

Ordinance No. 2022-02
Ordinance Adopting State Fire Codes,
Providing Authority and Processes for Fire Inspections, and
Designating Penalties for Violations

Section 1 - Authority

The Town of Dakota adopts this ordinance pursuant to the authority granted under Wisconsin Statutes § 60.22(3), 61.34 and 101.14(2).

Section 2 - Fire Protection Codes Adopted

Applicability. Every building or structure in the Town of Dakota shall conform to the following requirements.

Definitions. Terms used in this section shall have the meanings as defined in the specific code section being enforced.

Adopted Codes. The following chapters of the Wisconsin Administrative Code are adopted and incorporated in this chapter by reference, including all amendments thereto:

SPS	361-366	Commercial Building Code
SPS	375-379	Buildings Constructed Prior to 1914
SPS	314	Fire Prevention
SPS	328	Smoke Detectors and Carbon Monoxide Detectors
SPS	330	Fire Department Safety and Health Standards
SPS	340	Gas Systems

Section 3 - Purpose

This ordinance is created by the Dakota Town Board with the intent of providing authority for fire inspections to be completed as directed under Wisconsin Statutes, to enhance the health, safety, and good order of the community, and to provide authority to enforce violations of fire regulations in the Town of Dakota.

Section 4 - Fire Inspections

1. The fire chief of the Wautoma Area Fire District, the Town of Dakota's fire protection provider, shall provide for the inspection of every public building and place of employment as required by Wisconsin Statutes § 101.14(2)(b) either by providing or contracting for fire inspection services.
2. The Wautoma Area Fire District fire inspector, or his/her designee, shall be granted free access to any property within the town at any reasonable time for the purpose of making fire inspections. No person shall hinder or obstruct the fire inspector in the performance of official duties or refuse to observe any lawful direction given by the town fire inspector.
3. If consent to enter personal or real properties that are not public buildings or portions of public buildings that are not open to the public has been denied, the fire inspector shall obtain a special inspection warrant under Wisconsin Statutes § 66.0119 and 66.0119(3).
4. When a fire inspection report has identified violations or non-compliance issues, it shall be the obligation of the fire chief, or his/her designee, to follow up on such violation or non-compliance issues to seek compliance and resolution of any violations identified.

5. The first follow-up re-inspection shall be free of charge. Each subsequent inspection for the same violation will be charged on a sliding scale starting at \$100.00, going up \$50.00 per inspection, to a maximum of \$500.00.
6. Both the fire chief and the law enforcement authority having jurisdiction are provided authority to issue citations for failure to comply with the state fire codes.

Section 5 – Penalties

If the fire chief or the local law enforcement agency having jurisdiction determines after an inspection of a public building or place of employment that a violation of the Wisconsin Building Code exists, and that the owner or occupant has failed to correct such violation within the time limit shown on the violation, five (5) days, fifteen (15) days, or thirty (30) days after notice thereof, then the owner or occupant of such building shall forfeit up to \$100.00 for each day of violation occurring after that date on which the respective department finds that the violation has not been corrected. Any person subject to forfeiture under this section shall also be responsible for all court costs, disbursements of the town for prosecution costs, and the actual and reasonable costs of prosecution including reasonable attorney fees. All violation penalties and re-inspection fees not paid by November 15 of the year will be added to the tax rolls as a special charge against the property.

Section 6 - Effective Date

This ordinance shall become effective upon its publication and/or posting in the manner set forth in s. 60.80, Wis. Stats.

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Ayes: 2 Nays: 1 Abstain: 0 Absent: 0 { } Voice Vote

Approved and enacted this 19th day of April 2022.

Denied this 19th day of April 2022.

Signed:

Attest:



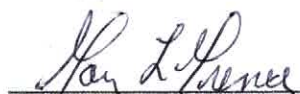
Bobby Bandt, Chair



Melanie R. Stake, Clerk



Jeremy Kubasta, Supervisor #1



Gary Grenier, Supervisor #2