

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 Section 3-2-2 of the Town Code of Ordinances is repealed and recreated as follows: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

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- (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.

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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

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- (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.

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- (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).
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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

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