

FIRE PREVENTION

11.01 Scope:

To outline the purpose of fire prevention visits and responsibilities, the Department has in conducting fire prevention visits as indicated within Town Ordinances and Wisconsin State Statutes. The objective is to provide guidance for performing the fire prevention visits, follow-ups and when necessary issue citations for failure to comply. To underscore the intent of the Department in making fire prevention visits, the value and purpose of these visits may be outlined as follows:

- A. To obtain proper life safety conditions:** The first duty of any fire department is the protection of life. As protectors of life, fire departments have a responsibility they cannot avoid, nor delegate to others. In carrying out this responsibility, it will greatly assist them to know in advance where and under what conditions people live, work and assemble and how they may escape or be rescued. Life safety visits warrant attention to the adequacy of exits, obstructions to rapid and orderly egress at time of fire, the adequacy of building evacuation plans and the determination of the number of occupants permitted in places of assembly.
- B. To keep fires from starting:** Persons who work among materials or situations which are hazardous often become negligent of their own safety, just as long periods without a fire produce overconfidence and underestimation of the fire danger. The fire department can point out the hazardous conditions which need to be corrected and explain the seriousness of them.
- C. To keep fires from spreading:** The general public has little appreciation of the great value which structural features such as stair and elevator enclosures, fire doors and fire partitions, have in preventing the rapid spread of fire. The fire department, with its added knowledge, should take advantage of every opportunity to make their importance clear to owners and occupants, to secure their proper maintenance anywhere needed, to have additional protection measures of this type installed.
- D. To determine the adequacy and maintenance of fire protection equipment:** By surveying buildings and specifying suitable fire extinguishing appliances and fire detecting devices, reasonable safety to persons and property may be provided. Private fire protection equipment such as extinguishers, standpipes, hose systems, automatic sprinkler systems, private water supplies and alarm systems are installed to alert and protect building occupants, to aid the fire department and to extinguish fires automatically. Under normal conditions this equipment is seldom used. Thus, frequent inspections are necessary to provide a degree of assurance that the equipment will be in good working order should the need arise. Safety of the lives of the occupants depends on the effectiveness of the fire protection equipment and many times such equipment renders the job of firefighting much less difficult than it otherwise would be.

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E. To Develop Pre-Incident Surveys (Pre-Plans):

It is difficult for a fire department to attack a fire intelligently without first knowing the building and its occupancy. It is too late to plan a procedure and attack after the fire has occurred. It is highly desirable to have a predetermined course of action to follow when the alarm is received. Knowledge of fire hazards, fire protection equipment, construction features affecting the spread of fire, exposures and exit facilities is necessary for the safety of firefighters to eliminate unnecessary loss of life and property. Local Emergency Planning Committee (LEPC) "off-site" plans will be created as necessary for facilities with reportable quantities of hazardous materials. Fire Department knowledge and access to an occupancy's "Material Safety Data Sheets" is critical for the safety of all personnel. It will also be essential that the Emergency Operations Captains assist with the creation, review and updating all pre-incident surveys (pre-plans).

F. To stimulate cooperation between owners, occupants and the fire department:

Nothing will assure closer cooperation between building owners, the occupants of buildings and the fire department than the interest of the department in not only preventing fires, but in being better prepared to handle the fires when they occur. The fire department inspector should inform the owners and occupants that the fire department is rendering a service in the prevention and control of fires, and it is to the owners' and occupants' advantage to call the department immediately in case of fire. The inspector should also give advice in connection with problems of fire protection and prevention. These additional efforts will bring about closer cooperation between the public and the department and will serve to increase the standing of the department in the community.

G. To assure compliance with fire protection laws, ordinances and regulations:

In many places some or all of these matters will be under the jurisdiction of the fire department, but whether specifically so or not the inspector should be able to recognize important violations so as to report them to the proper authority.

H. Public Education: Various methods of educating the general public as to the hazards of fires will be conducted by all members of the fire department. Literature, lectures and demonstrations will be utilized to discuss the importance of smoke detection, suppression systems, exit drills in the home and other methods of life safety.

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11.04 Statutory Responsibility:

Wisconsin statutes spell out certain responsibilities for fire departments in reference to fire prevention visits. Excerpts of the state statutes shown below outline this statutory responsibility:

SS. 101.14 Fire Inspections, Prevention, Detection, and Suppression

(2) (a) The chief of the fire department in every city, village or town, except cities of the 1st class, is constituted a deputy of the department, subject to the right of the department to relieve any such chief from duties as such deputy for cause, and upon such suspension to appoint some other person to perform the duty imposed upon such deputy. The department may appoint either the chief of the fire department or the building inspector as its deputy in cities of the 1st class.

(2) (b) The chief of every fire department shall provide for the inspection of every public building and place of employment to determine and cause to be eliminated any fire hazard or any violation of any law relating to fire hazards or to the prevention of fires.

(2) (c) 1. Except as provide under sub d.2., the chief of every fire department shall provide that the inspections required under par. (b) be made at least once in each non-overlapping 6-month period per calendar year in all the territory served by his or her fire department. The chief of a fire department may require more frequent inspections than required under this subdivision. The department by rule shall provide for general exceptions, based on the type of occupancy or use of the premises, where less frequent inspections are required. Upon written request by the chief of a fire department, the department by special order may grant an exception to a city, village or town to conduct less frequent inspections than required under this subdivision.

(2) (c) 2. In 1st class cities, the fire chief may establish the schedule of fire inspections in that city. The fire chief shall base the frequency of the inspections on hazardous classification, the proportion of public area, the record of fire code violations, the ratio of occupancy to size and any other factor the chief deems significant. Property other than residential property with 4 dwelling units or less shall be inspected at least once annually.

(2) (cm) In addition to the requirements of pars. (b) and (c), a fire department shall provide public fire education services.

(2) (d) The chief of every fire department, or in 1st class cities, the building inspector appointed by the department under par. (a), shall designate a sufficient number of inspectors to make the inspections required under pars. (b) and (c).

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(2) (e) Written reports of inspection shall be made and kept on file by the authority having jurisdiction to conduct inspections, or its designee, in the manner and form required by the department.

(2) (f) Every inspection required under pars. (b) and (c) is subject to the supervision and direction of the department, which shall, after audit, certify to the commissioner of insurance after the expiration of each calendar year each city, village or town where the inspections for the year have been made, and where records have been made and kept on file as required under par. (e).

11.05 Town of Menasha Fire Prevention Code:

The Fire Prevention staff of the Town of Menasha Fire Department has the responsibility to enforce the Town of Menasha Fire Code as spelled out within the **Municipal Ordinances, Chapter 5.**

11.06 Fire Prevention Visit Program - Procedures/Purpose

To provide guidelines for the conduction of fire prevention visits which reflect current modern fire prevention practices and the guidelines of the United States Supreme Court as spelled out within No. 180 - October term 1966.

Fire prevention visits conducted for and on behalf of the Town of Menasha Fire Department will follow those guidelines as spelled out within the National Fire Protection Association Inspection Manual (SPP-11B) and the IFSTA Fire Prevention training manual.

11.07 Initiating Fire Prevention Visits:

A fire prevention visit is an opportunity to educate the occupant(s) and/or owner(s) as to what may constitute a fire hazard in their establishment and provide guidance for gaining compliance with local codes.

- A. Initiating Visits** - When entry is requested for the purpose of conducting a fire prevention visit, ALL inspectors shall do so following the sequence below:
1. The inspector shall identify himself/herself verbally.
 2. The inspector will explain the purpose of the visit.
 3. Permission will be requested of the person in charge to carry out the visit.
 4. The person in charge will be invited to accompany the inspector on the visit tour.

B. During the visit:

The inspector shall identify and record fire hazards that are in violation of state or local fire prevention codes. The inspector will also take this opportunity to explain to the visit escort why the hazards are in violation of state or local fire prevention codes and offer any recommendations for corrective actions.

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C. Concluding the visit.

1. The inspector shall meet with the individual responsible for correcting any cited violations and the building owner when possible, to review the items on the visit report. The inspector shall answer any questions presented or offer a follow-up if the appropriate answer is not readily known. The owner or his/her representative is then requested to sign the visit report. The owner is then provided with a copy of the report. The inspector shall make known to the owner or his representative the timeframe in which follow-up inspections will be conducted, plus possible actions for failure to comply.
2. In cases where the occupancy does not require a visit escort or the owner is absent, i.e., utility facilities, a copy of the visit report shall be mailed to the owner of record in the Fire Department's RMS system.

11.08 Types of Fire Prevention Visits:

1. **Routine:** A visit conducted according to the schedules prepared by the Fire Marshal. Such schedules are to be prepared so as to provide an orderly sequence of visits throughout the Town of Menasha.
2. **Follow-up:** A follow-up visit is made as necessary to ascertain correction of violations of the Town of Menasha Fire Codes which were cited during any fire prevention visit.
3. **Complaint:** A visit conducted under the following circumstances:
 - a. A complaint filed with the department concerning a fire or other hazardous condition and either the location is not scheduled as part of the routine visit schedule or the visit is necessary outside of the normal sequence of routine visits.
 - b. A complaint filed as the result of an emergency response and a visit is required to determine compliance with the fire prevention codes.
4. **Underground & Aboveground Tank Program:**
Visits for the installation, removal or use permit of petroleum tanks and associated piping. Included are tanks that contain flammable, combustible liquids or hazardous materials.
5. **Special/Request:**
A visit requested by a person, firm, agency or department for special instances in which a visit is required to document a situation or condition. This category is also used when the requested visit is not described by any other visit type.

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6. **Investigation:** A visit to ascertain facts regarding a violation or possible violation of any state or local statute or ordinance pertaining to fire prevention/safety.
 7. **Occupancy/New:** A visit to document the compliance of a new building with all applicable state and local fire codes/ordinances before a tenant initiates operation in the space. Typically visit is conducted in conjunction with the Building Official or other jurisdictional agency.
 8. **Occupancy/Existing:** A visit to verify that an existing occupancy has complied with all state and local fire codes following an addition or remodeling of the occupancy. Typically visit is conducted in conjunction with the Building Official or other jurisdictional agency.
 9. **Fire Protection/Detection System:** A visit for the purpose of ascertaining compliance of the installation or modification of a fire protection or detection system.
 10. **Inspection/Warrant:** A visit of an occupancy when ordered by the presiding court for the purpose of documenting possible violation of state or local fire prevention codes or ordinances. A warrant is typically sought by the fire department when an owner or occupant has refused to cooperate with the fire prevention program.
 11. **Blasting Inspection:** Local permit and notification must be presented by any certified blasting company conducting blasting work in the Town of Menasha. An inspection to verify state regulatory compliance and the safe handling, storage and disposal of blasting devices.
- 11.08A **Return Visit Schedule:**
1. Life-Safety violations will be determined on their individual characteristics. A return visit may be conducted 24-hours after initial visit to determine compliance.
 2. Return visits shall be conducted to ascertain whether or not compliance has been obtained. The timetable for a return visit shall be determined by the Fire Prevention Bureau staff based upon such criteria as number of violations, severity of violations, or past history of the property. This return visit is usually conducted after a 30-day period.
 3. If a return visit discovers that any identified violations remain in noncompliance, a warning letter will be delivered to the responsible person. The letter will identify the violations that are in noncompliance, the length of time to accomplish compliance and any additional actions that may be taken by the Fire Prevention Bureau.

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4. Compliance visits are conducted after a warning letter has been sent to the responsible party for the purpose of determining if any violations of the fire prevention code still exist in the occupancy. Typically a 15 day suspense.

11.09 Visit/Inspection Reports & Reporting Requirements

A report shall be written to indicate the findings of each visit conducted. These reports can be prepared using the formats listed below. The inspector will determine what format to use based upon the type and amount of information to be reported.

1. **Field Report Form:** a two copy, NCR-type form as shown in appendix A and B. (Distribution -- white copy to owner/occupant, yellow copy to fire prevention file).
2. **Formal Report Form:** a report form generated from the Fire Department Records Management System and sent to the building owner. (Distribution -- original to owner/occupant, one copy stamped "copy" to fire prevention file).
3. **Business Letter:** a report prepared using official Town of Menasha Fire Department letterhead. (Distribution -- original to owner/occupant, one copy to fire prevention file, and additional copies as needed distributed to appropriate officials or agencies).
4. **Records Management System (RMS)** - each visit conducted shall be entered into the Town of Menasha Fire Department's RMS database. Various reports, trends and statistical data can be retrieved from the database.

Report Writing Methods: In preparing reports, it must be considered that persons other than fire department staff will be reading them. Effort must be made to attain clarity in every report. The following guides shall be followed:

1. **Use fire person terminology:** *example:* I, Inspector John Doe, inspected this occupancy.
2. **Use proper names:** *example:* I spoke with the Manager, Ms. Jane Doe
3. **Use inspector' names** - avoid badge numbers, etc. *example:* I was assisted by Inspector, John Doe.
4. **Use plain language** - avoid abbreviation and jargon, *example:* The post indicator valve was found inoperative.

Notices: During the course of the visit process, if a serious violation or hazard is found, an order to immediately correct will be documented on the visit report. The

responsible person or facility representative must sign below the notation as an indication that this has been explained to them and they understand they must initiate action to immediately correct the violation. If possible the violation should be corrected before departing the facility.

Upon returning to the office, the Fire Prevention Staff member will advise the Fire Marshal of the notation and the report will be flagged for follow-up as identified by the staff.

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Warning Letters: If after the first return visit, any violation(s) have not been addressed, the Fire Marshal will generate a warning letter to the responsible person. This letter will identify those items that remain in noncompliance and provide a date by which to attain compliance, also to specifically outline any consequences for failure to comply.

Citation: If after the warning letter has been sent and the date for compliance has been reached, a member of the Fire Prevention Bureau will make another return visit to determine compliance. If any conditions continue to exist that place the facility in noncompliance with the fire prevention codes in effect at the time of the visits, the Fire Marshal, Deputy Fire Chief, or Fire Chief will issue a citation on the proper Town Court Municipal Citation forms. The Fire Marshal, Deputy Fire Chief, or Fire Chief shall check with the Clerk of Courts for the initial hearing date and record that on the form. Depending on the severity of the violation, lack of effort on the part of the responsible person, it is the discretion of the Fire Marshal, Deputy Fire Chief, or Fire Chief to issue a citation for the visit as a whole or each violation individually. The citation will then be delivered to the responsible person with a letter demonstrating those items that remain in noncompliance.

Copies of all fire prevention reports, warning letters and citations will be maintained in the fire prevention file and used as part of the court proceedings. Anytime the Fire Prevention staff involved in a court proceeding will anticipate submittal of records as evidence, a copy of the information will be made, stamped "copy", and provided to the courts. Photographs submitted will be original photographs with a photo log accompanying the prints. The identifier composite of photos that accompany all developed film will remain with the Fire Prevention Bureau file.

Inspection Warrants: Inspection Warrants as shown in Appendix F will be obtained and serviced as provided by the State Statute 66.122 and 66.123 or as directed by the Municipal Court of the Town of Menasha.

11.10 Fire Prevention Visit Sequence:

The sequence for the Fire Prevention Bureau shall be as follows:

1. Initial (routine) visit
2. Revisit to determine compliance

3. Compliance visit
4. Warning letter
5. Revisit to determine compliance
6. Citation

The above sequence shall be followed; however, the Fire Prevention Bureau staff may use his/her discretion base upon the individual characteristics of the visit or situation present. The goal is to attain compliance with the fire prevention code and all efforts will be made to work with the community when special circumstances arise.

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11.11 Inspection Warrants:

When confronted with a situation where the Fire Prevention Bureau staff has legal cause to enter an inspectable property and is denied access by an owner, manager or authorized representative, the staff shall leave the premises and apply for an inspection warrant. The inspection warrant should be obtained based upon the probable cause that a violation of state or local fire prevention codes/ordinances may exist.

11.12 Responsibility

The Fire Marshal and any designated Fire Prevention Bureau staff shall be responsible for carrying out the provisions of this policy. The Fire Marshal shall review the provisions of this policy periodically as necessary to determine sections needing revisions.

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11.16 Scope:

Every fire or emergency incident in the Town of Menasha shall be investigated as to the cause, origin and future prevention. **For incidents causing less than \$50.00 damage** the Incident Commander shall report the cause, origin and prevention in the officer's narrative report.

11.17 Procedure: Any fire or relevant incident causing more than \$50 damage; creating injury or death; of a suspicious nature or deemed appropriate by the Incident Commander shall be investigated by the Town of Menasha Fire Investigation Bureau. The Incident Commander or Fire Investigation Bureau Leader may request and obtain assistance from the Winnebago County Fire Investigation Team and/or the State of Wisconsin Division of Criminal Investigation and Arson Bureau. The Incident Commander shall identify who is investigating the incident in his/her narrative report.

The scene, under investigation shall be immediately protected with barrier tape and guarded as to prohibit entry from unauthorized personnel if appropriate for the situation. It is recommended that an engine company remain on the scene until the scene investigation is complete. Cooperation and assistance shall be obtained from the Town Menasha Police Department in the collection, handling and preservation of any evidence collected.

11.18 TOWN OF MENASHA FIRE INVESTIGATION BUREAU

When possible, a special in-house investigation team will be recruited, trained and utilized in the investigation of fires. The team will be facilitated by the Deputy Chief/Fire Marshal. The team will be comprised of however many members is deemed appropriate to ensure that all incidents will have the availability of a team member to coordinate the investigation activities. Under normal circumstance, the investigation team will consist of a minimum of two members and as many as are necessary to adequately determine the origin and cause of any incident. Additional Town of Menasha Fire Department members may be recruited to assist with the investigation process as deemed necessary by the lead investigator at any scene. When available, an engine crew should remain on the scene to assist the investigation team. Investigation Reports should be completed and filed within 15 days of the incident.

11.19 INVESTIGATOR ASSIGNMENTS

- a) Due to the unique structure of the Town of Menasha Fire Department staff, on-call assignments are not practical. The Fire Investigation Team members are to take the initiative to make sure the Incident Commander or senior officer of any incident is aware they are on scene and available to initiate the investigation.
- b) One team member shall serve as a lead investigator and inform the Incident Commander or senior officer of any additional staff or supplies they will need to

conduct the investigation.

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- c) If no TMFD Investigation Bureau member is available, the Incident Commander shall request the Winnebago County Investigation Team. The Incident Commander also reserves the right to request the Winnebago County Investigation Team after consulting with the TMFD Investigation Bureau.
- d) If at any time during the course of the investigation for origin and cause it is suspected or determined that the fire is the result of an intentional act, the Town of Menasha Police Department Detective Division must be contacted. The investigation of suspected intentionally set fires is conducted under the auspices of the Town of Menasha Police Department. The Town of Menasha Fire Investigation Team will remain on the scene and assist in any capacity necessary.
- e) The introduction of the Town of Menasha Police Department does not alleviate the requirements for the Fire Investigation Team to complete the required incident reports. The Investigation Team Report will be entered into the RMS under the Investigation/Arson portion of the report.
- f) The Deputy Chief/Fire Marshal shall be paged and requested to respond to the scene as necessary.

11.20 TRAINING & MEETING COORDINATOR

Because the position of Deputy Chief/Fire Marshall is considered the Investigation Team facilitator, it is his/her responsibility to ensure that all team members are trained to an acceptable level and provide the necessary communication and educational opportunity to improve their investigation skills.

Meetings will be scheduled as deemed necessary or upon the request of team members.

11.21 Civilian Fire Fatality:

In the event of a civilian fire fatality, if possible, the body should not be disturbed or moved until a thorough investigation is conducted. The investigation initiates with notifying the Town of Menasha Police Department. The Police Department should contact the Wisconsin Division of Criminal Investigation (DCI) immediately upon their notification. The victim should be covered if at all possible and the surrounding area left undisturbed.

The Town of Menasha Fire Department Investigation Team will serve as the support staff for the offices of DCI and TMPD. The appropriate civilian fire death forms must be completed by the Incident Commander. The Investigation Team will assist in getting the necessary information for the Incident Commander.

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11.22 Firefighter Line of Duty Fatality:

Upon the realization that a firefighter has died in the line of duty, the Fire Chief and Deputy Chief/Fire Marshal will be immediately notified. One of the chief officers will assume the responsibilities of the Department Liaison in order to coordinate the activities with the Public Safety Officer's Benefits and requirements as listed in the Town of Menasha Fire Department SOG's 4.26.

The Town of Menasha Police Department and Wisconsin Department of Criminal Investigation will be immediately notified. The Winnebago County Fire Investigation Unit will be summoned to assist with the investigation.

The investigation of the origin and cause will proceed under the direction of the TMPD and DCI. Members of the Town of Menasha Fire Department should not be involved in the fire investigation relative to the loss of life of one of our own members.

Reports will be completed by the Winnebago County Fire Investigation Unit and included as part of the report for the local, state and Public Safety Officer's Benefit program.