

AN ORDINANCE

TO REPEAL AND RECREATE SECTIONS OF CHAPTER 303 "FIRE AND FIRE PREVENTION"  
OF THE CITY OF WATERTOWN GENERAL ORDINANCES

SPONSOR: ALDERPERSON SCHMID

COMMITTEE: PUBLIC SAFETY AND WELFARE

WHEREAS, the Fire Chief having reviewed the City of Watertown Code and having found deficiencies in content in the area of Chapter 303 Fires and Fire Prevention;

WHEREAS, the Fire Chief having made recommendations to the Public Safety Committee, Police and Fire Commission, and Common Council of ways to correct said deficiencies in the ordinance;

WHEREAS, the Common Council having found and determined that further regulation of anticipated emergencies is necessary in order that the health, safety, and welfare of all persons in the City, residents and visitors alike may be protected;

NOW, THEREFORE, the Mayor and Common Council of the City of Watertown, Wisconsin do ordain as follows; repeal sections 303-9 – 303-11 and 303-13 – 303-20 and approve the updated changes to Ordinance

~~§ 303-9 Investigation.~~

~~A. The Chief of the Fire Department shall be the Fire Investigator and may appoint additional investigators from the Fire Department. He shall investigate the cause, origin and circumstances of every fire occurring in the City which is of suspicious nature or which involves loss of life or injury to persons or by which property has been destroyed or substantially damaged. Such investigations shall be begun immediately upon the occurrence of such a fire by the fire officer in whose district the fire occurs, and if it appears that such fire is of suspicious origin, the Fire Chief or appointed investigators shall take charge immediately of the physical evidence, shall notify the proper authorities designated by law to pursue the investigation of such matters, and shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case. [Amended 9-4-2018 by Ord. No. 18-8]~~

~~B. The City Attorney and the Police Department, upon request of the Fire Chief, shall assist in the investigation of any fire which, in the opinion of the Fire Chief, is of suspicious origin.~~

~~§ 303-10 Fire records.~~

~~The Fire Chief shall keep a record of all fires and of all the facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, and whether such losses were covered by insurance and, if so, in what amount. Such records shall be made daily from the reports made by the Fire Department officers and inspectors. All such records shall be public.~~

~~§ 303-11 Annual report.~~

~~A report of the Fire Department shall be made annually and transmitted to the Mayor and Common Council. It shall contain all proceedings under this chapter, with such statistics as the Fire Chief may wish to include therein. The Fire Chief shall also recommend any amendments to this chapter which, in his judgment, shall be desirable.~~

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~~§ 303-13 Depositing or accumulating combustible material.~~

- ~~A. Hot ashes and other dangerous materials. No person shall deposit hot ashes or cinders or smoldering coals or greasy or oily substances liable to spontaneous ignition into any wood receptacle or place the same within 10 feet of any combustible materials, except in metal or other noncombustible receptacles. Such receptacles, unless resting on a noncombustible floor or on the ground outside the building, shall be placed on noncombustible stands and in every case must be kept at least two feet away from any combustible wall or partition.~~
- ~~B. Accumulations of waste materials. Accumulations of wastepaper, hay, grass, straw, weeds, litter or combustible or flammable waste or rubbish of any kind shall not be permitted to remain upon any roof or in any court, yard, vacant lot or open space. All weeds, grass, vines or other growth, when such endangers property, or is liable to be fired, shall be cut down and removed by the owner or occupant of the property it is on.~~
- ~~C. Handling readily combustible materials. No person making, using, storing or having in charge or under his control any shavings, excelsior, rubbish, sacks, bags, litter, hay, straw or combustible waste materials shall fail or neglect at the close of each day to cause all such materials which are not compactly baled and stacked in an orderly manner to be removed from the building or stored in suitable vaults or in metal or metal lined covered receptacles or bins.~~
- ~~D. Storage of readily combustible materials.~~
- ~~(1) Storage in buildings shall be orderly, shall not be within two feet of the ceiling, and not so located as to endanger exit from the building. Storage in the open shall not be more than 20 feet in height, shall be so located, with respect to adjacent buildings, as not to constitute a hazard, and shall be compact and orderly.~~
- ~~(2) No combustible waste, rubbish or refuse shall be placed, kept or stored in any air, elevator or stair shaft, in closets or dark out of the way places, around electric motors or machinery or against steam pipes, within 10 feet from any stove, boiler or furnace, or in any place where oils are used or stored.~~
- ~~(3) All roofs shall be kept free from sawdust, shavings and all other combustible waste and rubbish.~~
- ~~(4) Wastepaper shall be baled whenever sufficient for one or more bales, or shall be stored in an isolated building or in a metal or metal lined room, vault or bin with a metal lined door, or in a metal or metal lined box with self closing cover.~~
- ~~(5) Excelsior, hay, straw or other packing materials shall be stored as above provided, or destroyed.~~
- ~~(6) All combustible materials placed in alleys or areaways shall be in suitable containers.~~
- ~~(7) No hay or straw shall be kept or stored either loose or in stacks in the open, within a distance of 40 feet from any chimney or smokestack.~~
- ~~(8) Shavings or other combustible materials shall not be used for absorbing volatile liquids.~~
- ~~(9) Cloth or paper cuttings shall be cleaned up and removed from the building at the close of each day's~~

~~work, or shall be stored in a metal or metal-lined box with cover or in a fireproof vault or room.~~

~~E. Flammable decorative materials. Flammable window draperies, curtains or other decorative materials shall not be hung in any building used for public assembly. Cotton batting, straw, dry vines, leaves, trees or other highly flammable materials shall not be used for decorative purposes in show windows or other parts of stores unless flameproofed; provided, however, that nothing in this section shall be held to prohibit the display of saleable goods permitted and offered for sale. Electric light bulbs in stores shall not be decorated with paper or other combustible materials unless such materials shall first have been rendered flameproof. Flameproofing shall be done under the supervision of the Fire Department.~~

~~**§ 303-14 Use of flames, heating and lighting apparatus.**~~

~~A. No person shall take an open flame or light into any building, barn, vessel, boat or any place where highly flammable, combustible or explosive material is kept, unless such light or flame shall be well secured in a glass globe, wire mesh cage or similar approved device.~~

~~B. No heating or lighting apparatus or equipment capable of igniting flammable materials of the type stored or handled shall be used in the storage area of any warehouse storing rags, excelsior, hair or other highly flammable or combustible material; nor in the work area of any shop or factory used for the manufacture, repair or renovating of mattresses or bedding; nor in the work areas of any establishment used for the upholstering of furniture.~~

~~**§ 303-15 Chimneys, heating appliances, etc.**~~

~~All chimneys, smokestacks or similar devices for conveying smoke or hot gases to the outer air and the stoves, furnaces, fire boxes or boilers to which they are connected shall be constructed and maintained in such a manner as not to create a fire hazard.~~

~~**§ 303-16 Use of oxyacetylene torches.**~~

~~A. Every person desiring to use oxyacetylene torches on any premises and in or on any building shall first make application for permission to do so to the Fire Chief. The application for such permission shall set forth the location of the premises where the work is to be done and a description of the work to be done. Before such oxyacetylene torches are used, proper protection of surroundings shall be made by the use of asbestos blankets or other fire resisting materials. Ashes or sand shall be used for the absorption of oil. A fire extinguisher, pails of water or small garden hose attached to water supply shall be conveniently located close to the cutting operation. Such other precautions shall be taken as may be ordered by the Fire Chief.~~

~~B. This section shall not apply to business or manufacturing establishments where such oxyacetylene torches are used in connection with regular business or manufacturing operations. They shall use the same precautions to prevent fires as required of persons who must obtain a permit.~~

~~**§ 303-17 Safeguarding discontinued tanks.**~~

~~Tanks used for storage of volatile liquids not in use for 30 days shall be safeguarded against possible explosion by a method or methods recommended by the Fire Chief.~~

~~**§ 303-18 Smoking prohibited under certain conditions.**~~

~~A. No person shall by smoking or attempting to light or to smoke cigarettes, cigars, pipes or tobacco in any manner set fire to any bedding, furniture, curtains, drapes, household fittings or any part of any building.~~

~~whatsoever, and thereby endanger life or property.~~

~~B. Where conditions are such as to make smoking a hazard in any areas of warehouses, stores, industrial plants, institutions, places of assembly, and in open spaces where combustible materials are stored or handled, the Fire Chief is empowered and authorized to order the owner or occupant in writing to post "No Smoking" signs in each building, structure, room or place in which smoking shall be prohibited. The Fire Chief shall designate specific safe locations, if necessary, in any building, structure or place in which smoking may be permitted.~~

~~§ 303-19 Passageways to be kept free.~~

~~All doors and openings, external and internal, in all business buildings shall be kept free from goods of any kind, and means of access and free movement shall be provided for the convenient work of the Fire Department.~~

~~§ 303-20 Damaging fire alarm boxes prohibited.~~

~~No person shall deface any of the fire alarm boxes, or appurtenances thereto, or interfere with, cut or damage any of the wires, any indicator, whistle blower, fire alarm box, switchboard, batteries or other equipment of the fire alarm system.~~

\* \* \*

303 Fires and Fire Prevention of the municipal Code of Watertown Wisconsin to read as follows:

~~The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.~~

## Chapter 303 Fires and Fire Prevention

[HISTORY: Adopted by the Common Council of the City of Watertown as Ch. 16 of the former City Code. Amendments noted where applicable.]

### GENERAL REFERENCES

Alarm systems — See Ch. 216.

Building construction; unfit buildings — See Ch. 253.

Property maintenance, commercial — See Ch. 424.

\* \* \*

### Article I General Provisions

#### § 303-1 Intent.

It is the intent of this chapter to prescribe regulations consistent with recognized standard practices for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from

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the storage, handling and use of hazardous substances, materials, and devices, and from conditions hazardous to life and property in the use or occupancy of buildings or premises.

§ 303-2 **Adoption of codes.**

[Amended by Ord. No. 98-11; Ord. No. 05-48; Ord. No. 12-10; 9-4-2018 by Ord. No. 18-8]

The following codes are hereby adopted by reference and made a part of the City of Watertown Fire Prevention and Protection Code:

- A. Wisconsin Commercial Building Code, Wisconsin Administrative Code Chapters SPS 361 through 366.
- B. Explosives and Fireworks, Wisconsin Administrative Code Chapter SPS 307.
- C. Flammable, Combustible, and Hazardous Liquids Code, Wisconsin Administrative Code Chapter SPS 310.
- D. Gas Systems, Wisconsin Administrative Code Chapter SPS 340.
- E. Fire Prevention Code, Wisconsin Administrative Code Chapter SPS 314.

§ 303-3 **Application to new and existing conditions.**

The provisions of this chapter shall apply equally to new and existing conditions, except that existing conditions not in strict compliance with the terms of this chapter shall be permitted to continue where the exceptions do not constitute a distinct hazard to life or adjoining property.

§ 303-4 ~~Authority to enter premises~~ **Fire Inspector Duties.**

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The Chief of the Fire Department shall hold the office of Fire Inspector with power to appoint one or more fire inspectors, who shall perform the same duties and have the same powers as the Fire Inspector.

B. **Duty of Fire Inspectors.** The Fire Inspectors shall inspect when deemed necessary all buildings, premises, and public thoroughfares within the City for the purpose of noting and causing to be corrected any condition liable to cause fire. The Inspector shall also investigate the storage and handling of explosives and flammable liquids within the City.

C. **Removal of fire hazards.** Whenever in the City any inspection by the Fire Chief or his deputies reveals a fire hazard, the Chief or his deputies shall serve a notice in writing upon the owner of the property giving him a reasonable time in which to remove the hazard. If the fire hazard is not removed within the time allowed, it shall be deemed a nuisance. The Fire Chief or his deputy may have the same removed by the City and the cost thereof shall be recovered as a special charge by the City against the owner of the property.

D. **Record of inspections.** The Chief shall keep a written record of each property inspected which shall conform to the requirements of DSPS and shall make the annual report of inspections required by DSPS to qualify the City for 2 percent dues.

E. **Denial of access prohibited.** The Chief of the Fire Department or any inspectors or subordinates designated by him may, at all reasonable hours, enter any building or premises within his jurisdiction for the purpose of making any inspection or investigation which, under the provisions of this chapter, he or they may

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deem necessary to be made. Private dwellings shall not be entered without the consent or permission of an adult occupant.

**§ 303-5 Inspections of buildings and premises.**

It shall be the duty of the Chief of the Fire Department to inspect or cause to be inspected by the Fire Department all buildings and premises, except the interiors of private dwellings, as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or any violations of the provisions or intent of this chapter and of any other ordinance affecting the fire hazard, and to ensure compliance in all places of assembly with all laws, regulations and orders dealing with overcrowding, use of decorative materials, maintenance of exit ways, and maintenance of fire alarm and fire-detecting systems and fire-extinguishing systems and appliances.

**§ 303-6 Frequency of inspections.**

The City of Watertown hereby elects to exempt that portion of § 101.14(2)(c)1, Wis. Stats., which requires fire inspections of every public building and place of employment within the fire limits of the City not less than once every three months. Fire inspections of all buildings within the fire limits shall be at least once in 12 months. The Fire Chief may require more frequent inspections for buildings he/she deems as being high risk. Those occupancies deemed "high risk" may include, but are not limited to, places of assembly with occupant loads of more than 100; schools; hospitals; day-care centers; nursing homes; congregate care facilities (with or without nursing staff); jails or treatment facilities; or occupancies where the use, storage, mixing and/or handling of hazardous substances would constitute a process hazard.

**§ 303-7 Orders to eliminate fire hazards.**

Whenever the Fire Chief or officer designated by him shall find in any building or upon any premises dangerous or hazardous conditions as follows, he shall order such dangerous conditions or materials to be removed or remedied in such manner as may be specified in said order:

- A. Dangerous or unlawful amounts of combustible or explosive matter.
- B. Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive matter.
- C. Dangerous accumulations of rubbish, wastepaper, boxes, shavings, or other highly flammable materials.
- D. Accumulations of dust or waste material in air-conditioning systems or of grease in kitchen exhaust ducts.
- E. Obstructions to or on fire escapes, stairs, passageways, doors, or windows, liable to interfere with the operations of the Fire Department or egress of occupants in case of fire.
- F. Any building or other structure which, for want of repairs, lack of sufficient fire escapes or other fire alarm apparatus or fire-extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause, creates a fire hazard or a threat to life and safety.

§ 303-8 **Service of orders.**

- A. The service of such orders as mentioned in § 303-7 may be made upon the owner, occupant, and other person responsible for the conditions, either by delivering a copy of the same personally or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of said premises. Whenever it may be necessary to serve such an order upon the owner of a premises, ~~such order may be served either by delivering to and leaving with said person a copy of said order or, if such owner is absent from the jurisdiction of the officer making the order,~~ by mailing such copy to the owner's last known post office address.
- B. If buildings or other premises are owned by one person and occupied by another under lease or otherwise, the orders issued in connection with the enforcing of this chapter shall apply to the occupant thereof, except where the rules or orders require the making of additions to or changes in the premises themselves, such as would immediately become real estate and be the property of the owner of the premises; in which case the rules or orders shall affect the owner and not the occupant unless it is otherwise agreed between the owner and the occupant.
- C. After three inspections of the building or premises in any six-month period, and the owner and occupant of the building does not comply with the orders issued by the City's Fire Inspection Department and a fourth inspection is required, the owner or occupant shall be charged an inspection fee as set by the Common Council and provided under separate fee schedule. If additional inspections are required thereafter, due to the noncompliance of the owner or occupant, each additional inspection shall result in an additional fee as set by the Common Council and provided under separate fee schedule until compliance has been obtained.

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Article II  
**General Precautions Against Fire**

§ 303-12 **Outdoor burning restrictions.**

- A. Outdoor burning prohibited. No person shall cause, allow, or permit outdoor burning of refuse, garbage, plant life or other combustible material within the City, except as permitted under Subsection C.
- B. Incinerators prohibited. It shall be unlawful for any person to operate and maintain or cause to be operated and maintained any incinerator within the City, except as permitted under Subsection C.
- C. Exceptions.
- (1) Outdoor burning in connection with the preparation of food.
  - (2) The burning of refuse in a properly designed, operated, and maintained incinerator, duly licensed by the Wisconsin Department of Natural Resources to be effective for the purpose of air pollution control, or outdoor burning by the City of Watertown pursuant to a permit by the Wisconsin Department of Natural Resources.
  - (3) Small outdoor flames for welding, acetylene torches, safety flares, heating tar or similar applications.
  - (4) Any outdoor burning which is necessary and not contrary to the interests of public health; or when the

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fire is a campfire, used solely for recreational purposes or for ceremonial occasions.

- (5) A fire set for the purpose of training public or private firefighting personnel.
  - (6) A fire set or required by a public officer for the abatement of nuisances and which is necessary in carrying out public health functions.
- D. Responsibilities of the property owner for any outdoor fires occurring under Subsection C on their property:
- (1) To adhere to all health and fire prevention codes.
  - (2) To have adult (18 years of age or older) supervisory personnel present at the site of the outdoor burning.
  - (3) Any fire deemed to be a public health nuisance by the Fire Chief or his or her designee shall be extinguished.
  - (4) No manufactured device shall be placed on any combustible surface. "Manufactured device" means a device whose sole purpose and design is used to contain a fire for recreational purposes, i.e., burn pit or burn ring.
  - (5) The fire must be completely extinguished before the fire location may be left unsupervised.
  - (6) The fire shall be no larger than three feet in diameter. A fire exceeding the size restrictions may be permitted for churches, organized schools, and civic organizations and only if applications for site review has been made and approved by the Watertown Fire Department. Such a fire shall not be more than 10 feet in diameter or an area of more than 10 feet by 10 feet. The height shall be a maximum of six feet.
  - (7) No flammable liquids shall be used to start or support the burning.
  - (8) Only virgin wood and charcoal fuel will be allowed to be burned. "Virgin wood" means wood and other wood products, such as bark, but not to include sawdust, which have had no chemical treatments or finishes applied.
  - (9) Under no circumstances shall plastics, trash, garbage, oils, hydrocarbon fuels, furniture, fabrics, leaves, yard waste, synthetic materials of any kind, pressure-treated wood or wood that has been finished with paints, varnishes, laminates, or a similar finish be burned.
  - (10) The fire shall be located at least 10 feet from property lines and at least 20 feet from any building or structure. This does not apply to manufactured devices installed to the manufacturers' specifications.
  - (11) A functional extinguishing aid must be present, such as a fire extinguisher, garden hose, etc.
- E. Emergency provisions. Notwithstanding any other provision of this section, the Fire Chief, in times of extreme dryness or drought, deficiency in the water supply or by reason of any other emergency, is authorized to prohibit the setting of any fires upon any lands within the City by providing published notice of the declared emergency and the scope of the declaration in the local newspaper on the date that

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the emergency is declared to begin and by providing published notice broadcast through local radio or cable television.

§ 303-21 **Knox-Box® key system.**  
[Added by Ord. No. 88-89]

- A. The Knox-Box® system. The Knox-Box® key system will be the only key system used by the Watertown Fire Department for gaining access to industrial, institutional, and commercial buildings within the City of Watertown. As the system is installed within the City, the individual systems shall be keyed so only one key will be required for all systems within the City.
- B. Building owners' responsibility. Upon the adoption of this section, it shall be the responsibility of building owners as follows:
- (1) The building owner or a representative of the building owner shall obtain an authorization form from the Watertown Fire Department, Division of Fire Prevention, which form shall, when completed, provide the following information:
    - (2) When there is a change in occupancy or an agent(s) change (manager, shift supervisor, or after hour's contact), the property owner, or their duly authorized agent, shall submit the changes in writing to the Watertown Fire Department within five working days. The information shall be all relevant contact information for the occupant, owner, agent, manger and/or supervisor as requested by the Watertown Fire Department.
  - (a) A pre-fire plan of the building.
  - (b) The location of the point of entry and the location of the Knox-Box® or boxes.
  - (2) The form shall be submitted together with a check payable to the Knox-Box® Company for the acquisition of the unit or units.
  - (3) The Fire Chief or officer in charge of the Division of Fire Prevention shall review and approve the forms prior to their submission to the Knox-Box® Company. If the Fire Chief or officer in charge of the Division of Fire Prevention is of the opinion that the application needs to be amended, the building owner shall be notified. [Amended 9-4-2018 by Ord. No. 18-8]
  - (4) Upon receipt of the Knox-Box®, the owner shall be responsible for the installation of the same in the designated location and, upon completion of installation, shall notify the Watertown Fire Department that it has been installed.
    - (a) Knox boxes shall be installed on the exterior of a building or the street side a fence, by the main entry. The Knox Box shall be installed at a height between 48 and 60 inches from the ground.
    - (b) The contents of the Knox box shall contain a least two sets of master keys, current contact information and any specialized keys such as elevator room or alarm room keys needed for fire response.
- C. Buildings with fire alarm systems. All industrial, institutional, and commercial buildings within the City of Watertown which have a monitored alarm system of any type shall install a Knox-Box® system

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within 60 days after the alarm system is installed (for new construction) or within 60 days from the adoption of this section (for existing systems).

- D. New construction without an alarm system. For industrial, institutional, or commercial buildings constructed after the adoption of this section, where access to or within the building is difficult because of secured openings or where immediate access is necessary for lifesaving or firefighting purposes, the Chief of the Watertown Fire Department may require a Knox-Box<sup>®</sup> system installed at accessible locations, approved by the Chief or the Officer in charge of the Division of Fire Prevention. **[Amended 6-4-2019 by Ord. No. 19-7]**

§ 303-22 **Bulk storage of flammable liquids.**

- A. Definitions. The following terms, when used in this section, shall have the meanings given:

**BULK OR STORAGE PLANT**

A bulk or storage plant for the storage of gasoline, naphtha, benzol or other highly flammable products is defined as a storage plant, establishment or facilities with storage tanks or other receptacles or structures constituting a part of one plant with a total aggregate storage capacity, both above and below ground, of more than 3,300 gallons.

**FILLING STATIONS**

A filling station or retail gasoline or oil station is defined as a plant or establishment for the purpose of selling gasoline, naphtha, benzol or other similar products as are ordinarily handled and sold at filling stations, which plant or establishment has an aggregate storage capacity, including that above and below ground, not exceeding the amount permitted by the rules of the Wisconsin Department of Safety and Professional Services.

- B. Permit required. Any existing bulk station or storage plant within the City shall not add to its present storage facilities unless, in each case, a permit is authorized by the Common Council on the recommendation of the Fire Chief. Such permit shall only be authorized when the Common Council and the Fire Chief shall be of the opinion that public safety will not be adversely affected by the erection of additional storage. This section shall not apply to the storage and handling of fuel oils.
- C. Tanks to be diked. All tanks now existing, or which may be erected hereafter shall be diked in accordance with the Flammable Liquids Code of the Wisconsin Department of Safety and Professional Services. All tanks shall be maintained and kept in good repair, and the Chief of the Fire Department shall make or cause to be made periodic inspections so as to determine whether or not such dikes are in good repair.

§ 303-23 **Individual storage of flammable liquids.**

No person shall store or permit to be stored within this City any crude petroleum, benzine, benzol, gasoline, naphtha, ether or other like volatile combustibles or their compound except as hereinafter provided.

- A. Any person may keep for family use in a building owned or controlled by him not to exceed two gallons of any of the liquids above-mentioned, in a closed, approved metal can painted vermilion red and plainly marked with the name of the oil. A quantity not exceeding one quart of any such liquid may be kept in a glass bottle, plainly labeled with the name of the liquid.

- B. Any person using for mechanical purposes or dealing in gasoline or other volatile liquid may keep not to exceed five gallons of any such liquid in a closed, approved metal safety can painted vermilion red and plainly marked with the name of the liquid.
- C. Any person owning, handling, or storing automobiles or other machines using gasoline may keep not to exceed 25 gallons of gasoline in each machine, confined in a tank, free from leak, securely capped and protected by all necessary safety appliances.
- D. All crude oil, benzine, benzol, gasoline, naphtha, ether and all other like volatile liquids or their compounds, except in kind, quantity and manner hereinbefore stated, shall be kept in storage tanks constructed of steel and coated on the outside with tar or other rust-resisting material, outside a building, buried underground to a depth of not less than two feet, and shall be handled only by some pumping system approved by the Fire Chief; or such liquid may be kept in tanks, free from leak, securely capped and protected by all necessary safety appliances, partly or wholly above ground, outside of and at least 20 feet distant from any building or adjoining property, provided that for every such installation a special permit shall be secured from the Chief of the Fire Department.
- E. No gasoline or other combustible liquids shall be handled except in daylight or by incandescent electric light.

**§ 303-24 Fire hydrant placement.**  
**[Added by Ord. No. 05-56]**

- A. Fire hydrants will be spaced no more than 300 feet apart.
- B. Fire hydrants will not be placed closer than 40 feet to any building.
- C. Buildings that are equipped with fire suppression systems, either a sprinkler or standpipe system, that require Fire Department support will provide at least two fire hydrants, one of which will be solely for the supply of the fire suppression system. The total number will be determined by the Fire Chief.
- D. Fire hydrants installed for the supply of a Fire Department connection (FDC) will be located not less than 40 feet and no more than 100 feet from the FDC. The FDC should be visible should be marked a strobe or a reflective sign. The FDC should have an angled 5 Inch Storz connection.
- E. All streets that terminate in a cul-de-sac will have a fire hydrant installed at the end of the cul-de-sac.

**§ 303-25 Storage and use of explosives.**

- A. State code adopted. The provisions of the Wisconsin Administrative Code Chapter SPS 307, Explosives and Fireworks, are adopted by reference and made a part of this chapter.
- B. Permit required. No person shall keep or store within the City any explosive other than gunpowder except pursuant to a permit issued by the Fire Chief. No explosives other than gunpowder shall be stored within the City except in a fireproof vault located at least 100 feet from any other building.
- C. Place of storage to be disclosed. Any person who shall sell or store explosives shall disclose to the Fire Department, upon request, the place, or places where stored. The Fire Chief or his agent shall inspect from time to time all places where explosives are kept or stored.

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Article III  
**Administration**

§ 303-26 **Enforcement.**

- A. The Fire Prevention Code shall be enforced by the Fire Department.
- B. This chapter shall not be construed to affect the responsibility of any person owning, operating, or installing any equipment for damage to persons or property caused by any defect therein, nor shall the City be held as assuming any such liability by reason of inspection or reinspection authorized herein or a permit issued as herein provided or by reason of the approval or disapproval of any equipment authorized herein.

§ 303-27 **Modifications.**

**[Amended 6-4-2019 by Ord. No. 19-5]**

- A. Application for modification. The Fire Chief shall have power to modify any of the provisions of the Fire Prevention and Protection Code upon application in writing by the owner or the lessee or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification, when granted or allowed, and the decision of the Fire Chief thereon shall be entered upon the records of the Department, and a signed copy shall be furnished the applicant.
- B. Means of appeals.
  - (1) Any person with standing shall be permitted to appeal a decision of the Fire Department to the Public Safety and Welfare Committee when it is claimed that any one or more of the following conditions exist:
    - (a) The true intent of the Code has been incorrectly interpreted.
    - (b) The provisions of the Code do not fully apply.
    - (c) A decision is unreasonable or arbitrary as it applies to alternatives or new materials.
  - (2) An appeal shall be submitted to the Fire Department in writing within 30 calendar days of notification of violation. The appeal shall outline all of the following:
    - (a) The Code provision(s) from which relief is sought.
    - (b) A statement indicating which provisions of Subsection **B** above apply.
    - (c) Justifications to the applicability of the provision(s) cited in Subsection **B** above.
    - (d) A requested remedy.
    - (e) Justification for the requested remedy stating specifically how the Code is complied with, public safety is secured, and fire fighter safety is secured.

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C. Meetings and procedures.

- (1) Meetings of the Public Safety and Welfare Committee shall be held at the call of the chair within 30 calendar days of the filing of a notice of appeal.
- (2) All hearings before the Public Safety and Welfare Committee shall be open to the public.
- (3) A quorum shall be required.
- (4) In varying the application of any provision of this Code, or in modifying an order of the Fire Department, a 2/3 vote of the quorum shall be required.
- (5) A decision of the Public Safety and Welfare Committee to modify an order of the Fire Department shall be in writing and shall specify the manner in which such modification is made, the conditions upon which it is made, the reasons therefore, and justification linked to specific code sections.
- (6) A certified copy shall be sent by mail or delivered in person to the appellant.
- (7) The decision of the Public Safety and Welfare Committee shall be final, subject to such remedy as any aggrieved party might have through legal, equity, or other avenues of appeal or petition.

§ 303-28 **Violations and penalties.**

Any person who shall violate any of the provisions of this chapter or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder or any certificate or permit issued thereunder, or who shall fail to comply with orders of the Fire Chief or the Common Council or of a court of competent jurisdiction within the time fixed therein shall be subject to the penalty provided in § 1-4 of this City's Code. Each violation and each day a violation continues or occurs shall constitute a separate offense. This section shall not preclude the City from maintaining any appropriate action to prevent or remove a violation of this chapter.

§ 303-29 **Preventable false alarms.**

[Added by Ord. No. 95-41]

- A. For the purpose of this chapter, a "preventable false alarm" is defined as including activations caused by improper installation or maintenance, erroneous transmissions, work on alarm systems when reasonable steps are not taken to prevent the reporting of an alarm, fire drills or tests without prior notification to the Fire Department of the same, work such as painting or welding in the area of the alarm system resulting in activation, careless use of smoking materials or any other act or omission that would cause a false report to be received by the Fire Department.
- B. Definitions. As used in this chapter, the following terms shall have the meanings indicated: **[Amended 2-21-2017 by Ord. No. 17-5]**

**ALARM DEVICE**

Any alarm device or system which transmits its alarm signal from the location of the alarm to the dispatch center, other fire dispatch facility, or central station by any means, except a direct dial alarm device, as defined in this section.

**ALARM SYSTEM**

A system which is designed to summon or cause a response by the Fire Department, or that gives a signal, either visual, audible, or both, on the exterior portion of the property, but does not leave that structure by wire, radio waves, or other transmission to a control receiving location.

**ALARM USER**

The person, partnership, corporation, or other entity of any kind that owns or is in control of any building, structure or facility or portion thereof wherein an alarm system is in operation.

**AUDIBLE ALARM DEVICE**

Any alarm device which produces an audible signal at the premises where it is installed, whether by means of horns, bells, sirens, or other mechanisms, thereby notifying persons within audible range of the signal that fire should be notified.

**CENTRAL ALARM STATION**

Any facility that is manned at all times by trained operators employed to receive, record, and validate alarm signals and to relay information about validated signals to the dispatch center when appropriate.

**DIRECT DIAL ALARM DEVICE**

Any device which, when activated, transmits a prerecorded message or other signal by telephone directly to the dispatch center, requesting a fire response.

**FALSE ALARM**

Any alarm signal originating from an alarm device, alarm system or audible alarm device to which the Fire Department responds, and which results from:

- (1) False activation, including reporting a fire where no actual fire has occurred, or reporting a fire alarm where there is no evidence to substantiate, or forgetting to put alarm in test fire mode.
  - (2) Alarm malfunction, including mechanical failure or electrical failure.
  - (3) Alarm triggered by negligence, including overly sensitive settings.
- C. Permit application and standards. [**Amended 2-21-2017 by Ord. No. 17-5**]
- (1) No person shall install, cause, continue, maintain, or permit to exist any alarm device within the City of Watertown without first completing an application supplied by the Clerk/Treasurer's office accompanied by a permit fee as set by the Common Council and provided under separate fee schedule.
  - (2) The alarm permit application shall include the following information:
    - (a) The name, address, and telephone number of the alarm user.
    - (b) The name, address, and telephone number of a person or firm which can be contacted in the event of an emergency or false alarm and is available upon request of the Fire Department within 1/2 hour of notification of such emergency or false alarm to provide a key to the premises for which the alarm has been activated, for the purpose of inspecting the premises or resetting the alarm system.
    - (c) Identification of the alarm company.

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- (d) Any other information deemed necessary by the Fire Chief for the purpose of providing an appropriate response by the Fire Department.
  - (e) Notice of liability for the response fee set forth in § **303-29D(4)** and notice that the response fee may be placed as a special charge on the alarm user's tax roll pursuant to § 66.0627, Wis. Stats., if not paid.
  - (f) Notice that, in the event that the Fire Department responds to an alarm at the premises covered by the alarm system, and neither the permit holder nor an authorized agent is present, the permit holder consents to the entry into the premises, if necessary, to ascertain the cause of the alarm.
- D. False alarms. [**Added 2-21-2017 by Ord. No. 17-5**]
- (1) No person owning, using, or possessing an alarm system shall cause or permit the activation of a false alarm.
  - (2) No person shall intentionally cause the activation of an alarm system, knowing that no emergency exists.
  - (3) Nothing in this section shall be construed to limit the discretion of the Fire Department to take into account mitigating circumstances in enforcing this chapter.
  - (4) Response fees for false alarms.
  - (a) In the instance of a first false alarm response within any twelve-month period, the City of Watertown Fire Department shall cause to be issued a warning setting forth description of the violation of this section with a copy of the ordinance to the owner as well as any occupant, lessee or legal possessor of the address summoning a response.
  - (b) In the instance of any second false alarm response within any twelve-month period, the City of Watertown Fire Department shall cause to be issued a final warning setting forth description of the violation of this section with a copy of the ordinance to the owner as well as any occupant, lessee or legal possessor of the address summoning a response.
  - (c) In the instance of any third or subsequent false alarm response within any twelve-month period, the City of Watertown Fire Department shall cause to be issued to an alarm user a due and payable invoice for response costs in the minimum sum as set by the Common Council and provided under separate fee schedule, the date payment is due, the right of the alarm user to a hearing before the Fire Chief if a request therefor is made before the date payment is due, and a warning that any unpaid response fee will be allocated to the alarm user's property tax roll as a special charge pursuant to § 66.0627, Wis. Stats., at the alarm user's last known address with copy to the owner, at the owner's last known address, as well as any occupant, lessee or legal possessor of the address summoning a response. The City of Watertown Fire Department shall collect such additional amounts at the same rate in fifteen-minute increments if the time expended by the Fire Department exceeds one-half hour.
  - (d) In the instance of any fourth or subsequent false alarm response within any twelve-month period, the City of Watertown Fire Department shall cause to be issued to an alarm user a due and payable invoice for response costs in the minimum sum as set by the Common Council and provided under separate fee

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schedule, the date payment is due, the right of the alarm user to a hearing before the Fire Chief if a request therefor is made before the date payment is due, and a warning that any unpaid response fee will be allocated to the alarm user's property tax roll as a special charge pursuant to § 66.0627, Wis. Stats., at the alarm user's last known address with copy to the owner, at the owner's last known address as well as any occupant, lessee or legal possessor of the address summoning a response. The City of Watertown Fire Department shall collect such additional amounts at the same rate in fifteen-minute increments if the time expended by the Fire Department exceeds one-half hour.

- (e) In the instance of any fifth or subsequent false alarm response within any twelve-month period, the City of Watertown Fire Department shall cause to be issued to an alarm user a due and payable invoice for response costs in the minimum sum as set by the Common Council and provided under separate fee schedule, the date payment is due, the right of the alarm user to a hearing before the Fire Chief if a request therefor is made before the date payment is due, and a warning that any unpaid response fee will be allocated to the alarm user's property tax roll as a special charge pursuant to § 66.0627, Wis. Stats., at the alarm user's last known address with copy to the owner, at the owner's last known address, as well as any occupant, lessee or legal possessor of the address summoning a response. The City of Watertown Fire Department shall collect such additional amounts at the same rate in fifteen-minute increments if the time expended by the Fire Department exceeds one-half hour.
- (5) Periodic alarm testing will not result in a response fee, as long as prior notification with the Fire Department dispatch center was made, along with notification once the testing is completed.
- (6) Storm-related false alarms which can be reasonably verified shall be exempt from any response fees.

E. Collection of fees. [Added 2-21-2017 by Ord. No. 17-5]

- (1) For the purposes of this section, an alarm user who is lessee, occupant, or tenant of the premises from which the false alarm originated shall be deemed agent of the owner thereof.
- (2) All charges for response fees are due and payable to the City of Watertown within 30 days of mailing of the notice required under this section, except, if a hearing is requested in a timely manner, the charges are due within 10 days after an adverse decision is rendered at such hearing.

\* \* \*

**SECTION 2. All ordinances or parts of ordinances inconsistent with the provision of this ordinance are hereby repealed.**

**SECTION 3. This ordinance shall take effect and be in force the day after its passage and publication.**

Adopted April 5, 2021

Signed – Elissa Friedl – Clerk Treasurer

Approved April 5, 2021

Signed – Emily McFarland – Mayor

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