

TOWN OF LIBERTY GROVE
ORDINANCE NO. 3-94 (as amended by ordinance 1-95)

An Ordinance Providing for Fire Inspections and Prevention, Detection, and Suppression of Fire Hazards in the Town of Liberty Grove

The Town Board of the Town of Liberty Grove, Door County, Wisconsin, pursuant to Section 61.34 (1) and Section 101.14, Wis. Statutes, do hereby ordain as follows:

Sec. 1. Purpose.

To enact an ordinance providing for fire inspections and prevention, detection and suppression of hazards of fire and explosion in the Town of Liberty Grove, Door County, Wisconsin, pursuant to Section 101.14, Wis. Stats., and to adopt fire safety regulations contained in the Wisconsin Administrative Code, all in order to provide for the health, safety and welfare of Town residents.

Sec. 2. Definitions.

- (1) The definitions set forth in Section 101.01(2), Wis. Stats., are hereby adopted by reference.
- (2) "Fire Chief" as used herein means the Chief of the Sister Bay/Liberty Grove Fire Department.
- (3) "Town" means the Town of Liberty Grove, Door County, Wisconsin.

Sec. 3. Adoption of Fire Safety Regulations.

Section 101.14, Wis. Stats., and the following chapters of the Wisconsin Administrative Code, Department of Industry, Labor and Human Relations (ILHR) (IND) are hereby adopted and incorporated by reference as if fully set forth herein: Chapter ILHR 7, Explosive Materials; Chapter ILHR 10, Flammable and Combustible Liquids; Chapter ILHR 11, Liquid Petroleum Gases; Chapter ILHR 12, Liquefied Natural Gas; Chapter ILHR 13, Compressed Natural Gas; Chapter ILHR 14, General Hazard Fire Prevention; Chapter ILHR 15, Cleaning and Dyeing; Chapter ILHR 50-64, Building and Heating, Ventilating and Air Conditioning Code; ~~Chapter Ind 8, Flammable Liquids~~; Chapter Ind 69, Fee Schedule; Chapter Ind 221, Spray Coating, and ILHR 65, Fire Prevention, General.

Sec. 4. Fire Department Inspections.

- (1) The Chief of the Sister Bay/Liberty Grove Fire Department shall, as often as may be necessary, but at a minimum in accordance with Section 101.14 Wis. Stats., provide for the inspection of every public building and place of employment in the Town to determine and cause to be eliminated any hazard of fire or explosion or any violation of any law relating to such hazards or to the prevention of fires.
- (2) Written reports of inspection shall be made and kept on file in the office of the Fire Chief in the manner and form required by the Wisconsin Department of Industry, Labor and Human Relations.
- (3) No person shall deny the Fire Chief or the Chief's deputies free access to any public property or place of employment within the Town at any reasonable time for the purpose of making fire inspections. No person shall hinder or obstruct the Fire Chief or his deputies in the performance of their duties or refuse to observe any lawful direction given by them.

- (4) The Fire Chief may obtain a search warrant under Sections 66.122 and 66.123, Wis. Stats., when necessary, for the purpose of making an inspection or investigation of any public building or premises or place of employment where the owner or occupant has refused the Fire Chief or the Chief's deputies admission. No person, having been advised of the existence of a search warrant to search the premises owned or occupied by him or her, shall refuse to permit such search to be made.

Sec. 5. Notice of Violation/Order for Elimination.

- (1) Following the inspections made pursuant to Sec. 4 of this ordinance, the Fire Chief shall provide written notices to the owners of buildings inspected of any violations of law, including violations of the aforesaid chapters of the Wisconsin Administrative Code, relating to hazards of fire or explosion or the prevention of fires and shall order such hazards or other violations to be removed or corrected.
- (2) The owners of such buildings shall cause the violations to be eliminated or corrected as designated by the Fire Chief, within the time set forth by the Chief (& deputies)
- (3) The service of written orders for the correction of such violations shall be made upon the owner either by delivering a copy of same to the owner or any person in charge of the premises, or by mailing such orders to the owner by certified mail return receipt requested. This subsection shall in no manner preclude the Fire Chief from issuing oral orders in such manner as deemed appropriate under the circumstances.

Sec. 6. Emergency Authority of Fire Chief.

In circumstances where, in the opinion of the Fire Chief, the violations of Fire Safety Codes or the hazards of fire or explosion present a situation so dangerous as to be an immediate threat of damage or injury to any property or any person's life, safety or health, the Fire Chief may cause the immediate abatement, removal or correction of the violation including orally ordering an immediate vacation of the building, structure or premises which are threatened, of those persons present on the premises.

Sec. 7. Penalties.

- (1) Any person who fails to correct the fire hazard complained of by the Fire Chief (or deputies) within the period of time set forth by the Fire Chief, in violation of Sec. 5. Above, may be required to forfeit not less than \$100, nor more than \$500.
- (2) A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
- (3) Each hazard listed in the order for elimination of correction shall constitute a separate violation.

Sec. 8. Enforcement.

- (1) This ordinance may be enforced by the issuance of a citation to any violator of this ordinance by the Fire Chief, by any sheriff or deputy sheriff of Door County, by any State of Wisconsin Officer with police powers or by any duly appointed or elected law enforcement officer of the Town.

- (2) In the alternative, any forfeitures imposed by this ordinance may be sued for and recovered pursuant to Chapter 778, Wis. Stats., in the name of the Town.
- (3) In addition to any enforcement by forfeiture action, the Town may obtain injunctive relief to prevent, enjoin, abate or remove the violation and may take such other action as is necessary to abate, correct or remove any violations.

Sec. 9. Costs of Abatement, Removal or Correction.

- (1) Any and all costs incurred by the Town in the performance of the abatement, removal or correction of any fire hazards constituting a violation of this ordinance, including costs of injunctive relief, shall be charged to the owners, occupant, person in control of or person responsible for such violation.
- (2) In case of a failure to pay these costs, a statement of such costs shall be filed with the Town Clerk, and any and all costs thereof shall be charged against the real estate upon which the violation was located, shall be a lien upon the real estate, and shall be assessed and collected as a special tax.

Sec. 10. Conflicting Ordinances.

All ordinances in whole or in part of the Town which conflict with the provisions of this ordinance are hereby repealed.

Sec. 11. Severance Clause.

Provisions of this ordinance are declared to be severable, and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this ordinance.

This ordinance shall take effect upon passage and publication according to law.

Adopted at a legal meeting of the Town Board of the Town of Liberty Grove this 28 day of June, 1994.

James Grasse, Chairman

Date 6-28-94

Walter L. Kalms, Clerk

Date 6-28-94