

## CHAPTER 2

### Fire Prevention and Safety Codes

<i>Article A</i>	<i>General Provisions</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
5-2-1	Intent of Code		
5-2-2	Adoption of State and Nation Codes		
5-2-3	Application to New and Existing Conditions		
5-2-4	Orders to Eliminate Fire Hazards		
5-2-5	Service of Orders		
5-2-6	Investigation of Fires		
5-2-7	Fire Records		
5-2-8	Annual Report		
5-2-9	Exceptions		
5-2-10	Permits		
5-2-11	Definitions		
5-2-12	Smoke Alarms and/or Heat Detectors Required in Dwelling Units		
5-2-13 through 5-2-19	Reserved for Future Use		
<i>Article B</i>	<i>General Precautions Against Fire</i>	<i>Ordinance Number</i>	<i>Date of Ordinance</i>
5-2-20	Open Burning	2004-02	4/6/04
5-2-21	Depositing or Accumulating Combustible Material		
5-2-22	Chimneys, Heating Appliances, Etc.		
5-2-23	Use of Torches or Flame-Producing Devices		
5-2-24	Tents		
5-2-25	Smoking Prohibited Under Certain Conditions		
5-2-26	Administration		
5-2-27	Penalty		

## ARTICLE A

### General Provisions

#### SEC. 5-2-1 INTENT OF CODE.

It is the intent of this Chapter to prescribe regulations consistent with recognized standard practice 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 and property in the use or occupancy of buildings or premises, and the safeguarding of firefighting personnel as it relates to job requirements, duties, medical and physical conditions.

#### SEC. 5-2-2 ADOPTION OF STATE AND NATIONAL CODES.

- (a) The following orders, rules, and regulations of the Department of Industry, Labor and Human Relations, all of which are set forth in the Wisconsin Administrative Code as from time to time amended, and the Codes and Standards and Recommended Guides as set forth by the National Fire Prevention Association as from time to time amended, and as they apply to the fire service, are incorporated herein by reference and adopted as part of this Fire Prevention Chapter:
- (1) Wis. Adm. Code Ch. ILHR 7; Explosives and Blasting Agents.
  - (2) Wis. Adm. Code Ch. ILHR 10; Flammable and Combustible Liquids.
  - (3) Wis. Adm. Code Ch. ILHR 11; Liquefied Petroleum Gases.
  - (4) Wis. Adm. Code Ch. ILHR 12; Liquefied Natural Gas.
  - (5) Wis. Adm. Code Ch. ILHR 13; Compressed Natural Gas.
  - (6) Wis. Adm. Code Ch. ILHR 14; Fire Prevention.
  - (7) Wis. Adm. Code Ch. ILHR 15; Cleaning and Dyeing.
  - (8) Wis. Adm. Code Ch. IND 20; Dusts, Fumes, Vapors and Gases.
  - (9) Wis. Adm. Code Ch. IND 21; Spray Coating.
  - (10) Wis. Adm. Code Ch. ILHR 30; Fire Department Health and Safety Standards.
  - (11) Wis. Adm. Code Ch. IND 32; Safety in Construction.
  - (12) Wis. Adm. Code Ch. IND 43; Anhydrous Ammonia Code.
  - (13) Wis. Adm. Code Ch. ILHR 50; Administration and Enforcement.
  - (14) Wis. Adm. Code Ch. ILHR 51; Definitions and Standards.
  - (15) Wis. Adm. Code Ch. ILHR 52; General Requirements.
  - (16) Wis. Adm. Code Ch. ILHR 53; Structural Requirements.
  - (17) Wis. Adm. Code Ch. ILHR 54; Factories, Office and Mercantile Buildings.
  - (18) Wis. Adm. Code Ch. ILHR 55; Theatres and Assembly Halls.
  - (19) Wis. Adm. Code Ch. ILHR 56; Schools and Other Places of Instruction.
  - (20) Wis. Adm. Code Ch. ILHR 57; Apartment Buildings, Hotels, and Places of Detention.
  - (21) Wis. Adm. Code Ch. ILHR 58; Health Care, Detention, and Correctional Facilities.
  - (22) Wis. Adm. Code Ch. ILHR 59; Hazardous Occupancies.
  - (23) Wis. Adm. Code Ch. ILHR 60; Child Day Care Facilities.

- (24) Wis. Adm. Code Ch. ILHR 61; CBRF.
  - (25) Wis. Adm. Code Ch. ILHR 62; Specialty Occupancies.
  - (26) Wis. Adm. Code Ch. ILHR 64; Heating, Ventilating, and Air Conditioning.
  - (27) Wisconsin Electrical Code.
  - (28) NFPA Codes and Standards; Volumes 1 through 11, and NFPA 72 Standards for the Installation, Maintenance and Use of Protective Signaling Systems.
- (b) Whenever the provisions of the aforementioned codes conflict, the stricter interpretation shall apply.
  - (c) Official copies of each of said codes are now on file in the office of the Town Clerk and the Chief of the Fire Department of the Town of Caledonia and shall remain so filed and be, at all reasonable times, open to inspection by any interested persons.

**SEC. 5-2-3 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.

**SEC. 5-2-4 ORDERS TO ELIMINATE FIRE HAZARDS.**

Whenever any of the officers, members, or inspectors of the Fire Department shall find any building or upon any premises dangerous or hazardous conditions as follows, he or they 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, door, or windows liable to interfere with the operation 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 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 fire hazard or a threat to life and safety.

**SEC. 5-2-5 SERVICE OF ORDERS.**

- (a) The service of such orders as mentioned in Section 5-2-4 may be made upon the owner, occupant, or 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 the said premises. Whenever it may be necessary to serve such an order upon the owner of premises, such order may be served either by delivering to and leaving with the said person a copy of the said order or, if the 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 (1) person and occupied by another under lease or otherwise, the orders issued in connection with the enforcing of the Chapter shall apply to the occupant thereof, except where the rules or orders require the making of such 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 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.

#### **SEC. 5-2-6 INVESTIGATION OF FIRE.**

- (a) The Chief of the Fire Department shall investigate the cause, origin, and circumstances of every fire occurring in the Town which is of suspicious nature or which involves loss of life or injury to persons or by which property has been destroyed 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 Chief of the Fire Department 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.
- (b) The Police Department, upon request of the Chief of the Fire Department, shall assist in the investigation of any fire which, in the opinion of the Chief of the Fire Department, is of suspicious origin.

#### **SEC. 5-2-7 FIRE RECORDS.**

The Chief of the Fire Department 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 record shall be made daily from the reports made by the Fire Department officers and inspectors. All such records shall be public.

#### **SEC. 5-2-8 ANNUAL REPORT.**

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

**SEC. 5-2-9 EXCEPTIONS.**

Nothing contained in this Chapter shall be construed as applying to the transportation of any article or thing shipped in conformity with the regulations prescribed by the Interstate Commerce Commission, nor as applying to the military forces of the United States.

**SEC. 5-2-10 PERMITS.**

- (a) A permit 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 permit does not take the place of any license required by law. It shall be for an indefinite period, not transferable, and any change in use or occupancy of the premises shall require a new permit.
- (b) Before a permit may be issued, the Chief of the Fire Department, or his assistants, shall inspect and approve the receptacles, vehicles, building, or storage places to be used. In cases where laws or regulations enforceable by departments other than the Fire Department are applicable, joint approval shall be obtained from all departments concerned.
- (c) All applications for a permit required by this Code shall be made to the Chief of the Fire Department in such form and detail as it shall prescribe.
- (d) Permits shall, at all times, be kept on the premises designated therein and shall, at all times, be subject to inspection by any officer of the Fire or Police Departments.

**SEC. 5-2-11 DEFINITIONS.**

Unless otherwise expressly stated, the following terms shall, for the purpose of this Chapter, have the meanings indicated in this Section:

- (a) "Approved" shall mean accepted by the Chief of the Fire Department as a result of his investigation and experience or by reason of test, listing, or approval by Underwriters Laboratories, Inc., the National Bureau of Standards, the American Gas Association Laboratories or other nationally recognized testing authorities.
- (b) "Automatic Fire Alarm System" shall mean a system which automatically detects a fire condition and actuates a fire alarm signal device.
- (c) "Dwelling" shall mean a building occupied exclusively for residence purposes and having not more than two (2) apartments, or a boarding or rooming house serving not more than fifteen (15) persons with meals or sleeping accommodations or both.
- (d) "I.C.C. Container" shall mean any container approved by the Interstate Commerce Commission for shipping any liquid, gaseous, or solid material of a flammable, toxic, or other hazardous nature.
- (e) "Institutional Building" shall mean a building in which persons are harbored to receive medical, charitable, or other care or treatment, or in which persons are held or detained, by reason of public or civic duty, or for correctional purposes.
- (f) "Multifamily House" shall mean a building occupied as the home or residence of individuals, families, or households living independently of each other, of which three (3)

or more are doing cooking within their apartments, including tenement house, apartment house, flat.

- (g) "Person" shall mean and include person, persons, firm, corporation, or co-partnership.
- (h) "Public Building" shall mean a building in which persons congregate for civic, political, educational, religious, social, or recreational purposes.
- (i) "Residence Building," except when classed as an Institutional Building shall mean a building in which sleeping accommodations are provided.

**SEC. 5-2-12 SMOKE ALARMS AND/OR HEAT DETECTORS REQUIRED IN DWELLING UNITS.**

- (a) **Smoke Detector Devices Required.** The owner of every premises on which is located one (1) or more dwelling units within the Town shall install a smoke detection device so located as to protect the sleeping areas of each dwelling unit. If sleeping areas are separated, the number of detection devices installed shall be that deemed sufficient by the Fire Inspector to protect each sleeping area.
- (b) **Definitions.** For the purposes of this Section, the following words and phrases shall have the following meanings:
  - (1) **Dwelling Unit.** A group of rooms constituting all or part of a dwelling which are arranged, designed, used, or intended for use exclusively as living quarters.
- (c) **Exemption.** This Section shall not apply to owner-occupied single-family dwelling units constructed prior to this Code of Ordinances adoption date.
- (d) **Installation and Design Standards.**
  - (1) The Chief of the Fire Department shall advise the owner of the premises of the types of detectors and points of installation within the dwelling which meet the requirements of this Section.
  - (2) All smoke and heat detection devices shall be installed in locations approved by the Fire Inspector as meeting the installation standards of the National Fire Protection Association (NFPA) standards, pamphlet #72E edition, and pamphlet #74, 1975 edition.
  - (3) All smoke and heat detection devices shall bear the Underwriters' Laboratory seal of approval or Factory Mutual approval. All smoke detection devices shall meet the Underwriters Laboratory standard 217. At least one (1) smoke or heat detection device shall be installed for every dwelling unit located so as to protect sleeping areas.
  - (4) In multiple-family dwellings, additional devices connected to the building alarm system, if any, shall be installed in every public corridor serving one (1) or more dwelling units and on every separate level of the building, regardless of whether a sleeping area is located on such level. If a local fire alarm system is not provided or required, detection devices shall be connected to a signal outside of the enclosure which will be audible throughout the entire building. Smoke alarms in multi-family dwellings shall be hard wire systems, with battery back-up.
  - (5) In multi-building dwellings, in addition to smoke detectors in every living unit, all storage areas shall be protected with heat-sensing devices. These devices shall be connected to the building fire alarm system. If a local fire alarm system is not

required, such device shall be connected to a signal outside of the enclosure which will be audible through the entire building. Heat-sensing devices shall be installed in space according to good engineering practice, but in no case shall detectors be spaced more than thirty (30) feet on center and fifteen (15) feet from any wall.

- (6) Smoke detector or heat-sensing devices shall be installed in all furnace, boiler, and incinerator rooms in a multi-family dwelling.
- (e) **Owner Responsible for Installation and Maintenance.** The owner of the dwelling unit shall be responsible for the installation and/or maintenance of smoke and heat detection devices required by this Section unless the Fire Chief is notified in writing by registered mail of the designation of some other authorized qualified individual to assume that responsibility.

**SEC. 5-2-13 THROUGH SEC. 5-2-19                      RESERVED FOR FUTURE USE**

**ARTICLE B**

General Precautions Against Fire

**Sec. 5-2-20    OPEN BURNING**

- (a) **Intent.** It is the intent of the Section that all allowed Open Burning is conducted in a safe pollution free manner, when wind and weather conditions are such as to minimize adverse effects of the Open Burning and with conditions that protect life and property.
- (b) **Definitions.** The following definitions shall be applicable in this Section:
  - (1) **“Garbage”** shall mean waste refuse, including, but not limited to, tin, cans, used lumber, glass, metals, ashes, junk, crockery, and similar waste products, refuse, and debris.
  - (2) **“Open Burning”** shall mean any fire from which the products of combustion are emitted directly into the open air without passing through a chimney or stack.
  - (3) **“Recreational or Ceremonial Fire”** shall mean a small camp-type charcoal or wood burning fire with the base of the fire being no more than three (3) feet in diameter and producing flame no more than five (5) feet in height.
  - (4) **“Yard Waste”** shall mean refuse, such as dry leaves and dry plant clippings, from a plant, tree or shrub, not including firewood.
- (c) **Authority of Fire Chief.** This Chapter shall be interpreted, administered, and enforced by the Fire Chief or his or her designee.
- (d) **General Prohibitions.**
  - (1) **Nuisance Prohibited.** No person shall burn any material that creates dense smoke or causes a public nuisance.
  - (2) **Public Nuisance Declared.** The burning of any wet combustible rubbish, flammable or combustible liquids, leather, petroleum based materials, oily

substances, asphalt, plastic, rubber products, insulation, Garbage or any material which creates a dense smoke is hereby declared a public nuisance.

- (3) **Burning by Business Prohibited.** Where a business is operated from any structure, home or an attached structure, or the land is zoned business or commercial, no Open Burning is permitted under any condition.
  - (4) **Burning of Construction Debris Prohibited.** The burning of construction debris, such as wood scraps, shingles, insulation, etc. is prohibited, regardless of whether such burning is done by the property owner, contractor, worker or other person responsible for the site.
  - (5) **Atmospheric Conditions.** No Open Burning shall occur on days when atmospheric conditions are unacceptable for burning as determined by the Department of Natural Resources (“DNR”) or the Fire Chief; or when the DNR issues an air-pollution or ozone advisory; or when the wind speeds exceed ten (10) miles per hour; or when extremely dry conditions are observed as may be determined by the Fire Chief.
  - (6) No person under the age of sixteen (16) years is allowed to ignite any fire without the supervision of an adult 21 years of age or older.
- (e) **Restrictions on Open Burning.** Open Burning is hereby prohibited in the Town of Caledonia except for:
- (1) Outdoor fires for cooking.
  - (2) Recreational or Ceremonial Fires.
  - (3) Back fires to control forest fires or fires set for forest and wildlife habitat management as prescribed by and carried out under the supervision of government agencies and where no reasonable alternative is available.
  - (4) Fires burning clean, dry combustible materials used to thaw the ground for street, sewer or rail repairs.
  - (5) Fires set for the practice and instruction of firefighters or the testing of firefighting equipment.
  - (6) Burning of brush or weeds on zoned agricultural lands including fires for cropland management, insect and rodent control, provided dense smoke is not created and no nuisance occurs.
  - (7) Burning of explosives or dangerous material for which no other safe disposal method exists.
  - (8) Burning of brush, grasses and weeds for the management of established prairies, prairies under restoration or residential green-spaces, for which a Stewardship Plan has been prepared and approved by the Town pursuant to Sec. 14-3-5(h) or Natural Lawn Management Plan has been prepared and approved pursuant to Sec. 8-1-3, provided dense smoke is not created and no nuisance occurs.
  - (9) Burning for the disposal of a small amount of clean, dry, combustible Yard Waste on one (1) or two (2) family residential properties shall comply with the following conditions:
    - a. The fires must be at least ten (10) feet from the property line and not on any public right of way, including but not limited to easements, ditches, curbs or road shoulders.

- b. The fire must be at least fifty (50) feet from any structure on or off of the property, unless the fire is contained in a metal, brick, stone, earthen, or concrete container or pit and then such fire shall be at least ten (10) feet from any structure on or off of the property.
- c. The base of the fire shall be no more than six (6) feet in diameter and the fire shall be no more than five (5) feet in height.
- d. Fires must be kept manageable and under control at all times.
- e. Fires must be immediately extinguishable upon request of the Fire Chief or his or her designee.
- f. Fires must be attended at all times until it is extinguished or burns out.

(f) **Additional Regulations.**

- (1) Exceptions contained in Section (e)(1) through (3) have no time limit and do not require prior notification or the approval of the Fire Chief under subsection (g) below.
- (2) Exceptions contained in Subsection (e)(4) through (6) have no time limit, but do require prior notification and approval of the Fire Chief under subsection (g) below.
- (3) Exceptions contained in Subsection (e)(7) and (9) are permitted only between the hours of 12:00 noon and 7:00 p.m. prevailing time and require prior notification and approval of the Fire Chief under subsection (g) below.
- (4) The exception contained under Subsection (e)(8) is permitted only between the hours of 12:00 noon and 7:00 p.m. prevailing time and requires prior notification and the submittal of a burn plan at the time of notification in a form acceptable to the Fire Chief. Approval of the Fire Chief must be received prior to commencing with the Open Burning. The Fire Chief may require reasonable fire prevention measures and conditions in his discretion, including but not limited to having a water tanker on-site or stand-by. Any cost incurred by the Town in taking any fire prevention measures shall be paid by the person conducting the Open Burning prior to commencing said burn.
- (5) A competent person shall constantly attend all Open Burning until such fire is extinguished.
- (6) Open Burning on Town of Caledonia properties are prohibited except as authorized by Town Officials and as allowed in the Town's park regulations under Title 12 of the Code of Ordinances.
- (7) Upon written request, the Fire Chief may consider and grant other exceptions to the Open Burning regulations set forth in this Chapter if such exception would be consistent with the intent and purposes of this Chapter.

(g) **Notification and Approval.**

- (1) **Notification.** When required, the Fire Chief shall be notified, by telephone, in writing or in person, of any Open Burning and notification must be prior to the time that the Open Burning is to commence. Notification by a person proposing an Open Burn does not waive any requirements of this ordinance and the Town reserves the right to impose a penalty for violations as provided in this Chapter.

- (2) **Conditions.** The Fire Chief may impose any conditions on an allowed Open Burning that are necessary for the protection of life or property.
- (3) **Approval.** If upon notification, the Fire Chief determines in his discretion that the proposed Open Burning is contrary to any provision of the Code of Ordinances, is a hazard for life or property, or constitutes a public nuisance, the Fire Chief shall immediately notify the person proposing the Open Burning and to take any action authorized by this Chapter or the Code of Ordinances.

#### **SEC. 5-2-21 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 combustible receptacle or place the same within ten (10) feet of any combustible materials, 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 (2) 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 or yard. All weeds, grass, vines, or other growth, when the same 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) **Storage of Readily Combustible Materials.** Storage Requirements. Storage in buildings shall be orderly, shall not be within two (2) feet of the ceiling, and not so located as to endanger exit from the building. Storage in the open shall not be more than twenty (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.
- (d) **Flammable Decorative Materials in Stores and Public Buildings.** Cotton batting, straw, dry vines, leaves, trees, or other highly flammable materials shall not be used for decorative purpose 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 reordered flameproof.

#### **SEC. 5-2-22 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.

**SEC. 5-2-23 USE OF TORCHES OR FLAME-PRODUCING DEVICES.**

Any person using a torch or other flame-producing device for removing paint from any building or structure shall provide one (1) approved fire extinguisher or water hose connected to the water supply on the premises where such burning is done. In any cases, the person doing the burning shall remain on the premises one (1) hour after the torch or flame-producing device has been used.

**SEC. 5-2-24 TENTS.**

- (a) **Fire Watchers to be Employed.** One (1) or more qualified persons to serve as firewatchers shall be employed by all circuses, carnivals, or other exhibitions where large crowds assemble. They shall familiarize themselves with all fire protection facilities and fire prevention features and with the condition of exits and shall patrol the entire tent area during the time of occupancy. They shall see that aisles and exitways are kept open and that "No Smoking" rules are enforced.
- (b) **Tents for Assembly to Conform to Recognized Safe Practices.** The design, construction, flameproofing, location, maintenance, and use of tents for assembly shall be in accordance with recognized safe practices. Compliance with the American Standard of Outdoor Assembly, Grandstands and Tents, as adopted by the National Fire Protection Association, shall be considered as prima facie evidence of compliance with such recognized safe practices.

**SEC. 5-2-25 SMOKING PROHIBITED UNDER CERTAIN CONDITIONS.**

- (a) **Definitions.** "Smoking" shall mean and include the carrying of a lighted pipe, cigar, cigarette, or tobacco in any form.
- (b) **Chief to Designate Areas Where Smoking Shall be Prohibited.** 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 Chief of the Fire Department 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 Chief of the Fire Department shall designate specific safe locations, if necessary, in any building, structure, or place in which smoking may be permitted.
- (c) **No Smoking Signs.** "No Smoking" signs required in accordance with Section 21 shall read "By Order of the Chief of the Fire Department."
- (d) **Smoking and Removal of No Smoking Signs Prohibited.** No person shall remove any legally required "No Smoking" sign or to smoke in any place where such signs are posted.

**SEC. 5-2-26 ADMINISTRATION.**

- (a) **Enforcement.**
  - (1) The Fire Prevention Code Chapter shall be enforced by the Chief of the Fire Department of the Town of Caledonia and such subordinates in said Department as the Chief shall designate.
  - (2) 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 Town be held as assuming any such liability by reason of the inspection or reinspection authorized herein or the permit issued as herein provided or by reason of the approval or disapproval of any equipment authorized herein.
- (b) **Modification.** The Chief of the Fire Department shall have the power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code, provided that the spirit of the Chapter shall be observed, public safety secured, and substantial justice done. The particulars of such modification, when granted or allowed, and the decision of the Chief of the Fire Department thereof shall be entered upon the records of the Department and a signed copy shall be furnished to the applicant.
- (c) **Appeals.** Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the Town Board within ten (10) days from the date of the decision of the Chief. In the event of such appeal, the Board shall set a time and place for hearing thereof and give to the appellant at least ten (10) days' thereof by mail or personally.

**SEC. 5-2-27 PENALTY.**

- (a) 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 who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, or who shall fail to comply with such an Order as affirmed or modified by the Chief of the Fire Department or the Town Board or by a court of competent jurisdiction within the time fixed herein shall be subject to the penalty set forth in Section 1-1-6.
- (b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited condition.