

CHAPTER 5

FIRE PROTECTION

(with amendments through 5-21-2019)

- 5.01 Fire Protection Agreement
- 5.02 Fire Chief, Powers and Duties
- 5.03 Assistant Chiefs; Powers and Duties
- 5.04 Police Power of Department
- 5.05 Fire Prevention
- 5.06 Traffic Laws Apply to Fire Apparatus
- 5.07 Ambulance Service
- 5.08 Penalty

5.01 FIRE PROTECTION AGREEMENT. Fire protection is provided by the City of Baraboo Volunteer Fire Department, pursuant to an agreement between the Village and the City of Baraboo. (Amended eff. 5/21/2019, Ch. Ord. #3)

5.02 FIRE CHIEF, POWERS AND DUTIES. The Fire Chief of the City of Baraboo Volunteer Fire Department shall direct the operation of the Department at fires within the Village, subject to Department rules and regulations and Village ordinances, issue and enforce such orders as in his judgment may be best calculated for the protection of property and the extinguishing of fires; enforce all ordinances and rules and regulations of the Department; report annually to the Village Board all fires occurring in the Village, the origin thereof, if possible, together with the amounts and value of property destroyed and the amount of insurance, if any. (Amended eff. 5/21/2019, Ch. Ord. #3)

5.03 ASSISTANT CHIEFS; POWERS AND DUTIES. In the absence of the Chief, the senior ranking Assistant Chief shall take command and perform his duties.

5.04 POLICE POWER OF DEPARTMENT.

(1) **POLICE AUTHORITY AT FIRES.** The Chief and Assistant Chief or officers in command at any fire within the Village are hereby vested with full and complete police authority at fires. Any officer of the Department may cause the arrest of any person failing to give the right of way to the Fire Department in responding to a fire.

(2) **CONTROL OF FIRES.** The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons except firemen and policemen and those admitted by order of any officer of the Department shall be permitted to come. The Chief may cause the removal of any property whenever it shall become necessary for the preservation of such property from fire, or to prevent the spreading of fire, or to protect the adjoining property, and during the progress of any fire he may order the removal or destruction of any property necessary to prevent the further spread of the fire. He may also cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work of the Department during a fire.

(3) **ENTERING PREMISES.** Any fireman, while acting under the direction of the Fire Chief or other officer in command, may enter upon the premises adjacent to or in the vicinity of any building or other property then on fire for the purpose of extinguishing such fire, and no person shall hinder, resist or obstruct any fireman in the discharge of his duty.

(4) **DUTIES OF BYSTANDERS.** Every person present at a fire shall be subject to the orders of the Fire Chief or officer in command and may be required to

render assistance in fighting the fire or in removing or guarding property. Such officer may cause the arrest of any person refusing to obey such orders.

(5) INJURY TO EQUIPMENT PROHIBITED. No person shall willfully injure any hose, hydrant or fire apparatus belonging to the Department; and no vehicle or railroad equipment shall be driven over any unprotected hose of the Fire Department when laid down on any street, private driveway, track or other place to be used at any fire or alarm of fire without the consent of the Fire Department official in command.

5.05 FIRE PREVENTION.

(1) STATE CODE ADOPTED. Except as otherwise specifically provided in this Code, the statutory provisions of Section 101.14 Fire Inspections, Prevention, Detection and Suppression, Wis. Stats., and the following chapters of the Wisconsin Administrative Codes are hereby adopted by reference and made a part of this Code as if fully set forth herein. Any act required to be performed or prohibited by any statute or code provision incorporated herein by reference is required or prohibited by this Code. Any future amendments, revisions or modifications of the statutes and codes incorporated herein are considered to be made a part of this Code in order to secure uniform statewide regulation:

- ILHR 7 Explosives
- ILHR 10 Flammable and Combustive Liquids
- ILHR 11 Liquefied Petroleum Gases
- ILHR 12 NFPA 54 National Fuel Gas Code
- ILHR 13 Compressed Natural Gas
- ILHR 14 Fire Prevention
- ILHR 16 Wisconsin State Electrical Code Article 700
and Article 400 of the National Electrical Code
- ILHR 28 Smoke Detectors
- ILHR 50 Administration and Enforcement
- ILHR 51 Definitions and Standards
- ILHR 52 General Requirements
- ILHR 53 Structural Requirements
- ILHR 54 Factories, Office and Mercantile Buildings
- ILHR 55 Theaters and Assembly Hall
- ILHR 56 Schools and Other Places of Instruction
- ILHR 57 Residential Occupancies
- ILHR 58 Places of Detention
- ILHR 59 Hazardous Occupancies
- ILHR 60 Child Day Care Facilities
- ILHR 61 Community-Based Residential Facilities
- ILHR 62 Specialty Occupancies

ILHR	64	Heating, Ventilation, and Air Conditioning
NFPA	704	Identification of the Fire Hazards of Materials
NFPA	231D	Storage of Rubber Tires

(2) APPOINTMENT OF VILLAGE FIRE CHIEF. The Fire Chief of the City of Baraboo Volunteer Fire Department shall hold the office of Fire Chief for this Village as long as this Village is under contract to receive fire protection services from the City of Baraboo Volunteer Fire Department. (Amended eff 5/21/2019, Ch. Ord. #3)

(3) FIRE CHIEF TO BE FIRE INSPECTOR. The Fire Chief shall hold the office of Fire Inspector with power to appoint one or more Deputy Fire Inspectors, who shall perform the same duties and shall have the same powers as the Fire Inspector. (Amended eff. 5/21/2019, Ch. Ord. #3)

(4) INSPECTION DUTIES. It shall be the duty of the Fire Chief to 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, to the extent required by s. 101.14, Wis. Stats., and Chapter ILHR 14 Wis. Adm. Code, and the Chief shall further make and keep on file written reports of such inspections as may be required by the Wisconsin Department of Industry, Labor and Human Relations.

(5) CORRECTION OF VIOLATIONS. Whenever any fire inspection reveals a violation of this Code, the Fire Inspector shall personally deliver or send by certified mail, return receipt requested, a written compliance order to the owner of the property and to the occupant if the property is occupied by a person not the owner thereof, giving said persons a reasonable time, not to exceed 60 days, to correct all violations. If a violation is not corrected within the grace period allowed, a second written compliance order shall be personally delivered or sent by certified mail, return receipt requested, to the same persons giving said persons an additional grace period, not to exceed 30 days, to correct the violations. If any violation is not corrected within the grace period allowed by the second order, a citation may be issued to the owner and to the occupant of the property. Each individual violation on a property and each day any such violation continues after the grace period allowed in the second notice shall constitute a separate offense. If the compliance order is not referred to the Department Industry, Labor and Human Relations for further action, an action to abate such nuisance may be commenced by the Village as provided in Section 10.09 of this Code.

(6) CITATION AUTHORITY. The Fire Chief and Deputy Fire Inspectors shall be authorized to issue citations for violations of this Code.

(7) **SPECIAL CHARGES FOR INSPECTIONS FOR NON-COMPLIANCE.** A special charge of \$25.00 shall be imposed for the second and each subsequent inspection where the inspection reveals that the owner or occupant of the property has not corrected the violations contained in the compliance order. The owner and occupant of each property inspected shall be jointly and personally liable for the charge. If the charge is not paid within 30 days of the date of billing, an additional administrative collection charge of 10 percent of the charge shall be added to the amount due, plus interest shall accrue thereon at the rate of 1 percent per month until paid and such charge shall be extended upon the current or next tax roll as a charge against the inspected property for current services, as provided in Section 66.60(16), Wis. Stats.

(8) **ENTERING ON PREMISES.** No person shall deny a Fire Inspector free access to any property at any reasonable time for the purpose of making fire inspections. No person shall hinder or obstruct the Fire Inspector in the performance of his/her duty or refuse to observe any lawful direction given by the Inspector. The Fire Chief shall be deemed a peace officer for the purpose of applying for, obtaining and executing a special inspection warranty pursuant to s. 66.122 and 66.123, Wis. Stats.

(9) **DISCLAIMER ON INSPECTIONS.** The purpose of the inspections under this section is to comply with the fire inspection provisions of the State codes. The inspections and the reports, findings and orders issued after such inspections are not intended as, nor are they to be construed as, a guarantee. In order to advise owners, occupants and other interested persons, a disclaimer shall be included in each inspection report generally stating that: "The findings of the inspection contained herein are intended to report conditions of non-compliance with Code provisions that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed premises. No warranty or representation, express or implied, is made hereby that the inspection of the property discovered all fire code violations or all fire hazards or that this report contains a complete list of all fire code violations existing on the property inspected herein."

(10) **LICENSE OR PERMIT WITHHELD.** No license shall be granted or renewed for the operation of any trade, profession, business or privilege for which a license is required by any provisions of this Code nor shall any occupancy permit be issued for any property violation of this section.

(11) **VIOLATION AND PENALTY.** Any person who violates, disobeys, neglects, omits or refuses to comply with, or resists the enforcement of any of the provisions of this section shall upon conviction thereof, be subject to a penalty as provided in Chapter ILHR 14 Adm. Code or forfeit not less than \$5.00 nor more than \$5,00.00, together with current costs, jail and penalty assessments, automation fees, and all other costs, fees and assessments imposed by the Wisconsin State Statutes. Each

violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

5.06 TRAFFIC LAWS APPLY TO FIRE APPARATUS. Except when actually responding to a fire alarm or other emergency call or when on duty at a fire within the Village, the apparatus of the Fire Department shall have no special right of way or privileges of any kind, but shall be subject to the same traffic regulations as other vehicles.

5.07 AMBULANCE SERVICE. Ambulance service is provided to Village residents pursuant to an agreement between the Village and the City of Baraboo.

5.08. PENALTY. Any person who shall violate any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in sec. 25.04 of this Code.