

CHAPTER 5

FIRE PROTECTION

(with amendments through 8-10-2023)

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5.01 PURPOSE AND INTENT. This ordinance is intended to provide the Village of West Baraboo with regulations for contracted fire protection services.

5.02 AUTHORITY TO PROVIDE FIRE PROTECTION. Pursuant to Wis. Stat. §§ 61.65(2)(a)3 and 66.0301, the Fire Department protecting and operating for the benefit of the Village of West Baraboo shall be the Baraboo Area Joint Fire and Emergency Medical Services District. The management, operation and regulation of the Fire Department shall be governed by the Baraboo Area Joint Fire and Emergency Medical Services District Commission.

5.03 DEFINITIONS. In this Chapter, the following definitions shall apply:

(1) “ATCP” means the Wisconsin Department of Agriculture, Trade and Consumer Protection.

(2) “Code” means the municipal code of ordinances for the Village of West Baraboo.

(3) “Fire Chief” means the Chief of the Baraboo Area Joint Fire and Emergency Medical Services District.

(4) “Fire Department” means the Baraboo Area Joint Fire and Emergency Medical Services District.

(5) “NFPA” means the National Fire Protection Association.

(6) “SPS” means the Wisconsin Department of Safety and Professional Services.

5.04 AUTHORITY OF THE FIRE DEPARTMENT.

(1) **POLICE AUTHORITY AT FIRES.** The Fire Chief or subordinate officers in command at any fire are hereby vested with full and complete police authority at fires. Any officer of the Fire 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 or subordinate officers in command at any fire may prescribe certain limits in the vicinity of any fire within which no persons excepting firefighters and police officers and those admitted by order of any officer of the Fire Department shall be permitted to enter. The Fire Chief or subordinate officers in command at any fire 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/she may order the removal or destruction of any property necessary to prevent the further spread of the fire. The Fire Chief or subordinate officers in command at any fire 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 Fire Department during the progress of a fire.

(3) **ENTERING PREMISES.** Any firefighter while acting under the direction of the Fire Chief or subordinate officers in command may enter upon the premises adjacent to or in the vicinity of any building or other property for the purpose of extinguishing such fire and if any person shall hinder, resist or obstruct any firefighter in the discharge of his/her duty as is herein before provided the person so offending shall be deemed guilty of resisting firefighter in the discharge of their duties.

(4) **DUTIES OF BYSTANDERS.** Every person who is present at a fire shall be subject to the orders of the Fire Chief or subordinate officers in command and may be required to render assistance in fighting the fire or removing or guarding property. Such an officer may cause the arrest of any person refusing to obey said orders.

(5) **INJURY TO EQUIPMENT PROHIBITED.** No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the Fire Department and no vehicle or railroad equipment shall be driven over any unprotected hose of a 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 Chief or subordinate officers in command.

(6) **DESTRUCTION OF PROPERTY TO PREVENT THE SPREAD OF FIRE.** During the progress of any fire, the Fire Chief or subordinate officers in command have the power to order the removal or destruction of any property necessary to prevent the further spread of fire; provided that it is inevitable that, unless such property is removed or destroyed other property is in danger of being of being destroyed by fire.

5.05 FIRE PREVENTION. The Fire Chief shall oversee the fire prevention programs and shall enforce all Wisconsin state laws, administrative codes and Village ordinances pertaining to fire protection and fire prevention.

(1) **STATE CODES ADOPTED.** Except as otherwise specifically provided in this Chapter, the statutory provisions of Wis. Stats. § 101.14, Fire Inspections, Prevention, Detection and Suppression, the NFPA 1: Fire Code, 2018 Edition, and the following chapters of the Wisconsin Administrative Code are hereby adopted by reference and made a part of this Code as if fully set forth herein:

Ch. ATCP 93 Flammable, Combustible, and Hazards Liquids

- Ch. ATCP 94 Petroleum and Other Liquid Fuel Products
- Ch. SPS 307 Explosives and Fireworks
- Ch. SPS 314 Fire Prevention
- Ch. SPS 316 Electrical
- Ch. SPS 318 Elevators, Escalators, and Lift Devices
- Ch. SPS 328 Smoke Detectors and Carbon Monoxide Detectors

Any act required to be performed or prohibited by any statute or code provisions 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.

(2) 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.

(3) FIRE INSPECTION FREQUENCY. It shall be the duty of the Fire Inspector or Deputy Fire Inspector to inspect all buildings and premises at least once per calendar year pursuant to Wis. Admin. Code § SPS 314.01(13)(b)7.a., except the interiors of dwelling units, as often as may be deemed necessary for the purpose of ascertaining and causing to be corrected, any conditions liable to cause fire or any violation of any state law or ordinance relating to fire hazards, or to the prevention of fire. In no event shall the period between inspections exceed fifteen (15) months.

(4) COMPLIANCE ORDERS. Whenever any fire inspection reveals a violation of this Chapter, the Fire Inspector or Deputy Fire Inspector shall personally deliver, email, 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 sixty (60) calendar 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, emailed or sent by certified mail, return receipt requested, to the same persons giving said persons an additional grace period, not to exceed thirty (30) calendar 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, or authorized agent thereof.

(a) 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.

(b) If a compliance order is not referred to the Wisconsin Department of Safety and Professional Services for further action, an action to abate such nuisance may be commenced by the Village as provided in this Code.

(c) Nothing herein shall be interpreted to mean that a citation cannot be issued immediately upon the finding of a violation of this Chapter, subject to the discretion of the Fire Inspector or Deputy Fire Inspector, based upon the seriousness of the offense, prior similar offenses, or for other reasonable reasons.

(5) CITATION AUTHORITY. The Fire Chief, Deputy Fire Inspectors, law enforcement officers, and the Code Enforcement Officer of the Village shall be authorized to issue citations for violations of this Chapter.

(6) SPECIAL CHARGES FOR INSPECTIONS FOR NON-COMPLIANCE. A special charge as authorized by the Baraboo Area Fire and EMS District Commission 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, or authorized agent thereof, of each property inspected shall be jointly and personally liable for the charge. If the charge is not paid within thirty (30) calendar days of the date of billing, an additional administrative collection charge of 10 percent (10%) of the charge shall be added to the amount due, plus interest shall accrue thereon at the rate 1 percent (1%) 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 § 66.0627, Wis. Stats.

(7) ENTERING PREMISES. No person shall deny the Fire Chief or Deputy Fire Inspector free access to any property within the Village at any reasonable time for the purpose of conducting fire inspections. No person shall hinder or obstruct the Fire Chief or Deputy 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 warrant pursuant to § 66.0119, Wis. Stats.

(8) INSPECTION DISCLAIMER. The purpose of the inspections under this Chapter is to comply with the fire inspection provisions of the Wisconsin state laws and administrative 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 as follows: "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. The Village of West Baraboo makes no warranty or representation, expressed or implied that its inspection of

the property has 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.”

(9) **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 that contains any outstanding violation of this Chapter.

(10) **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 Chapter shall be subject to a penalty as provided in Wis. Admin. Code § SPS 314 and/or this Code.

5.06 GUNPOWDER. No person shall keep or store more than 10 pounds of gunpowder at any place within the Village of West Baraboo without the written permission of the Fire Chief. Any dealer permitted to keep at his place of business in excess of 10 pounds of gunpowder shall not keep more than 200 pounds at any one time, and such gunpowder shall be kept in a safely constructed box painted yellow with the word "POWDER" printed or painted thereon in black letters not less than 5 inches in height and equipped with handles so that the same may be readily moved in case of fire, and such box shall be kept in such part of the dealer's place of business as may be directed by the Fire Chief.

5.07 DYNAMITE. No person shall keep or store within the Village of West Baraboo any nitroglycerine, dynamite, giant powder or other explosives more violent than gunpowder without the written permission of the Fire Chief or otherwise than in accordance with the conditions prescribed in such permission as granted and in no case shall more than 50 pounds of any such explosive be stored or kept within 300 feet of any dwelling or other occupied building. The Fire Chief may direct the placement and the manner of keeping the same and the precautions to be observed in connection therewith.

5.08 TRAFFIC LAWS APPLY TO VOLUNTEERS. All firefighters, when responding to an incident call in a private vehicle, shall comply with all traffic regulations.

5.09 REGULATION OF BURNING. See § 9.14 of this Code.

5.10 FIRE LANES AND FIRE HYDRANTS. See § 17.34 of this Code.

5.11 KEY LOCK BOX SYSTEM.

(1) The following structures shall be equipped with a key lock box or a component thereof at or near the main entrance or such other location required by the Fire Chief:

(a) Commercial or industrial structures protected by an automatic alarm system or automatic suppression system, or such structures that are secured in a manner that restricts access during an emergency.

(b) Multi- family residential structures protected by an automatic alarm system, or automatic suppression system, or that have restricted access through locked doors and have a common corridor for access to the living units.

(c) Governmental structures.

(d) Any special facilities or properties that may possess restricted access by the means of a fence, gate or similar device.

(2) This Subsection shall not be construed to require a key lock box for the following structures or uses:

(a) One- and two-family dwellings.

(b) Hospitals, nursing homes, jails or other institutional use buildings when on-site staff is available at all times.

(c) Commercial or industrial structures when on-site staff is available at all times.

(d) In the event that any of the structures or uses as set forth in this paragraph install a key lock box system, it shall meet and comply with all the requirements of this ordinance.

(3) All newly constructed structures subject to this Chapter shall have the key lock box installed and operational prior to the issuance of an occupancy permit. All existing structures as of the effective date of this ordinance and subject to its provisions shall have one year to install an operational key lock box.

(4) The Fire Chief shall designate the type of key lock box system to be implemented within the Village and shall have the authority to require all structures as set forth above in Subsection (11)(a) of this ordinance to use the designated system.

(5) The owner or operator of a structure required to have a key lock box shall, at all times, keep current key(s) in the key lock box, each of which shall be clearly marked so as to indicate its purposes, that will allow access to the structure. The key lock box shall contain the following keys, as applicable:

(a) Keys to locked points of ingress and egress, whether on the interior or exterior of such buildings.

(b) Keys to locked mechanical rooms.

(c) Keys to locked elevator rooms.

(d) Keys to elevator controls.

(e) Keys to any fence or secured areas.

(f) Keys to any other areas as directed by the Fire Chief or Deputy Fire Inspector.

(g) Keys required by this Chapter shall not include keys to individual living units in a multi-family residential structure.

(6) The Fire Chief shall be authorized to implement rules and regulations for the placement and use of the key lock box system.

(7) The Fire Department is authorized to share key lock box access with other public safety departments, including the Sauk County Sheriff's Department, under rules and policies to be established by the Fire Chief.

(8) Entry keys shall be updated as necessary and will be checked as part of the fire inspection visits.

(9) The owner or operator of a structure required to have a key lock box system shall provide to the Fire Department a list each year of the emergency contacts in case of an emergency requiring the use of the key lock box.

(10) Any person who owns or operates a structure subject to this Chapter shall be subject to the penalties set forth in general penalty provisions of this Code for any violations of this Chapter.

5.12 SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any

other section, subsection, sentence, clause or phrase or portion thereof, and to this extent, the provisions of this ordinance shall be severable.

5.13 PENALTY. Any person who violates, disobeys, neglects, omits, or refuses to comply with or who resists the enforcement of any of the provisions of this Chapter, or any order, rule, or regulation made hereunder shall be subject to a penalty of \$100-\$500. In addition to the payment of a forfeiture, the Village Attorney may, in addition to other remedies provided by law, institute appropriate action or proceedings to prevent or enjoin the erection, enlargement, alteration, repair, moving or occupancy of any building or structure located on any premises in violation of this Chapter. In any such action, the fact that a permit was issued shall not constitute a defense and each violation and each day a violation continues or occurs shall constitute a separate offense.

(Chapter 5 repealed and recreated 8/10/2023; Ord. 23-9)