

## FIRE CODE INSPECTION ORDINANCE

**Section I. Title/Purpose.** This Ordinance is entitled “Fire Code Inspection Ordinance.” The purpose of this Ordinance is as follows:

To promote the safety, health and general welfare by establishing a fire code and a means of inspection and enforcement.

**Section II. Adoption of Ordinance.** The Town Board of the Town of Shelby hereby adopts the following:

A. Fire Marshall. The Fire Chief shall be Fire Marshall and Fire Inspector and shall have the power to appoint one or more deputies, and they shall perform all duties required by law.

B. Duties. It shall be the duty of the Fire Marshall to inspect or cause to be inspected by the Fire Department officers or members, all buildings and premises (except the interiors or private dwellings) as often as may be necessary for the purpose of ascertaining and causing to be corrected, any condition liable to cause fire, or any violations of the provisions or intent of this Ordinance and of any other ordinance affecting fire hazards, and to insure compliance in all places of assembly with all laws, regulations and all other codes dealing with over-crowding, use of decorative materials, maintenance of exit ways, and maintenance of alarm and fire detecting systems, and fire extinguishing systems and appliances.

C. Orders. Whenever officers or members of the Fire Department shall find in any building or upon any premises dangerous or hazardous conditions, the Fire Marshall shall investigate and order such dangerous conditions or materials removed or remedied in a manner specified by the Fire Marshall. These dangerous or hazardous conditions are enumerated, but not limited to, as follows:

1. Dangerous or unlawful amounts of combustible or explosive matter;
2. Hazardous conditions arising from defective or improperly installed equipment or handling or using combustible or explosive matter;
3. Dangerous accumulations of rubbish, dust, waste paper, boxes, shavings or other highly inflammable materials;

4. Accumulations of dust or waste materials in air conditioning systems or of grease in kitchen exhaust ducts;
5. Obstructions to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the operations of the Fire Department or egress of occupants in the event of fire;
6. Any building or other structure which for want of repairs, lack of sufficient fire escapes or other exit facilities, automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition or from any other cause, creates a fire hazard; and
7. Hazardous and biological or other RAD Items.

D. Application of New and Existing Conditions. The provisions of this Ordinance shall apply equally to conditions existing before and after the Effective Date of the Ordinance.

E. Authority to Enter Premises. The Fire Marshall or the Fire Marshall's agents may, at all reasonable times, enter any building or premises subject to this Ordinance and with the Town of Shelby for the purpose of making any inspection, or investigation, which, under the provisions of this Ordinance, the Fire Marshall or the Fire Marshall's agents may deem necessary to be made.

F. Wisconsin Administrative Code. The provisions of Wisconsin Administrative Code, Rules of Department of Commerce and all amendments thereto are hereby adopted by reference and the Rules and Regulations contained therein are hereby made a part of this Ordinance as though they were fully set forth herein. Whatever differences exist between the provisions of this Ordinance and the Department of Commerce regulation; the more stringent provisions shall prevail.

G. Fire Prevention Code. The provisions of the American Insurance Association Fire Prevention Code are hereby specifically incorporated into this Ordinance by reference and rules and regulations contained therein are hereby made a part of the Ordinance as though they were fully set forth herein.

**Section III. Enforcement and Penalties.** Any person or entity violating any provision of this Ordinance shall be subject to a forfeiture of One Hundred Dollars (\$100.00) per violation.

**Section IV. Severability.** The provisions of this Ordinance shall be deemed severable, and it is expressly declared that the Town Board would have passed the provisions of this Ordinance irrespective of whether one or more provisions may be declared invalid, and if any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

**Section V. Effective Date.** This Ordinance shall take effect upon passage and publication. The provisions of this Ordinance shall prevail over any previous Ordinances of the Town of Shelby that are or may be in conflict therewith.

Date passed: March 22, 2010

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Lynnetta P. Kopp, Town Chair

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Randall R. Knapp, Town Supervisor

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John O. Zahn, Town Supervisor

ATTEST:

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Catherine Brott, Town Clerk