

CHAPTER 5
FIRE DEPARTMENT

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5.01 COMPOSITION OF DEPARTMENT. The Department shall be known as the "City of Baraboo Volunteer Fire Department" and shall consist of the Fire Chief, a First, Second and Third Assistant Fire Chief, a Captain for each company, a Secretary-Treasurer and such subordinates as may be authorized by the Council.

5.02 ORGANIZATION. The Department, by 2/3rds vote of the members, shall adopt bylaws for the control, management, and government and for the regulation of business and proceedings of the Department, subject to the approval of the Council. The Department's organization and internal regulation shall be governed by this chapter and by such bylaws as adopted by the Department and approved by the Council, except as otherwise prohibited by law and this Code.

5.03 APPOINTMENTS.

- (1) FIRE CHIEF. Pursuant to §S. 62.13(3), Wis. Stats., the Fire Chief shall be appointed by the Police and Fire Commission and shall hold office during good behavior, subject to suspension or removal by the Commission for cause.

- (2) OTHER OFFICERS; SUBORDINATES. Pursuant to §62.13(4), Wis. Stats., other officers and subordinates shall be appointed by the Fire Chief, subject to confirmation by the Police and Fire Commission.

5.04 DISCIPLINARY ACTION. The Fire Chief shall have the power to suspend, demote, expel or otherwise discipline members of the Department, subject to appeal to the Police and Fire Commission, as provided in §62.13(5), Wis. Stats.

5.05 DEPARTMENT BUDGET. The Fire Chief shall file with the City Clerk, by October 1st of each year, a detailed estimate of the appropriations needed for the conduct of the Department during the ensuing fiscal year.

5.06 POWERS AND DUTIES OF CHIEF.

- (1) GENERAL SUPERVISION. The Chief shall have the general supervision of the Department, which supervision shall be subject to and not conflict with this chapter, the rules and regulations adopted by the Commission, and the bylaws of the Department. He shall be

responsible for the safety of the members of the Department.

- (2) **PRESIDING OFFICER.** The Chief shall preside at all meetings of the Department, call special meetings, preserve order, decide all points of order that may arise, and enforce a rigid observance of this chapter and the bylaws.
- (3) **COMMAND OF FIRE FIGHTING OPERATIONS.** The Chief shall be present at all fires, if possible, and have complete command and entire responsibility for all fire fighting operations, plan the control of the same, direct the action of the companies when they arrive at a fire, observe that every company does its duty, grant leaves of absence at a fire when he may deem it proper, and see that the fire apparatus is kept in proper condition at all times.
- (4) **REPORTS TO THE COUNCIL.** The Chief shall submit a written report to the Council not later than October 1 of each year, and at such times as he deems desirable, relating to the conditions of various pieces of apparatus and appurtenances, budget recommendations for the coming year, the number of fires occurring since the previous report and the date of the same and loss occasioned thereby, the total number of active members in the Department, and resignations and expulsions from the Department. He shall also report upon the drill and training program of the Department, together with other pertinent information, including recommendations for such improvements as he deems proper and necessary for the operation of the Department.
- (5) **ENFORCEMENT OF FIRE PREVENTION ORDINANCES.** He shall enforce all fire prevention ordinances of the City and the State laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and on the activities of the Department.
- (6) **FIRE RECORD BOOK.** He shall keep a fire record book of every fire to which the Department was called and shall enter in such book the location of the fire, the time the alarm was received, the cause of the fire, where the fire started, the cause of delay, if any, in responding, the amount of insurance carried on buildings and contents, estimated fire loss, the time the fire was extinguished, the names of the members responding and general remarks.
- (7) **APPARATUS INVENTORY.** He shall keep an inventory of all apparatus and equipment and an inventory of all hose showing dates and results of tests on each length, which shall be individually numbered.

- (8) **DUTIES AS COMMANDING OFFICER.** He shall perform such other duties as are usually incumbent on the commanding officer of the Fire Department.

5.07 CONTROL AND CARE OF APPARATUS.

- (1) The Chief shall have control of all apparatus used by the Department and shall be responsible for its proper maintenance. Emergency repairs may be authorized by the Chief.
- (2) No apparatus shall be used for any purpose except for fire fighting that is within the City limits, or in training therefore, except pursuant to mutual aid agreements approved by the Council after the Chief has given his recommendations on such use. With the approval of the Chief, such apparatus may be used for emergency purposes within the City. The Chief shall, quarterly, file a written report to the Council regarding equipment use.

5.08 POLICE POWER OF DEPARTMENT.

- (1) **POLICE AUTHORITY AT FIRES.** The Chief and his assistants or officers in command at any fire 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 excepting firemen and policemen and those admitted by order of any officer of the Department shall be permitted to enter. 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 the progress of 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 if any person shall hinder, resist or obstruct any fireman in the discharge of his duty as is herein before provided the person so offending shall be deemed guilty of resisting firemen in the discharge of their duties.

- (4) DUTIES OF BYSTANDERS. Every person who shall be 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 removing or guarding property. Such 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 City 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 Department official in command.

5.09 FIRE PREVENTION. (1727 04/27/94)

- (1) STATE CODES 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 Combustible 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 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
NFPA231D	Storage of Rubber Tires

- (2) 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.
- (3) 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 §101.14, Wis. Stats. and Ch. 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.
- (4) 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 of Industry, Labor and Human Relations for further action, an action to abate such nuisance may be commenced by the City as provided in §10.07 of this Code.
- (5) CITATION AUTHORITY. The Fire Chief, Deputy Fire Inspectors and City Police Officers shall be authorized to issue citations for violations of this section using the uniform citation method set forth in

§9.27 of this Code.

- (6) **SPECIAL CHARGES FOR INSPECTIONS FOR NON-COMPLIANCE.** A special charge as provided in the Official Fee Schedule 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 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 §66.0627, Wis. Stats.
- (7) **ENTERING ON PREMISES.** No person shall deny a Fire Inspector free access to any property within the City at any reasonable time for the purpose of making fire inspections. No person shall hinder or obstruct a 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) **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 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 City 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 under Ch. 14 of this Code be issued for

any property that contains any outstanding violation of this section.

- (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 section shall be subject to a penalty as provided in Ch. ILHR 14 Adm. Code or §25.04 of this Code, whichever is greater.

5.10 INFLAMMABLE MATERIALS PROHIBITED.

Within the business district, no person shall permit any waste paper, empty boxes, excelsior or similar or other inflammable materials to collect or remain upon the premises owned or occupied by said person, on the outside of any building or placed in any public street or alley unless the same shall be contained within a covered, fireproof container.

5.11 GASOLINE, BENZINE, NAPHTHA, ETC.

All gasoline stations, bulk gasoline storage facilities, and any facility for storing benzene, naphtha, or any other volatile liquid shall be constructed and maintained in conformity with the regulations prescribed by the State Statutes and the rules and regulations of the State Department of Industry, Labor and Human Relations.

5.12 GUNPOWDER.

No person shall keep or store more than 10 pounds of gunpowder at any place within the City 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.

5.13 DYNAMITE.

No person shall keep or store within the City 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.

5.14 RIGHT-OF-WAY.

The officers and members of the Fire Department, with their fire equipment of every kind, when going to or are on duty at a fire, shall have the right of way over all other vehicles upon City streets, and the operator of any other vehicle, whether motor or otherwise, upon the approach of such fire apparatus, shall immediately drive such other vehicle as far as possible to the right of the thoroughfare and shall keep such vehicle stationary until such fire apparatus shall have passed. Except when actually

responding to a fire alarm or other emergency call, or when on duty at a fire, the apparatus and vehicles of the Fire Department shall, however, have no special right of way or other privileges of any kind, but shall be subject to all traffic regulations applicable to other vehicles.

5.15 TRAFFIC LAWS APPLY TO VOLUNTEERS.

All volunteer firemen, when responding to a fire call in a private vehicle, shall comply with all traffic regulations.

5.16 EMERGENCY ALARM SYSTEMS. See §12.14 of this Code. (1833 09/26/95)

5.17 SOCIAL ACTIVITIES.

(1) SOCIAL CLUB. Members of the Department may organize a social club provided that social activities are not funded from City funds.

5.18 SMOKE DETECTOR. (1485 12/8/87, 1586 03/12/91) The statutory provisions of §101.145, Wis. Stats., entitled Smoke Detectors, and the Wis. Adm. Code regulating smoke detectors are hereby adopted and by reference made a part of this Code with the same force and effect as though set forth in full. Any future amendments, revisions or modifications of the statutes and Wis. Adm. Code regulating smoke detectors are intended to be made a part of this section. Failure to comply with any of the provisions of such regulations shall constitute a violation of this section, punishable according to the penalties provided in this chapter.

5.19 REGULATION OF OPEN BURNING. (1935 04/14/98)

(1) DEFINITIONS.

- (a) "Burning" shall mean the kindling or maintaining of a fire that has hot ashes or cinders or is giving heat, or still glowing or giving light, or a fire that is still smoldering or giving off smoke, or a fire that has not been completely extinguished.
- (b) "Open burning" shall mean burning done outside of a Building.
- (c) "Recreational fires" and "cooking fires" shall mean open burning for outdoor recreation and/or cooking purposes in an enclosure designed specifically for ember and flame containment, excluding a barrel, such as rocked-in pits, fireplaces, or barbecue grills which use only charcoal, propane gas or dry, untreated and unpainted wood as the burning material, and which satisfy the conditions set forth in subs (3).
- (d) "Bonfire" shall mean a large, open fire kindled and maintained to mark a

public event, celebration or similar occurrence, which only uses dry, untreated and unpainted wood as the burning material. A fire permit from the Fire Department is required for a bonfire.

(2) CONDITIONS OF PERMITTED OPEN BURNING. Except as permitted in sub. (3), no person shall kindle or maintain any open burning unless such open burning complies with the conditions set forth in this subsection:

- (a) The hours of open burning shall be restricted to even calendar days during the hours between 8 a.m. and 10 p.m., unless otherwise expressly authorized by the Fire Department. During all other hours and times, all burning authorized under subsection (2) shall be completely extinguished.
- (b) No burning shall be kindled or maintained during periods when either the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban.
- (c) Only dry grass, leaves, garden vegetative matter, brush and untreated and unpainted wood which is suitable for burning shall be used as the burning material, except permitted bonfires shall only use dry, untreated and unpainted wood as the burning material.
- (d) No burning shall be kindled or maintained on or within any street, sidewalk, tree bank, alley, parking lot, drainage ditch, park, public place or public right-of-way, unless otherwise expressly authorized by the Fire Department.
- (e) The fuel for igniting such burning shall consist of dry material or commercially available products designed for lighting fires.
- (f) All such burning shall be constantly supervised and personally attended by a responsible adult until the fire is completely extinguished. The person in charge of the fire shall have fire extinguishing equipment or materials available at all times and easily accessible for immediate use.
- (g) Burning, under this subsection, shall not be kindled or maintained in a barrel.

- (h) Whenever burning is undertaken in a pile, the maximum size of the burning materials shall be four feet in diameter, measured horizontally, and three feet measured vertically, and the pile of material being burned shall be at least 15 feet away from any combustible material, combustible wall or partition, exterior window opening, exit, access or exit unless otherwise expressly authorized by the Fire Department.
 - (i) No burning shall be maintained so that flames exceed 4 feet in height.
 - (j) No burning shall be kindled or maintained so as to cause a public nuisance prohibited by Ch. 10 of the Code.
 - (k) All such burning shall be conducted on a non-combustible surface.
- (3) REGULATION OF RECREATION FIRES AND COOKING FIRES. Recreational fires and cooking fires shall be exempt from the conditions set forth in subs. (2), provided, however, recreational fires and cooking fires shall comply with each of the following conditions:
- (a) Burning, under this subsection, shall not be kindled or maintained in a barrel.
 - (b) No burning shall be kindled or maintained on or within any street, sidewalk, treebank, alley, parking lot, drainage ditch or public right-of-way.
 - (c) No burning shall be maintained such that the flames exceed 4 feet in height.
 - (d) No burning shall be maintained so as to cause a public nuisance prohibited by Ch. 10 of the Code.
 - (e) Except for barbecue, gas, and charcoal grills, any other burning receptacle, enclosure or pit shall be no greater than 30 inches in diameter at its greatest width.
 - (f) All such burning shall be constantly supervised and personally attended by a responsible adult until the fire is completely extinguished. The person in charge of the fire shall have fire extinguishing equipment or materials available at all times and easily accessible for immediate use.
 - (g) Except for barbecue, gas, and charcoal grills, no burning shall be kindled or maintained during periods when either the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban.
- (h) Whenever a portable fireplace or grill is located on a combustible surface, such as a wooden patio or deck, a non-combustible material shall be placed under and around the fireplace or grill for a distance of at least 24 inches on each side thereof.
 - (i) In relation to one and two family dwellings, except for barbecue, gas, and charcoal grills, no such burning shall be undertaken within 15 feet of any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Department. (2353 01/25/11)
 - (j) In buildings with three or more dwelling units, no burning shall be undertaken within 25 feet of any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Department. (2118 05/27/03, 2353 01/25/11)
 - (k) In buildings with three or more dwelling units, regardless of type or size, no barbecue, gas, charcoal or electric grill, or any other burning receptacle shall be stored or used on balconies above the first floor, under any overhangs or within 10 feet of the structure. (2118 05/27/03, 2353 01/25/11)
- (4) BONFIRES REGULATED. No person shall kindle or maintain any bonfire without first obtaining a permit from the Fire Department and each such permit shall be subject to the conditions established by the Fire Department. The bonfire permit fee is set forth in the City's Official Fee Schedule, §1.90.
- (5) BURNING OF CERTAIN MATERIALS PROHIBITED. No person shall kindle or maintain open burning where the burning material is recyclable paper products, recyclable cardboard, rubbish, garbage, trash, refuse, painted wood, pressure treated lumber, and/or any material made of in whole or in part or coated with rubber, plastic, leather or petroleum based materials, and/or products containing flammable materials.
- (6) EXCEPTIONS TO BURNING REGULATIONS. The following fires for burning shall be exempt from the provisions of §§(2) and (3): (2118 05/27/03)
- (a) Fires conducted inside of a building, including, but not limited to fireplaces and incinerators.

- (b) Fires conducted to remove frost from the ground by public utility companies, City employees, cemeteries, and building contractors.
- (c) Small open flames for welding, acetylene torches, safety flares, heating tar or similar applications.
- (d) Fires conducted for training or instruction of fire fighters by the City Fire Department or for the testing of fire equipment by the City Fire Department.
- (e) Any fire expressly authorized in writing by the Fire Chief. A permit issued by the Fire Chief shall be subject to the conditions established by the Fire Department. See Official Fee Schedule, §1.90 for burning permit fee. (2118 05/27/2003)
- (7) EMERGENCY REGULATIONS. The Fire Chief may, when necessary, declare an "Emergency Condition of Fire Hazard" for a specified period of time and, during such time, no burning shall be permitted unless done or controlled by the Fire Department. In addition, during such declared fire emergency period, the Fire Chief may prohibit the use of the following:
- (a) Fireworks as defined by §167.10(1), Wis. Stats.
- (b) Any of the items included under §167.10(1)(e), (f), (i), (j), (k), (l), (m), and (n), Wis. Stats.
- (c) Any other device that may pose a fire hazard.
- (8) OPEN BURNING PROHIBITED WHEN WIND EXCEEDS EIGHT (8) MILES PER HOUR. No person shall kindle or maintain any open burning within the City whenever the wind speed exceeds eight (8) miles per hour as measured by a portable wind meter device approved by the Fire Chief. Before taking any enforcement action under this §(8), a law enforcement officer, the Fire Chief, or Fire Inspector shall first order the violator to completely extinguish the open burning. A citation shall not be issued if the open burning is immediately extinguished after the order to do so has been given. No person shall continue to maintain any open burning after being ordered to completely extinguish the burning as provided in this Section. (2146 04/13/2004)
- (9) ENFORCEMENT AND BONFIRE PERMIT FEE. The Fire Chief, Fire Inspector, and Police Officers of the City shall be authorized to enforce the provisions of this Section. (Re-numbered only per 2146 04/13/2004)
- (10) RECOVERY OF ABATEMENT COST. The City has determined that a violation of this section creates a public nuisance or a hazard to the public safety. Therefore, in addition to any other penalty imposed by this code for a violation of this section, if the Fire Department is dispatched to a fire caused as a result of any act, omission, condition, or thing that constitutes a violation of this §5.19, the person causing, permitting, or maintaining such occurrence, may be charged a fee to cover the City's cost for responding (to such public nuisance. Any such fee shall be charged as set forth in the City of Baraboo's Official Fee Schedule. The charge shall be collected as a debt and, if the charge is not paid within thirty (30) days of the date of billing, an administrative collection charge of 10% of the charge shall be added to the amount due, plus interest shall accrue thereon at the rate of 1% per month until paid. If the owner of the property where the public nuisance occurred caused, permitted, or maintained such public nuisance, such charge shall be extended upon the current or next tax roll, to the extent allowed by law. (2118 05/27/2003, Re-numbered only per 2146 04/13/2004)
- (11) SEVERABILITY. If any Section, Subsection, sentence, clause or phrase of this Ordinance 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. (2118 05/27/2003, Renumbered only per 2146 04/13/2004)
- 5.20 FIRE LANES AND FIRE HYDRANTS** (1870 05/14/96, 2002 01/11/2000)
- (1) FIRE LANES AND FIRE HYDRANTS REQUIRED. Fire lanes and fire hydrants shall be required in accordance with this section on public or private property used for assembly, commercial, educational, industrial, institutional, or multi - family dwelling purposes, and on private property containing residential developments consisting of three or more dwelling units to which access is provided from a public street by a private road or driveway where any dwelling unit is set back more than fifty (50) feet from the paved portion of the public street. Fire lanes may also be designated on those private roads where it is found by the Fire Chief that such access is necessary for fire fighting equipment and apparatus. No building permit shall be issued without compliance with the terms of this section if any part of the area

being developed contains any of the uses or conditions described in this section.

(2) In this Section:

(a) "Fire Chief" means the Fire Chief of the City of Baraboo.

(b) "Fire lane" means a part of a public or private parking lot or private driveway or private road which is designated as a fire lane and designed to provide access for fire trucks to any building or location and which lanes meet the following minimum specifications:

1. Not less than 24 feet wide at any point.
2. Curves and turnarounds shall be designed for a 40 foot turning radius.
3. Dead end lanes more than 300 feet long shall provide for a turn around that is T-type, hammerhead, cul-de-sac, or curved driveway at the closed end of the lane.
4. The surface shall be paved with bituminous or concrete or other approved similar all weather material and shall be of sufficient strength to support City fire fighting equipment.

(c) "Fire hydrant" means a hydrant satisfying the specifications contained in Subch. II, BARABOO WATER UTILITY, of Ch. 13 of this Code.

(3) LOCATION AND MAINTENANCE OF FIRE LANES AND FIRE HYDRANTS. Fire lanes and fire hydrants shall be located where necessary to provide fire protection to all buildings and premises within the City as determined by the Fire Department. In all cases, a fire hydrant shall be located within 350 feet from each building to be served by the hydrant and all hydrants shall be accessible to fire lanes. All existing and new fire hydrants located on private property shall be routinely inspected, repaired, tested, and maintained by the owner thereof as specified in American Water Works Association Manual 17, Installation, Field Testing and Maintenance of Fire Hydrants, and all fire hydrants shall satisfy the minimum performance requirements established by the City Water Department for City fire hydrants. Water Department and Fire Department personnel shall have open and free access to all fire hydrants upon public and private property within the City at any reasonable time for the purpose of inspecting, repairing, testing, and maintaining fire hydrants. The fire flow test procedures in National

Fire Protection Association Ch. 291, Fire Flow Testing and Marking of Hydrants shall be followed when performing fire hydrant fire flow tests. Each owner and/ or each occupant of any premises where a fire lane and/or a fire hydrant is required shall be responsible for the prompt removal of snow and ice from a fire lane and for the prompt removal of all snow surrounding each fire hydrant. (2002 01/11/2000)

(a) Written Records. Written records shall be maintained showing the installation, inspection, field testing, repair, and maintenance of each fire hydrant within the City. Such records shall be made available for inspection and copying upon request by Fire Department Personnel.

(b) Disclaimer on Fire Hydrant Inspecting and Testing. The purpose of the inspection and testing of fire hydrants authorized by this Section is to improve the quality of fire protection service within the City. Any inspections and the reports and findings issued pursuant thereto are not intended as, nor are they to be construed as, a guarantee. The findings of any inspection or testing are intended to ascertain conditions that are readily apparent at the time of such inspection or testing and do not involve a detailed examination of all mechanical systems on the entire premises. The City makes no representation or warranty, express or implied, as to the thoroughness or accuracy of any such inspection or testing. The City disclaims, and does not assume, any liability or responsibility whatsoever in the event any error or omission was made by the City as the result of an inspection and/or testing authorized by this Section, whether such errors or omissions result from negligence, accident, or other source or cause. The City shall further not be liable or responsible for damage caused to any fire hydrant while such fire hydrant is being properly tested as required by this Section.

(4) DUTIES AND POWERS OF FIRE CHIEF. All building and project development plans for projects covered by this section shall be referred to the fire chief for examination and approval. If the fire chief finds that a proposed fire lane or fire hydrant in a development project does not comply with this section, the fire chief shall be authorized to specify the changes necessary to bring the proposal into compliance. Appeals from orders of the fire chief shall be to the Zoning Board of Appeals. The fire chief shall inspect the construction of any fire lanes and the placement and specifications of any fire hydrant required by

this section and no occupancy permit shall be issued for any project covered by this section until the fire chief has inspected and approved the fire lanes and fire hydrants.

- (5) **DESIGNATION AND SIGNAGE FOR FIRE LANES.** The owner or occupant of any premises where a fire lane is required under this section shall designate and mark all fire lanes and shall post appropriate signs indicating the existence of all fire lanes and indicating that no parking is permitted on fire lanes at any time, as specified and approved by the fire chief. Signs and markings shall be used in such locations and in such a manner as in the judgment of the fire chief will carry out the purposes of this section and give adequate warning to users of the premises where the fire lanes and fire hydrants are located. Signage and markings shall meet the following minimum standards:

- (a) Where reasonably feasible, signs shall be erected within 5 feet of the beginning and within 5 feet of the end of the fire lane with spacing between signs not exceeding 75 feet. Each sign shall face in the direction of oncoming traffic and shall be affixed to a stationary pole or object.
- (b) Curb along a fire lane shall be painted yellow and if no curb exists, a 4-inch wide stripe shall be painted the full length of the fire lane. Lanes identified exclusively as fire lanes shall be identified with approved fire lane signs on each side facing forward and the pavement area between the signs shall be striped with 4-inch wide yellow strips.

- (6) **OBSTRUCTIONS OTHER THAN MOTOR VEHICLES.** No person who is the owner or occupant of a premises required by this Section to maintain a fire lane or a fire hydrant shall place, locate, permit, or allow the placement or location of any obstruction of any fire lane or so as to block access to any fire hydrant. (2027 09/12/2000)

- (7) **RESTRICTED PARKING IN FIRE LANES**
– See §7.09 of the Code.

5.21 **KEY LOCK BOX SYSTEM** (2394 04/23/2013)

- (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 ordinance shall not be construed to so as 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 section shall have the key lock box installed and operational prior to the issuance of a 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 city and shall have the authority to require all structures as set forth in section (1) 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 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 Fire Inspector.
- (g) Keys required by this section 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 Baraboo Fire Department is authorized to share key lock box access with other public safety departments, including the Sauk County

Sheriff's Department, the Baraboo Police Department, and the Baraboo Ambulance District, 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 Baraboo 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 section shall be subject to the penalties set forth in §5.30 of this Code for any violations of this section.

5.22 thru 5.29 Reserved

5.30 PENALTY. (2002 01/11/2000) 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 as provided in §25.04 of this Code. In addition to the payment of a forfeiture, the City 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. (2027 09/12/2000)