
Note: This table lists modifications to the International Fire Code by Chapter 34, Madison General Ordinances.	
Section 2703.5	modified under ' 34.30, Madison General Ordinances
Section 3301.1	modified under ' 34.31, Madison General Ordinances
Section 3301.1.3	modified under ' 34.32, Madison General Ordinances
Section 3301.2.4	modified under ' 34.03(11), Madison General Ordinances
Section 3301.2	modified under ' 34.32(2), Madison General Ordinances
Section 3302.1	modified under ' 34.32(3), Madison General Ordinances
Section 3304.1	modified under ' 34.32(4), Madison General Ordinances
Section 3404.2	modified under ' 34.35, Madison General Ordinances

(Am. by ORD-07-00127, 10-5-07)

34.37 FALSE ALARM AND INTERFERENCE WITH FIRE FIGHTING. Whoever intentionally does any of the following shall be subject to a forfeiture of not more than one thousand dollars (\$1,000):

- (1) Gives a false alarm to any public officer or employee, whether by means of a fire alarm system or otherwise; or
- (2) Interferes with the proper functioning of a fire or police alarm system; or
- (3) Interferes with the lawful efforts of firefighters to extinguish a fire.

(R. Sec. 6.05 & Recr. by ORD-07-00127, 10-5-07)

34.38 VEHICLES NOT TO BE OPERATED OVER PORTION OF STREET OCCUPIED BY FIRE APPARATUS.

No person shall drive or operate any automobile or other vehicle over any portion of any street or alley occupied by the engines, auto trucks or other vehicles or apparatus of the Fire Department when engaged in extinguishing a fire unless precaution is taken so as not to do any injury to any property or apparatus of the Fire Department or interfere with the operation of the same. Any person violating this section shall be subject to a forfeiture of not more than one thousand dollars (\$1,000).

(R. Sec. 6.07 & Recr. by ORD-07-00127, 10-5-07)

34.39 FALSE REQUEST TO OR OBSTRUCTING EMERGENCY MEDICAL OR RESCUE PERSONNEL.

- (1) In this section:
 - (a) “Ambulance” has the meaning specified in Sec. 146.50(1)(a), Wis. Stats.
 - (b) “Authorized emergency vehicle” has the meaning specified in Sec. 340.01(3).
 - (c) “Emergency medical personnel” means an emergency medical technician licensed under Sec. 146.50, Wis. Stats., peace officer or firefighter, or other person operating or staffing an ambulance or an authorized emergency vehicle.
- (2) It shall be unlawful for any person to knowingly obstruct any emergency medical personnel in the performance of duties relating to an emergency or rescue and upon conviction thereof shall be subject to a forfeiture of not more than one thousand dollars (\$1,000).
- (3) It shall be unlawful for any person to give or cause to be given any false request for emergency medical personnel to any public officer or employee and upon conviction thereof shall be subject to a forfeiture of not more than one thousand dollars (\$1,000).

(R. Sec. 6.10 & Recr. by ORD-07-00127, 10-5-07)

34.40 BYSTANDERS MAY BE CALLED TO ASSIST AT FIRES. It shall be lawful for the Mayor or the Chief, a Deputy Chief, an Assistant Chief, or any Captain or Lieutenant of the Fire Department, the Chief of Police or any Police Officer, or any Councilman to require of any bystander such aid as shall be necessary at any fire; and any person who shall disobey such order shall be liable to arrest and upon conviction thereof shall be subject to a forfeiture of not more than one thousand dollars (\$1,000).

(R. Sec. 6.12 & Recr. by ORD-07-00127, 10-5-07)

34.41 RESISTANCE TO FIREFIGHTER--INJURY TO APPARATUS. No person shall willfully offer any hindrance or resistance to a firefighter in the discharge of his or her duty, nor shall any person drive any vehicle over or across a fire hose nor in any manner injure or interfere with any hose, fire engine, or other fire apparatus belonging to the City, and upon conviction thereof shall be subject to a forfeiture of not more than one thousand dollars (\$1,000).

(R. Sec. 6.13 & Recr. by ORD-07-00127, 10-5-07)

34.42 SMOKE ALARMS

- (1) Definitions. For the purposes of this section, the following terms are defined as follows:
 - (a) “Residential building” means any building located in the City of Madison used in whole or in part for sleeping or lodging purposes including, but not limited to, any single family home, duplex, multifamily house, apartment house, rooming house, hotel, motel, children's home, dormitory, community-based residential facility and any other building used for sleeping or lodging purposes, but does not include a hospital or nursing home.
 - (b) "Sleeping area" means the area of the unit in which the bedrooms or sleeping rooms are located. Bedrooms or sleeping rooms separated by another use area such as a kitchen or living room are separate sleeping areas but bedrooms or sleeping rooms separated by a bathroom are not separate sleeping areas. Sleeping area includes the area within an efficiency unit for sleeping purposes.
 - (c) “Smoke alarm” means a single or multiple station alarm system responsive to smoke and not connected to a fire alarm system. Smoke alarms contain an audible warning device. Smoke alarms may use either photoelectric or ionization sensing technology.

- (d) “Smoke detector” means a device, suitable for connection to a circuit, which has a sensor that responds to visible or invisible particles of combustion. Smoke detectors are connected to a fire alarm control panel.
 - (e) “Tenant” means an individual with a residential rental agreement whether written or verbal with the owner of the property.
- (2) Required Installation.
- (a) By August 15, 2009 all residential buildings, except owner occupied single family homes, shall have smoke alarms in place which meet one of the following requirements:
 - 1. A smoke alarm with two independent power sources consisting of a primary source that uses commercial light and power and a secondary source that consists of a non-rechargeable or rechargeable battery.
 - 2. A smoke alarm which is powered by a non-replaceable, non-removable battery that is capable of powering the smoke alarm for a minimum of ten years.
 - (b) By August 15, 2009 all owners of residential buildings, except owner occupied single family homes, shall install and maintain a smoke alarm in each bedroom, in every sleeping area and within six feet of each door leading to a bedroom or sleeping area of each unit and on each floor of the building. This subdivision does not apply to owners of hotels and motels.
 - (c) Any smoke alarms that become inoperable between the effective date of this ordinance and August 15, 2009 shall be replaced with smoke alarms meeting the requirements of sub. (2)(a).
 - (d) If the residential building has smoke alarms powered by the building’s commercial light and power, the smoke alarms may remain in service until such time the device must be replaced in accordance with the manufacturer’s instructions or sub. (3)(h). Replacement smoke alarms must meet the requirements of sub. (2)(a)1.
 - (e) Owner Occupied Single Family Homes. It shall be the responsibility of the owner of an owner occupied single family home to install smoke alarms as required by sub. (2)(a) and sub. (2)(b) of this ordinance by August 15, 2010.
 - (f) Smoke Alarm Installation. Smoke alarms should be installed in accordance with this section and other applicable state building codes. Single and multiple station smoke alarms shall be installed in compliance with the requirements of NFPA 72.
 - (g) Approval. Any smoke alarm required by this section shall be listed by a Department approved listing source.
- (3) Maintenance of Smoke Alarms.
- (a) Replacement of Batteries.
 - 1. The owner of any residential building shall replace the battery for a secondary power supply in all smoke alarms each time the lease is renewed or as recommended by the manufacturer, whichever time period is shorter.
 - 2. The owner of any residential building shall replace the batteries in any smoke alarm whenever the battery is insufficient or unable to power the smoke alarm.
 - (b) The owner of any residential building shall provide all tenants with the manufacturer’s maintenance and testing instructions.

- (c) Smoke alarms in the common areas of residential buildings shall be maintained and tested by the owner of the building.
 - (d) The tenant shall be responsible for maintaining and testing, in accordance with the manufacturer's instructions, smoke alarms that are within the dwelling unit during the term of the tenancy. The tenant shall be responsible for notifying the owner in writing if a smoke alarm becomes inoperable. The owner shall have five days from receipt of such written notice to repair and replace the inoperable alarm(s). Any smoke alarms which are powered with standard batteries which are found to be inoperable shall be replaced by the owner with smoke alarms meeting the requirements of sub. (2)(a).
 - (e) Tenant or occupants shall not tamper with, remove alter, damage or otherwise render any smoke alarm inoperable.
 - (f) Where smoke alarms powered solely by commercial light and power have been installed and maintained in accordance with this chapter, such smoke alarms shall continue to be used and maintained in accordance with the manufacturer's instructions. Non-operational, damaged, or missing smoke alarms shall be replaced with smoke alarms meeting the requirements of sub. (2)(a).
 - (g) The owner and tenant must sign a document relating to smoke alarm installation, operation and maintenance as prescribed in Sec. 32.06(4), MGO.
 - (h) No smoke alarm may remain in service for more than ten years unless the manufacturer specifies a different service life.
 - (4) Fire Safety Education Required. Upon each new lease and at least once every 12 months for every continuing tenant, the owner shall provide tenants with fire safety educational materials as prescribed by the Fire Chief. The Fire Chief shall prepare the text and make the text available for distribution by the owner.
 - (5) This ordinance does not apply to any buildings that have smoke detectors installed as required by other codes, ordinances, or standards and located in locations specified in sub. (2)(b).
 - (6) This ordinance shall be known as the Peter Talen Smoke Alarm Ordinance.
- (Sec. 34.42 Cr. by ORD-09-00041, 3-19-09)

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