

## CHAPTER 10 FIRE INSPECTIONS AND ENFORCEMENT

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### 10.001 – TOWN FIRE DEPARTMENT.

The Town of Sheboygan Falls Fire Department (Fire Department) is established as the town fire department under § 60.55(1)(a)(1), Wis. Stats.

- (a) Organization and Policies. The Fire Department shall be organized as a volunteer department consisting of a Fire Chief, Assistant Fire Chiefs, firefighters, as such other positions as set forth in the Fire Department's Bylaws. The policies of the Fire Department shall be established by the Town Board, in consultation with the Fire Chief, and documented in the Bylaws of the Town of Sheboygan Falls Fire Department.
- (b) Funding. The Town Board may use any of the methods in § 60.55(2), Wis. Stats., to provide funding for the Fire Department.
- (c) Nonexclusive. The establishment of the Town of Sheboygan Falls Fire Department shall not infringe on the authority of any other fire company to operate within the Town of Sheboygan Falls.

### 10.002 – AUTHORIZATION FOR FIRE DEPARTMENT TO HOLD VOLUNTEER FUNDS

The Fire Department is authorized to hold volunteer funds in the name of the Town of Sheboygan Falls Fire Department as provided herein.

- (a) Definitions. In this section:

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<sup>1</sup> Section 10.001 & 10.002 Created 11/1/2022 by Ordinance #3 2022/2023

1. "Public depository" means a federal or state credit union, federal or state savings and loan association, state bank, savings and trust company, federal or state savings bank, or national bank in this state that receives or holds any public deposits or the local government pooled-investment fund.

2. "Volunteer Funds" are funds of the Town of Sheboygan Falls that are raised by the employees of the Fire Department, by volunteers, or by donation to the Fire Department, for the benefit of the Fire Department.

(b) Accounts and Expenditure Authority. The Fire Department is authorized to deposit volunteer funds in an account in the name of the Town of Sheboygan Falls Fire Department in any public depository. The Fire Department Treasurer, at the direction of the Fire Chief, shall have the exclusive authority to withdraw funds from this account on behalf of the Fire Department. The Fire Department, through the Fire Chief, shall have exclusive control over the expenditure of volunteer funds of the department, pursuant to the authority granted in this Chapter.

(c) Limitations on Withdrawals. There is no limit on the amount of volunteer funds that may be deposited into the account described in the preceding paragraph. Withdrawals of volunteer funds are limited to \$15,000 per transaction, unless approved by the Town Board.

(d) Reports. The Fire Chief shall provide the Town Board with quarterly statements of the Fire Department's volunteer funds as of the end of March, June, September, and December of each calendar year. The statements shall be provided within 30 calendar days of the end of the calendar quarter.

(e) Audit. Fire Department volunteer fund accounts shall be included in the annual audit of Town funds and shall be audited in the same manner as other Town funds.

#### 10.01 Chief Responsible.

The Chief of each fire department within the Town shall be responsible for compliance with State fire safety inspection requirements under statutes and administrative codes. The Chiefs may designate assistants to act as inspectors.

#### 10.02 Inspector's Duties.

Inspectors shall report all violations of fire safety statutes, codes or regulations on a standards inspection report form to be approved by the Chiefs. The occupant of the premises inspected shall be personally served with a copy of the inspection report, which shall contain a specific listing of violations.

#### 10.03 Correction Deadline.

All fire safety violations shall be corrected with thirty (30) days after service of the inspection report.

#### 10.04 Re-inspection and Enforcement.

After allowing thirty (30) days for correction of violations, the inspector shall re-inspect the premises. If correction has not been made of all violations reported, the inspector may immediately and without further notice initiate Circuit Court enforcement proceedings through the Town Board's attorney.

#### 10.05 Penalty.

Violations of fire safety which remain uncorrected thirty (30) days after service of the inspection report shall be subject to a forfeiture of not less than One hundred (\$100) Dollars and not more than Five Hundred (\$500) Dollars for each day of violation. The Court may order the forfeiture to take effect as of the first day of violation. In addition, the Court may order the affected premises immediately closed to public use and to remain closed until corrections have been made, and proven to the satisfaction of the Court. If a forfeiture is ordered, the Court shall grant a money judgment against the violator and in favor of the Town, which shall be docketed and enforced as a civil money judgment.

#### 10.06 Service of Process.

If the affected premises are vacant, or if for some other reason the owner or responsible party cannot be personally served with the inspection report, the inspection report shall be published once as a legal notice in a newspaper of general circulation in the Town. Service shall be deemed made on the day of publication. In addition, copies of the inspection report shall be posted on all entrances and exits on the affected premises.

#### 10.07 Parties Responsible for Compliance.

The person responsible for compliance with all fire safety regulations including statutes, administrative codes, ordinances and inspection reports shall be the person in control of use of the premises. If the person in control cannot be determined or cannot be found, the record owner of the premises shall be the responsible person.

This ordinance shall take effect on the date of its adoption.

#### 10.08 KEY LOCK BOX REQUIRED<sup>2</sup>

(1) Uniform Key Lock Box Established. The Town Board does hereby establish a uniform key lock box system within the Town of Sheboygan Falls by selecting the Knox Box® system of key lock boxes. Any key lock boxes utilized under this ordinance must be fully compatible with the Knox Box® system. The Fire Chief of the Town of Sheboygan Falls shall have the authority to determine the compatibility of any lock box.

(2) Buildings Requiring Key Lock Box. A key lock box shall be installed upon any of the following buildings by the owner or lessee thereof:

- (a) All newly constructed commercial buildings or multi-family residential buildings consisting of more than two (2) units;

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<sup>2</sup> Section 10.08 created August 3, 2009 by Ordinance 3 2009/2010.

(b) All existing commercial or multi-family residential buildings consisting of more than two (2) units for which the Town of Sheboygan Falls issues a building permit after the enactment of this ordinance;

(c) All existing and newly constructed buildings with monitored alarm systems.

(3) Installation. The owner or lessee shall obtain and install the key lock box to the right of the main entrance not less than four (4) feet nor more than six (6) feet above ground level unless an alternate location is approved by the Town Fire Chief.

(4) Keys Required.

(a) The owner or lessee of any building subject to this ordinance shall at all times keep the following keys, if applicable, in the key lock box:

- i. Keys to locked points of egress, both interior and exterior;
- ii. Keys to locked mechanical rooms;
- iii. Keys to locked elevator rooms and controls;
- iv. Keys to any fence or secured areas;
- v. Keys to any other locked area for which the Town of Sheboygan Falls Fire Chief notifies the owner or lessee that a key is necessary

(b) All keys shall be clearly labeled.

(5) Assumption of Liability. A failure to provide a required and properly equipped key lock box shall submit the building owner to the assumption of liability for any structural damage in the event of a forced entry by the fire department or law enforcement during an emergency.

(6) Compliance. The owner or lessee of any newly constructed building requiring a key lock box shall comply with this ordinance prior to occupancy. The owner or lessee of any existing commercial building or multi-family residential building consisting of more than two (2) units shall comply with this ordinance prior to the issuance of a building permit from the Town of Sheboygan Falls. The owner or lessee of any existing building with a monitored alarm system shall comply with this ordinance within one (1) year from the date of enactment.

(7) Penalties. Any violation of this ordinance shall be punishable by a forfeiture of not less than \$100.00 nor more than \$500.00, plus costs of prosecution, including reasonable attorney fees to the extent allowable. Each day the violation exists or continues constitutes a separate offense.

Section 2. Severability. Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.

### 10.09 Fire Protection Charges<sup>3</sup>

- (1) State Authority. Pursuant to Wis. Stat. §§ 60.55, 60.555, and 66.0627, the Town of Sheboygan Falls establishes the following policy and procedure for the payment of fire costs incurred by the Town of Sheboygan Falls.
- (2) Liability for Fire Protection Costs. In addition to all other methods of fire department funding established by the Town, owners of real estate shall be responsible for the costs of fire calls made to their property based on the following:
  - (a) For fire calls responded to by the Town of Sheboygan Falls Fire Department, the owner shall be responsible for costs in accordance with the Fee Schedule established by the Town of Sheboygan Falls Fire Department, as amended from time to time.
  - (b) For fire calls responded to by the Johnsonville Fire Department, the owner shall be responsible for payment of all costs billed to the Town by the Department.
- (3) No Charge for First Call. Notwithstanding Subsection (2), an owner shall not be responsible for any costs related to the response to a fire call for the first instance of a response to the subject property while the property is owned by that owner. All subsequent responses shall be subject to Subsection (2).
- (4) Billing and Payment Procedure. All costs payable in accordance with this Ordinance shall be billed by the Town to the relevant owner. Those bills remaining outstanding as of November 15th shall be charged to the subject property as a special charge in accordance with Wis. Stat. § 66.0627.

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<sup>3</sup> Section 10.09 created by Ordinance #2 2024/20245 adopted November 4<sup>th</sup>, 2024