

ORDINANCE NO. 08052009A
TOWN OF BURKE
Dane County, Wisconsin

AN ORDINANCE RELATING TO
FIRE PREVENTION AND SAFETY CODES

Pursuant to Wisconsin Statutes, including Wis. Stat. §§ 60.22, 60.555, 60.10, and 61.34, the Town Board of the Town of Burke, Dane County, Wisconsin, hereby ordains as follows:

Section 1. Repeal and Recreation of Section 3-2-2. Section 3-2-2 of the Town Code of Ordinances is repealed and recreated as follows:

Sec. 3-2-2 ADOPTION OF CODES

(a) The following orders, rules, and regulations of the Department of Commerce, all of which are set forth in the Wisconsin Administrative Code as from time to time may be amended, updated and renumbered, are incorporated herein by reference and adopted as part of this Chapter 2.

- (1) Comm 5 – Licenses, Certifications, and Regulations
- (2) Comm 7 – Explosive Materials
- (3) Comm 10 – Flammable and Combustible Liquids
- (4) Comm 14 – Fire Prevention
- (5) Comm 16 – Electrical
- (6) Comm 28 – Smoke Detectors
- (7) Comm 30 – Fire Department Safety and Health
- (8) Comm 40 – Gas Systems
- (9) Comm 43 – Anhydrous Ammonia
- (10) Comm 61 to 65 – Wisconsin Commercial Building Code
- (11) Comm 66 – Existing Buildings
- (12) Comm 75 to 79 – Existing Buildings

(b) The following codes of the National Fire Protection Association (NFPA) as from time to time may be amended, updated, and renumbered, are hereby adopted by reference and made a part of this Chapter 2: NFPA 1 and NFPA's incorporated standards and codes as published in the National Fire Codes of the NFPA.

- (c) The 2006 Edition of the International Fire Code (IFC), Appendix D, as from time to time may be amended, updated, and renumbered, is hereby adopted by reference and made a part of this Chapter 2.

In case of a conflict between any provision of the Wisconsin Administrative Code, the NFP1 fire prevention code, and the International Fire Code, Appendix D, the strictest provision shall apply.

Section 2. Creation of Section 3-2-10. Section 3-2-10 of the Town Code of Ordinances is created to provide as follows:

Sec. 3-2-10 KNOX BOX PROVISIONS

- (a) "Knox Box" shall be defined as a non-destructible emergency key box purchased through the Knox Company, which will hold a master key to the building or structure on which it is mounted for safe and secure rapid entry by the Fire Department. The Knox Box shall be installed to the right of the main entrance door, between four and five feet above ground level. If this is not possible, the Knox Box shall be placed in a location approved by the Chief of the Fire Department or his/her designee(s).

The Knox Box shall contain:

1. Keys to all locked points of egress, whether interior or exterior of such building or structure.
2. Keys to all locked mechanical rooms.
3. Keys to locked elevator rooms.
4. Keys to elevator controls.
5. Keys to all fences or secured areas.
6. A floor plan of the rooms within the building may be required at the reasonable discretion of the Chief of the Fire Department.

All keys will be labeled with correct locations.

- (b) Buildings/Rooms Subject to this Section include:
1. All buildings or part of a building used for business or commercial purposes.
 2. All multiple family dwellings (buildings containing more than two dwelling units).

3. When access to a room or area within a building is determined by the Chief of the Fire Department or his/her designee to be unduly difficult because of secured openings, and therefore better access is necessary for life saving or firefighting purposes, the room/area shall be equipped with a Knox Box at a location approved by the Chief of the Fire Department or his/her designee(s).
- (c) Properties protected by a locked fence or gate shall be equipped by the owner at the owner's expense, with either a Knox security padlock or a Knox Box, installed at a location approved by the Chief of the Fire Department or his/her designee(s).
 - (d) The owners of all buildings or structures protected by an automatic sprinkler system or standpipe system whose fire department connection to the system has been vandalized or damaged may be required to install, at the owner's expense, a Knox fire department connection security cap as directed by the Chief of the Fire Department or his/her designee(s).
 - (e) Exemptions from the requirements of this section relating to the installation of a Knox Box may be granted at the discretion of the Chief of the Fire Department or his/her designee(s) upon the written request of a property owner stating the reasons for such exemption, but only after the property owner has waived in writing any potential claim that could be made against the Fire Department, the Town, and the members of the Fire District as a result of not installing a Knox Box and has agreed in writing to indemnify the Fire Department, the Town, and the members of the Fire District.
 - (g) In addition to the forgoing requirements, all buildings over twenty-five thousand (25,000) square feet in floor area in the aggregate must number or letter their doors (and windows when required by the Chief of the Fire Department or his/her designee). Numbering or lettering will be placed on each door starting at the main entrance, and progressing around the building clockwise with no less than eight-inch high reflective numbers or letters that are a contrasting color to the door. Numbers and letters must be at least five feet above ground level. Where double doors or a grouping of doors exists close together, they may be numbered as one.
 - (h) All newly constructed buildings or structures, including, but not limited to, all building or structures not yet occupied, all buildings

or structures currently under construction; and all buildings, structures or businesses applying for an occupancy permit after the effective date of the adoption of this ordinance, shall comply with the provisions of this Section 3-2-10. Existing buildings that are not in compliance on the effective date of this ordinance shall comply with the provisions of this Section 3-2-10 within eighteen (18) months after the effective date of this section.

Section 3. Creation of Section 3-2-11. Section 3-2-11 of the Town Code of Ordinances is created to provide as follows:

Section 3-2-11 INSPECTIONS

The Chief of the Fire Department or his/her designee(s) shall inspect all premises, as required by Section 101.14, Wisconsin Statutes, and shall enforce the laws and ordinances governing the same.

Section 4. Creation of Section 3-2-12. Section 3-2-12 of the Town Code of Ordinances is created to provide as follows:

Sec. 3-2-12 ENFORCEMENT AND FORFEITURES

- (a) It shall be the responsibility of the Chief of the Fire Department or his/her designee(s) to enforce this Chapter 2.
- (b) The Chief of the Fire Department may delegate any authority to any Department member or employee of the Sun Prairie Volunteer Fire Department.
- (c) The Chief of the Fire Department and his/her designee(s) are authorized to issue citations for violations of this Chapter 2.
- (d) The penalty for each violation of this Chapter 2 shall be a forfeiture of not less than \$250 and not more than \$500. Each day that a violation continues to exist shall be considered a separate violation.
- (e) This chapter is cumulative in its legal effect and is not in lieu of any and all other legal and equitable remedies under Town ordinances or codes, state statutes, state administrative codes, and common law.

Section 5. Effective Date. This ordinance shall take effect the day after posting or publication pursuant to law.

The above and forgoing ordinance was duly adopted by the Town Board of the
Town of Burke at a meeting held on August 5, 2009.

TOWN OF BURKE
Dane County, Wisconsin

APPROVED:

By Kevin Viney
Kevin Viney, Town Chair

ATTEST:

Brenda Ayers
Brenda Ayers, Town Clerk/Treasurer

APPROVED: 8/5/2009

PUBLISHED: 8/13/2009

POSTED: 8/7/2009

Chapter 30

Outdoor Fires

30.01 Outdoor Fires Regulated

Sec. 30.01/G.O. 3-2-7 Outdoor Fires Regulated.

- (1) **Purpose.** The purpose of this Section is to require notification of the Sun Prairie Fire Department prior to commencing any outdoor fire and to set restrictions on outdoor fires in the Town of Burke. The goal is to reduce the number of unnecessary fire calls due to fires ignited without prior knowledge of the Fire Department. In addition, this Section is intended to minimize damage to public and personal property, injury and loss of life that might be caused by fire in the Town of Burke.
- (2) **Authority.** The Town Board of the Town of Burke has the authority according to Sec. 60.555, Wis. Stats., to adopt regulations to prevent, detect and suppress fire and related fire hazards.
- (3) **Adoption.** The Town Board has, by adoption of this Section, confirmed the statutory authority, powers and duties noted in the above Subsection and has established by this Section regulations, controls and enforcement for outdoor fires.
- (4) **Notice.**
 - (a) Every person in the Town of Burke shall notify the Sun Prairie Fire Department, unless exempt by this Section, prior to commencing any outdoor fire in the Town of Burke.
 - (b) Information to be provided to the Sun Prairie Fire Department shall include: name, address, phone numbers, date, time and location of burn, type and amount of material to be burned and fire protection to be used at the location.
- (5) **Exemptions to Notice.** The following are exempt from the notice requirement set forth in subd. (d):
 - (a) Persons who burn combustible material in a stove, furnace, incinerator, fireplace, burn barrel or other generally accepted container used to contain material being burned. Campfires, fires in burn pits and like fires are not exempt from the notice requirements of this Section.
 - (b) Persons who burn charcoal or other combustible materials for cooking outdoors at their residence or who burn charcoal or other combustible materials for domestic cooking outdoors in public parks.

- (6) **Conditions.** All outdoor fires of all kinds must be built, started, set, used, and maintained as follows:
- (a) The Town of Burke prohibits any person from igniting any outdoor fire on any day declared an Emergency Fire Day by the State Department of Natural Resources.
 - (b) Except for fires located in a generally accepted container used to contain material being burned and fires in burn pits, all outdoor fires must be kept at least 50 feet away from all structures and must be limited to an area no larger than 6 feet by 6 feet in size.
 - (c) No fire may be built, started, set, used, or maintained in the Town of Burke on any street, road, highway, curb, gutter or sidewalk within the Town.
 - (d) Except for fires designed for recreation use including, but not limited to, campfires and fires in burn pits, the Town of Burke prohibits any person from burning after sunset unless specifically granted permission by the Sun Prairie Fire Department.
 - (e) Fires in an incinerator, burning barrel or fire pit must comply with the following:
 - 1. The incinerator, burning barrel or fire pit must have a fireproof wire mesh cover with ventilation holes larger than 1/4 inch in diameter. The ventilation holes may not be less than 6 inches apart and must be covered with metal screening to prevent the escape of sparks and burning material.
 - 2. The incinerator, burning barrel or fire pit must be located at least 50 feet from all structures and 5 feet from all property lines, and may be placed only in side yards or rear yards.
 - 3. The ground under and around the incinerator, burning barrel or fire pit must be cleared of all grass, leaves, and similar debris down to bare soil. The area of bare soil must be at least 10 feet in diameter.
 - 4. The only materials that may be burned in an incinerator, burning barrel or fire pit are: Unpainted and untreated wood, paper (except newspaper), cardboard, other non-toxic and easily combustible material generated by the property owner and non-offensive yard waste including, but not limited to, dry leaves, grass and vegetation.
 - 5. Flames from a fire in a fire pit may not exceed the ground level.
 - (f) The Sun Prairie Fire Chief is permitted to prohibit any or all fires when atmospheric conditions or local circumstances make such fires hazardous.
 - (g) Any person who builds, starts, sets, uses, or maintains a fire outdoors shall be responsible for liability resulting from damage caused by the fire.
 - (h) All fires must be supervised by a person who is present at all times. The person present and supervising the fire must be of adequate age and experience in light of the nature of the fire. The person present and supervising the fire must be an adult, unless the outdoor fire is in a grill used for cooking food in a conventional manner.

(i) No person shall intentionally or negligently create a fire hazard on property owned or leased by the person or permit a fire hazard to exist on such property in the Town of Burke. A person responsible for the fire hazard or the owner of the property where the fire hazard is located shall, once in receipt of notice in writing of the fire hazard by the Sun Prairie Fire Chief or the Town Clerk, take all adequate and necessary action in a timely manner to remove the fire hazard.

(7) **Enforcement.** Any person who violates any provision of this Section shall forfeit not less than \$50.00 or more than \$500.00 for each offense. Any person whose negligence is a substantial factor in causing the Town to incur costs for fire control or extinguishment shall be responsible for such costs, regardless of whether that person must pay a forfeiture.

Adopted by the Town Board January 15, 2003.

SEC. 3-2-8 BANNING AND/OR REGULATING THE USE OF FIRE, BURNING MATERIALS, AND FIREWORKS DURING EXISTENCE OF EXTREME FIRE DANGER.

(a) **Declarations of Emergency.** When there occurs a lack of precipitation, there may exist an extreme danger of fire within the Town of Burke. This extreme danger of fire affects the health, safety, and general welfare of the residents of the Town of Burke and constitutes a state of emergency. It is hereby found that the regulation of fires, burning materials, and fireworks is necessary and expedient for the health, safety, welfare and good order of the Town during said emergency.