

TOWN OF KAUKAUNA
FIRE CODES & FIRE INSPECTION ORDINANCE

1.01 Purpose

The purpose of this Ordinance is to provide for fire inspections of buildings and premises located in the Town of Kaukauna by the Vandebroek-Kaukauna Fire Department.

1.2 Adoption of State and National Fire Codes and Authorization of Fire Inspections

- A. *Adoption Of Fire Code.* The Wisconsin state codes listed in this section are hereby adopted by reference and made a part of the Town of Kaukauna Fire Code. For the purposes of this section, these provisions are adopted to enable the Fire Department to note any violations of such codes and to report those violations to the appropriate community service inspectors. The Fire Inspectors shall have the authority to cite such violations on fire inspections.
- a. Wisconsin Administrative Code Chapter SPS 314 – Fire Prevention
 - b. Wisconsin Administrative Code Chapters SPS 375 to SPS 379 - Buildings Constructed Prior to 1914
 - c. Wisconsin Administrative Code Chapter SPS 316 - Wisconsin State Electrical Code
 - d. Wisconsin Administrative Code Chapters SPS 361 to SPS 366 - Wisconsin Commercial Building Code
 - e. Wisconsin Administrative Code Chapter SPS 318 - Elevators
 - f. Wisconsin Administrative Code Chapter ATCP 93 – Flammable and Combustible Liquids
- B. *Chief As Fire Inspector.* The Chief shall hold the office of the fire inspector, with power to appoint one or more deputy fire inspectors as is deemed necessary who shall perform the same duties and have the same powers as the fire inspector.
- C. *Fire Inspections.* Fire inspectors shall inspect all buildings, premises and thoroughfares within the Town of Kaukauna that are covered by the state codes set forth in Section 1.02(A) above for the purpose of noting and causing the correction of any Code violations or hazardous conditions with potential to cause injury or loss of property, as well as identify conditions that will potentially obstruct the fire and emergency medical services department in the performance of its duties. The Fire Chief shall be responsible for determining those public buildings and places of employment that are to be inspected.

- D. *Scheduling of Inspections.* Fire prevention inspections shall be conducted at least once per calendar year, provided the interval between those inspections does not exceed 15 months, or more often if ordered by the Fire Chief, within the Town of Kaukauna.
- E. *Notice of Fire Hazards.* Whenever and wherever a fire inspection reveals a fire hazard, the fire inspector shall serve a notice in writing upon the owner of the property, giving such owner a reasonable time in which to remove or correct the hazard.
- F. *Enforcement.* The owner shall pay a reinspection fee, for each inspection violation that has not been corrected within the timeframe indicated on the notice of violation,– pursuant to Wis. Stat. § 101.14 and in accordance with Section 1.05 hereof.
- G. *Reinspection Fees.* Reinspection of violations shall be subject to a fee as follows:

Description	Amount
a. Initial inspection where violation is found	No charge
b. First reinspection if violation still exists	No charge
c. Second reinspection (by Fire Chief) and d. violation still exists	\$100 per violation
e. Third and fourth reinspection (by Fire Chief) f. and violation still exists	\$150 per violation
g. Fifth or more <u>reinspection's</u> (by Fire Chief) h. and violation still exists	\$200 per violation

- H. *Written Records of Inspections.* The Chief shall keep a written record of each property inspected which shall conform to the requirements set forth in Wisconsin Administrative Code § SPS 314.01(13).
- I. *Free Access to Property.* No person shall deny the Chief or designee free access to any property within the Town of Kaukauna at any reasonable time for the purpose of making fire inspections. No person shall hinder or obstruct the fire inspector in the performance of duty or refuse to observe any lawful direction given.

1.03 Fire Investigations

The Fire Chief, or his/her designee, shall investigate the origin, cause and circumstances of every fire occurring in the Town of Kaukauna. The Fire Chief shall take steps to obtain physical evidence, notify the proper law enforcement authorities and cooperate with other agencies as required for the investigation of the matter and any subsequent prosecution.

1.04 Occupancy of Structure After a Fire

In the event of a structure fire, prior to returning control of the structure to the owner or occupants thereof, the Fire Chief, or his/her designee, shall inspect the structure and shall determine whether or not it is safe for occupancy or use. If, in the judgment of the Fire Chief, or his/her designee, the structure is not safe, the Fire Chief, or his/her designee, shall issue an order prohibiting occupancy or use of the structure until issuance of an occupancy permit by the Building Inspector. The Fire Chief, or his/her designee, shall also affix a notice of such order in a conspicuous place on the outside wall of the building and no person shall remove or deface such notice. Any person who fails to comply with any such order shall be guilty of a violation of the Ordinance.

1.05 Penalties

If the owner fails to correct the violation or pay the fees, the owner will be deemed to have further violated this ordinance, and the Fire Chief is authorized to start procedures with the town legal counsel to have the violations corrected / fees collected via Wis. Stat. § 66.0114. The person subject to this forfeiture shall also be responsible for court costs, disbursements to the town for prosecution costs, and the actual and reasonable costs of prosecution, including reasonable attorney fees. Fees not paid by November 15th of the year will be added to the tax rolls as a special charge against the property or recoverable from the property owner through any other legal means.

1.06 Severability

If several sections of this ordinance are declared to be severable. Should any subsection, clause, or provision of this ordinance be declared by any court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance as a whole or any part thereof, other than the part declared invalid. The remainder of the ordinance shall remain in full force and effect.

1.07 Effective Date

Following passage by the Town Board, this Ordinance shall take effect the day after the date of publication or posting as provided by Wis. Stat. § 60.80.

ADOPTED this 9 th day of March, 2026.

Mike Van Asten

Mike Van Asten, Town Chairperson

Attest: Jennifer R. Burton

Jennifer Burton, Clerk