



HO-CHUNK NATION CODE (HCC)
TITLE 6 – PERSONNEL, EMPLOYMENT AND LABOR CODE
SECTION 8 – OCCUPATIONAL SAFETY AND HEALTH
PROGRAM ACT OF 2002
SUBSECTION 8 – FIRE SAFETY

ENACTED BY LEGISLATURE: MAY 20, 2002

CITE AS: 6 HCC § 8-8

This subsection supersedes the Ho-Chunk Fire Safety Ordinance enacted November 25, 1997 by Ho-Chunk Nation Legislative Resolution 11/25/97D as amended by Legislative Resolution 9/1/98C.

1. **Authority.** See basic document (Occupational Safety and Health Program Act).
2. **Purpose.** This subsection of the Occupational Safety and Health Program Act provides safety rules and procedures to be followed on all tribal lands to minimize the occurrence of damaging fires.
3. **Policies and Requirements.** It is the policy of the Nation to regulate and control persons engaged in fire producing activities reasonably necessary to protect the health, safety and welfare of the public and employees by establishing minimum standards for the prevention of fire on tribal lands.
4. **Definitions.**
 - a. “Approved” means acceptable to the authorized fire inspectors.
 - b. “Automatic Fire Sprinkler System” means an integrated system of underground and overhead piping for fire protection purposes, designed in accordance with fire protection engineering standards. The system is usually activated by heat from a fire and discharges water over the fire area.
 - c. “Authorized Fire Inspector” is an employee of the Ho-Chunk Nation that is certified in the Life Safety codes and is the authorized enforcement official who conducts inspections and issues citations.
 - d. “Building” or “structures” means a public building or place of employment.
 - e. “Decorative Material” means all materials such as curtains, draperies, streamers, and surface coverings that are applied over the building finish for decorative, acoustical or other effect. Also included are cloth, cotton batting, straw, vines, leaves, trees, and moss used for decorative effect.

- f. “Enterprise” means any business entity or enterprise owned or operated by the Nation, including gaming facilities.
- g. “Flammable” means subject to easy ignition and rapid-flaming combustion.
- h. “NFPA” means the National Fire Protection Association.
- i. “Occupancy” means the purpose for which a building or portion thereof is used or intended to be used.
- j. “Open Burning” means a controlled, limited size open-air fire except for outdoor cooking, campfires, and burning for the purpose of land clearing.

5. Adoption of National Fire Protection Association (NFPA) Standards. The following NFPA standards are hereby incorporated by reference into the Fire Safety program subject to those changes, additions or omissions specified in the following paragraphs of the program.

NFPA 1	Fire Prevention Code
NFPA 10	Standard for Portable Fire Extinguishers
NFPA 13	Standard for the Installation of Sprinkler Systems
NFPA 13R	Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height
NFPA 22	Standard for Water Tanks for Private Fire Protection
NFPA 25	Standards for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems
NFPA 30	Flammable and Combustible Liquids Code
NFPA 30A	Code for Motor Fuel Dispensing Facilities and Repair Garages
NFPA 30B	Code for Manufacture and Storage of Aerosol Products
NFPA 45	Standard on Fire Protection for Laboratories Using Chemicals
NFPA 51	Standard for the Design and Installation of Oxygen-Fuel Gas Systems for Welding, Cutting, and Allied Processes
NFPA 51B	Standard for Fire Protection During Welding, Cutting, and Other Hot Work
NFPA 54	National Fuel Gas Code (ANSI Z223.1)
NFPA 55	Standard for the Storage, Use and Handling of Compressed and Liquefied Gases in Portable Cylinders
NFPA 70	National Electrical Code
NFPA 70B	Recommended Practice for Electrical Equipment Maintenance
NFPA 70E	Standard for Electrical Safety Requirements for Employee Workplaces
NFPA 72	National Fire Alarm Code ®
NFPA 73	Electrical Inspection Code for Existing Dwellings
NFPA 75	Standard for Protection of Electronic Computer/Data Processing Equipment

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NFPA 80	Standard for Fire Doors and Fire Windows
NFPA 88A	Standard for Parking Structures
NFPA 88B	Standard for Repair Garages
NFPA 90A	Standard for the Installation of Air Conditioning and Ventilating Systems
NFPA 90B	Standard for the Installation of Warm Air Heating and Air-Conditioning Systems
NFPA 92A	Recommended Practice for Smoke-Control Systems
NFPA 92B	Guide for Smoke Management Systems in Malls, Atria, and Large Areas
NFPA 96	Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations
NFPA 97	Standard Glossary of Chimneys, Vents, and Heat-Producing Appliances
NFPA 99	Standard for Health Care Facilities
NFPA 101®	Life Safety Code ®
NFPA 101A	Guide on Alternative Approaches to Life Safety
NFPA 101B	Code for Means of Egress for Buildings and Structures
NFPA 102	Standard for Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures
NFPA 105	Recommended Practice for the Installation of Smoke-Control Door Assemblies
NFPA 110	Standard for Emergency and Standby Power Systems
NFPA 111	Standard on Stored Electrical Energy Emergency and Standby Power Systems
NFPA 160	Standard for Flame Effects Before an Audience
NFPA 203	Guide on Roof Coverings and Roof Deck Constructions
NFPA 204	Guide for Smoke and Heat Venting
NFPA 211	Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances
NFPA 214	Standard on Water-Cooling Towers
NFPA 220	Standard on Types of Building Construction
NFPA 221	Standard for Fire Walls and Fire Barrier Walls
NFPA 230	Standard for the Fire Protection of Storage
NFPA 231D	Standard for Storage of Rubber Tires
NFPA 232	Standard for the Protection of Records
NFPA 241	Standard for Safeguarding Construction, Alteration, and Demolition Operations
NFPA 326	Standard for the Safeguarding of Tanks and Containers for Entry, Cleaning, or Repair
NFPA 329	Recommended Practice for Handling Releases of Flammable and Combustible Liquids
NFPA 395	Standard for Storage of Flammable and Combustible Liquids at Farms and Isolated Sites
NFPA 434	Code for the Storage of Pesticides
NFPA 501A	Standard for Fire Safety Criteria for Manufactured Home

	Installations, Sites, and Communities
NFPA 505	Fire Safety Standard for Powered Industrial Trucks, Including Type Designations, Areas of Use, Maintenance, and Operation
NFPA 664	Standard for the Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities
NFPA 780	Standard for the Installation of Lightning Protection Systems
NFPA 820	Standard for Fire Protection in Wastewater Treatment and Collection Facilities
NFPA 909	Standard for the Protection of Cultural Resources Including Museums, Libraries, Places of Worship, and Historic Properties
NFPA 914	Recommended Practice for Fire Protection in Historic Structures
NFPA 1031	Standard for Professional Qualifications for Fire Inspector and Plan Examiner
NFPA 1123	Code for Fireworks Display
NFPA 1124	Code for Manufacture, Transportation, and Storage of Fireworks And Pyrotechnics Articles
NFPA 1126	Standard for the Use of Pyrotechnics Before a Proximate Audience
NFPA 1194	Standard for Recreational Vehicle Parks and Campgrounds
NFPA 1600	Standards for Disaster/Emergency Management and Business Continuity Programs

6. **Incinerators.** The use of incinerators shall be prohibited except by special permit from an authorized fire inspector.

7. **Miscellaneous Use of Torches/Welding Equipment.**

a. General. Any person using a torch or other flame-producing device for removing paint from any building or structure within the scope of this section or for sweating pipe joints, cutting, heat welding seams, thawing pipes, building construction or demolition shall provide at least one approved minimum 2-A water type fire extinguisher, or minimum ½" diameter water hose connected to the water supply at the site where the burning is done.

b. Attendance. A firewatch shall be maintained in effect for at least ½ hour after each use of the torch or flame-producing device under paragraph a, above.

c. Electric Welding. The provisions of paragraphs a and b, above, shall apply to the uses specified in paragraph a, above, applicable to electrical welding equipment.

d. Storage of fuel gases, oxygen and calcium carbide for gas welding and cutting shall satisfy the following requirements.

(1) All gas cylinders shall be secured to prevent falling.

(2) Cylinders stored outside shall be protected from accumulations of ice and snow.

(3) Cylinders stored inside buildings shall be segregated from highly combustible materials and operations likely to cause an excessive rise in temperature or mechanical damage.

(4) Inside storage of fuel gases and oxygen shall be separated by a minimum of 20 feet or by a ½-hour fire-resistive partition.

e. Hand Trucks. Hand trucks for portable gas welding and cutting equipment shall be provided with chains or steadying devices to prevent cylinders from being knocked over while being moved or while in use.

9. Accumulation of Waste.

a. General. Accumulation of litter or combustible or flammable waste may not be permitted to remain longer than 24 hours in any court, yard, vacant lot, alley, parking lot or open space unless in closed metal, noncombustible or other approved containers.

b. Vegetation. All weeds, grass, vines or other growth which endanger property through the spread of fire shall be cut down and removed on any tribally-owned land.

c. Storage Within Buildings.

(1) All combustible rubbish or waste material not stored in approved covered, metal or noncombustible containers and not located in rooms of at least one-hour rated fire-resistive construction shall be removed from the building at least once every 24 hours.

(2) Oily waste and oily rags, when not in actual use, shall be kept in self-closing metal waste cans, set firmly on 3-inch legs or approved noncombustible containers and located at least 10 feet from any combustible materials.

(3) All chemically-soiled wastes with the potential for spontaneous combustion shall be kept in self-closing metal waste cans until removed from the building.

d. Nuisance or Hazard. Storage of waste may not produce conditions which in the opinion and judgement of the authorized fire inspector will tend to create a nuisance or a hazard to the public safety.

10. Handling of Storage of Combustible Materials.

a. Handling. Any person making, using, storing or having under their control any flammable or combustible materials shall, at the close of each day, cause all material which is not compactly baled and stacked in an orderly manner to be removed from the building or stored in a single portable metal bin of a size for one day's supply; in metal-lined, covered portable receptacles or bins; or in a hazard enclosure.

b. Inside Storage. Combustible storage in buildings shall be orderly, shall be more than 2 feet from the ceiling, and shall be so located as not to endanger exit from the building. A minimum of 18 inches clearance shall be maintained between the top of storage and ceiling sprinkler deflectors.

c. Outside Storage. Outside storage shall be so located as not to constitute a hazard to adjacent buildings or property and shall be compact and orderly.

11. **Cleanliness**. Every public building and place of employment, including connecting yard, court, passages, areas or alleys, shall be kept clean and orderly, and shall be kept free from any accumulation of dirt, filth, rubbish, garbage or other matter.

12. **Prohibition of Smoking**.

a. General. Smoking or carrying of lighted smoking materials shall be prohibited in public buildings and places of employment where flammable materials are handled, sold or stored.

b. Designated Safe Locations. The authorized fire inspector may designate specific safe locations in any building, structure or place in which smoking may be permitted.

c. “No Smoking” Signs.

(1) “No Smoking” signs shall be posted in each building, structure, room or place in which smoking is not permitted.

(2) No person may obscure, remove, deface, mutilate or destroy a posted “No Smoking” sign.

(3) No person may smoke, throw or deposit any lighted or smoldering substance in any place where “No Smoking” signs are posted.

(4) Noncombustible ashtrays shall be provided at locations where smoking is permitted. The ashtrays shall be of a design and construction to prevent smoking materials from falling out of the ashtray.

13. **Open Flame or Light**.

a. General. No person may take an open flame into any room or area, or other place where flammable, highly combustible or explosive material is kept.

b. Open Flame Candles and Fixtures. Except as provided below, the use of open flame candles or open flame fixtures in public buildings and places of employment shall be prohibited. Exceptions to this shall be subject to the approval of the authorized fire inspector.

(1) Open flame candles or open flame fixtures may be used in tribal buildings as part of a religious, fraternal, or ceremonial ritual.

(2) Candles may be used in restaurants, supper clubs and similar occupancies provided the candle is enclosed on all sides with glass or similar noncombustible material and the enclosure extends at least one inch above the tip of the flame.

(3) Open flame food warming candles may be used in restaurants, supper clubs and similar occupancies.

14. Open Burning/Bonfires. All persons shall obtain authorization from the local Fire Warden before kindling or maintaining any open burning or authorizing the kindling or maintaining of any open burning within the applications of this Program.

15. Dilapidated or Vacant Buildings.

a. Dilapidated Buildings.

(1) Any building which for any reason is especially liable to fire and which is located as to endanger other buildings or property shall be repaired and put in safe and sound condition or shall be torn down and all materials removed.

(2) Conditions considered especially liable to fire shall include, but are not limited to, the following:

- (a) Missing or rotten shingles or similar defects on the roof.
- (b) Loose, missing or rotten siding.
- (c) Unnecessary wall openings.
- (d) Broken plastering.
- (e) Holes in floors, ceilings or partitions.
- (f) Cracked or defective chimneys.
- (g) Other conditions determined hazardous by the authorized fire inspector.

(3) Within 30 days of written notification, the owner of the dilapidated building as specified in paragraph (1) shall decide whether to repair or tear down the building. Within 30 days of decision, the building shall be repaired or torn down and all materials removed.

b. Vacant Buildings.

(1) Upon vacating or abandoning any premises, the owner shall remove any and all noxious and hazardous material or waste matter and the premises shall be left in a clean and neat condition.

(2) Every person owning or in charge of or control of any vacant building shall remove all accumulations of flammable or combustible waste or rubbish and shall securely lock, barricade or otherwise secure all doors, windows and other openings.

16. Extension Cords.

a. General.

(1) Extension cords shall be listed by Underwriters Laboratories or other approved nationally recognized testing agency.

(2) The current-carrying capacity of the extension cord shall not be exceeded.

(3) Extension cords shall be of a 3-wire grounding type when used in conjunction with devices equipped with 3-prong grounding type attachment plugs.

(4) Extension cords may not be multiplied or plugged into one another, except for temporary wiring at construction sites complying with Article 305 of the National Electrical Code (NEC).

b. Application.

(1) Extension cords shall only be used for temporary wiring and shall not be substituted for permanent wiring.

(2) Extension cords shall be permitted only with portable appliances, hand tools or fixtures.

(3) Except for listed multitap extension cords with built-in over-current protection, each extension cord shall serve only one portable appliance, hand tool or fixture.

(4) Extension cords shall not be attached to structures or extended through walls, ceilings, floors, under or through doors, or floor coverings. Extension cords shall not be subject to environmental damage or physical impact.

(5) Extension cords may be used for temporary wiring at construction sites complying with Article 305 of the NEC.

17. Food Preparation Equipment.

a. Exhaust systems provided for food preparation equipment shall be maintained in a manner so as not to create a hazardous condition.

b. Automatic Fire Suppression Systems. Exhaust hoods and ducts in kitchens used for commercial purposes shall be protected by an approved automatic fire suppression system. Commercial purposes shall be defined as a for profit operation. (An exception will be made by an authorized fire inspector if he/she finds that the operation is determined to be a non-risk operation.) The suppression system shall comply with the following.

(1) When the fire suppression system is activated, all gas and electrical sources serving cooking appliances, grease consuming appliances or fume incinerators and equipment associated with the hoods shall be automatically deactivated. Such gas and electrical sources shall not be capable of reactivation except by manual means after the fire suppression system has been serviced and is again ready for action.

(2) Automatic/Manual Activation.

(a) Except as provided in paragraph (b), below, hood and duct suppression systems shall provide for both automatic and manual actuation of the system.

(b) Automatic fire sprinkler systems using water need not be provided with means for manual actuation.

(3) A manual station for actuation of the suppression system shall be located at or near one of the means of egress from the area but not nearer than 10 feet to the range hood and shall be securely mounted not less than 4 ½ feet nor more than 5 feet above the floor, unless otherwise specifically approved by the authorized fire inspector having jurisdiction.

(4) The system shall be maintained at full operating capacity by the owner and shall be serviced every 6 months and all nozzles shall be accessible for cleaning and replacement.

(5) Hoods, grease removal devices, fans, ducts and other devices shall be inspected and cleaned semi-annually or more often as needed to remove grease and deposits of residues. The authorized fire inspector may require verification of cleaning and inspection in writing.

(6) Fire Extinguishing Systems. Fire extinguisher systems shall be inspected semi-annually and checked for proper operation by a factory-authorized service representative. Inspections shall include a check that supply of extinguishing agent in the system is adequate, and all actuation components are operating satisfactorily.

(a) Fusible links shall be replaced at least annually.

(b) A copy of the semi-annual inspection report shall, upon request, be sent to the authorized fire inspector.

(7) Instructions for manually operating the fire extinguishing system shall be posted conspicuously in the kitchen, and employees shall be trained in operating procedures.

(8) Fire Dampers. Any fire dampers, if employed, shall be tested semi-annually to insure proper functioning of all parts.

c. Unsafe Heating Appliances.

(1) Any existing stove, oven, furnace, incinerator, boiler or any other heat producing device or appliance found to be defective or in violation of code requirements may not be used. The authorized fire inspector shall order the discontinuation of use with a written notice to the owner, firm, agent or operator of the equipment to cease use immediately.

(2) The authorized fire inspector shall take appropriate action when inspection shows the existence of an immediate fire hazard or that a device or appliance imperils life.

(3) The defective appliance shall remain withdrawn from service until all necessary repairs or alterations have been made.

18. Service Equipment Areas.

a. Illumination. Illumination shall be provided for all service equipment areas, motor control centers and electrical panelboards.

b. Clearance.

(1) Clearance of not less than 36 inches shall be provided between all electrical service equipment and storage.

(2) Clearances to heat producing equipment shall be provided as specified in the listing for the equipment.

19. Tents and Air Supported Structures. The requirements of this part shall apply to all tents, except those used exclusively for construction purposes.

a. Area Limitations and Setbacks.

(1) No tent shall be erected to cover more than 75 percent of the premises on which it is located.

(2) Setback to Property Line and Other Structures.

(a) Tents used for assembly purposes which cover 1500 square feet or more of ground area shall be located at least 20 feet from any other structure or adjoining property lines.

(b) Concessions and other tents not used for assembly purposes need not be separated from each other and may be located less than 20 feet from other structures.

c. Structural Requirements.

(1) Poles and other members supporting tents shall be of sufficient size and strength to support the structure safely without exceeding the stresses.

(2) Wind Load.

(a) All tents shall be adequately guyed, supported and braced to withstand a wind pressure or suction of not less than 10 pounds per square foot.

(b) The poles, guys, stakes, fastenings and similar devices shall be of sufficient strength and so attached as to resist a wind pressure of at least 20 pounds per square foot of projected area of tent.

d. All tents used for assembly purposes or in which animals are stabled and all other tents used by the public in places of outdoor assembly shall be effectively flameproofed. The owner shall furnish a certificate or a test report by a recognized testing engineer or laboratory as evidence that such tents have the required flame resistance.

e. Fire Hazards.

(1) The ground enclosed by a tent used in connection with a place of outdoor assembly and for a distance of not less than 10 feet outside such structure on all sides shall be cleared of all flammable material or vegetation which will transmit fire. The premises shall be kept free from such flammable material during the period the premises are used by the public.

(2) No smoking or unapproved open flame of any kind shall be permitted in any tent while occupied by the public. "No Smoking" signs shall be conspicuously posted in all tents open to the public.

(3) Combustible and flammable liquids shall be isolated in accordance with NFPA 30.

f. Exits.

(1) Number of Exits.

(a) Every tent occupied by the public shall have at least 2 standard exits located at or near opposite ends of the structure.

(b) In tents used for assembly purposes, exits shall be provided on 3 sides if the capacity exceeds 600 persons and on 4 sides where the capacity exceeds 1000 persons.

(2) Exits shall be uniformly distributed but in no case shall the line of travel to an exit be greater than 150 feet.

(3) The total width of exits from a tent used for assembly purposes shall be not less than 44 inches per 100 persons. Exit openings shall comply in all respects with the requirements of NFPA 101.

g. Electrical Installations.

(1) Electrical systems in all tents used as places of outdoor assembly shall be installed in accordance with the requirements of the NEC. All such systems shall be maintained and operated in a safe and workmanlike manner.

(2) The electrical system and equipment shall be isolated from the public by proper elevation and guarding. All electrical fuses and switches shall be installed in approved enclosures. Cables laid on the ground or in areas traversed by the public shall be placed in trenches or protected by approved covers.

h. Fire Extinguishers. Portable fire extinguishers shall be installed as specified in NFPA 10.

i. Illumination; Exit Lights and Signs.

(1) All exits, aisles and passageways leading to exits in tents used as places of outdoor assembly shall be kept adequately lighted at all times when the structure is occupied by the public. Artificial illumination having an intensity of not less than 2.5 foot-candles at the floor line shall be provided when natural light is inadequate.

(2) Exit lights and signs complying with the requirements of NFPA 101, shall be provided in all tents used as places of outdoor assembly where more than 100 persons can be accommodated.

20. **Training.** Fire extinguisher training will be conducted annually for all employees.

a. For all employees, the training shall include general principles of fire extinguisher use, location of extinguishers, and hazards involved with incipient stage fire fighting.

b. For employees expected to use a fire extinguisher to fight a fire, hands-on training shall also be provided.

21. Administration and Enforcement. See paragraph 12 of basic document (Occupational Safety and Health Program Act).

a. The provisions of this program shall be administered by the Department of Labor, Occupational Safety and Health Division (OSHD) and the Department of Health, Environmental Services Division (ESD). OSHD and ESD will periodically review, promulgate guidance, and update this Fire Safety program as needed, but not less than annually.

b. Fire Prevention Inspections.

(1) Personnel conducting inspections shall be certified in the Life Safety Codes by the NFPA. Fire inspectors shall be responsible for having all public buildings and places of employment inspected for the purpose of ascertaining and causing to be corrected any condition liable to cause fire, or any violations of any law or ordinance relating to fire hazards or to the prevention of fires.

(2) All occupancies will be inspected annually. A written report of findings and recommendations will be sent to the on-site manager and program director within 14 days of the inspection. The on-site manager will submit a written plan of action to the fire inspector with a timeline for corrections of violations within 30 days of the receipt of the inspection report. Follow-up or impromptu inspections will be conducted at the discretion of the fire inspector. Copies of inspection reports shall be on file in the Fire Inspector's office at the individual locations. All records shall be maintained for 5 years.

c. Noncompliance.

(1) Any authorized Fire Inspector, acting according to policies established by the Nation, may inspect tribal buildings and grounds for fire safety. No person may refuse access to any authorized Fire Inspector who requests access for the purpose of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

(2) Any person or entity who violates a provision of this ordinance may be issued a citation by any authorized Fire Inspector according to current or future judicial policies established by the Nation to collect forfeitures. The issuance of a citation shall not preclude proceedings under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

(3) Penalties for any person or entity convicted of violating this ordinance may be assessed the following penalty by the tribal courts. The penalty for each citation shall be not less than \$50.00 or greater than \$1,000.00. Every day the person or entity fails to

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observe and comply with an order of the authorized Fire Inspector will constitute a separate and distinct violation of such orders.

Legislative History:

04/24/97 Approved by Education, Employment Relations, Labor, Public Safety and Human Resources Committee
04/29/97 Legislature sent out for public review for 30 days
06/10/97 Tabled by Legislature
06/10/97 Legislature re-posts for another 30-day public review
11/25/97 Legislature adopts Fire Safety Ordinance (HCC 96-006) by Resolution 11/25/97D
09/01/98 Legislature amends Ordinance (HCC 96-006) by Resolution 91/98C-HCC-96-006
6/13/00 Revision reviewed by Administration Committee
12/6/01 Reviewed by Administration Committee.
1/9/02 Legislature posts for 45-day Public Review.
5/20/02 Enacted 6 HCC § 8-8) (Fire Safety) of the (Occupational Safety and Health Program Act) by Legislative Resolution 5/20/02E.