
ORDINANCE NO. 2025-72 FIRE PROTECTION AND FIRE PREVENTION**AN ORDINANCE CREATING ORDINANCE NO. 2025-72 OF THE
MUNICIPAL CODE OF THE TOWN OF OAKLAND**

NOW, THEREFORE, the Board of Supervisors of the Town of Oakland, Jefferson County, Wisconsin, does hereby ordain as follows:

SECTION 1: Ordinance No. 2025-72 entitled “Fire Protection and Fire Prevention” is hereby created to read as follows:

1. **Responsibility.** Each new and existing building, structure, or premises shall construct, arrange, equip, maintain and operate in accordance with this ordinance to provide a reasonable level of life safety, property protection, and public welfare from the actual and potential hazards created by fire, explosion, and other hazardous conditions. Compliance with this ordinance does not relieve a person, building, structure, or premises from compliance with other ordinances, and the Wisconsin Statutes and Administrative Code. In this ordinance, “AHJ” means the Authority Having Jurisdiction, which shall include, but not limited to, the Town of Oakland, its designees and officials, the Town’s Building Inspector, and the applicable fire department that provides fire and emergency medical services to all or a portion of the Town. Specifically with regard to inspections, residential structures will not be subject to ongoing inspections that are statutorily required for commercial structures. For residential structures, compliance with this ordinance will typically occur through the building and occupancy permit process, unless a violation of this ordinance is later determined.
2. **Records and Reporting.** The owner or person in control of any building shall install, inspect, repair, and maintain, or cause to be installed, inspected, repaired, and maintained, such fire prevention, detection, or suppression equipment as required by this ordinance. Records of all tests, inspections, and maintenance required under this ordinance shall be maintained for a minimum of three years. Inspection reports shall be submitted to the AHJ immediately upon completion in a manner determined by the AHJ.
3. **Enforcement and penalty.**
 - (a) **Enforcement.** The applicable AHJ shall be authorized to ascertain and cause to be corrected any condition likely to cause fire or a violation of any law or order relating to a fire hazard or to the prevention of fire. This ordinance shall be administered and enforced by the AHJ, through its fire chief, fire officers, and fire inspectors.
 - (b) **Notice of violations.** Whenever the AHJ determines a violation of this ordinance has occurred, a written order to correct the violation shall be served upon the owner, operator,

occupant, registered agent, or other person responsible for the condition or violation. The written order shall be delivered by personal service, or electronic mail (email) or mail to the last known address of the owner, operator, occupant, registered agent, or other person responsible for the condition or violation. For a premises that is unattended or abandoned, the written order shall be posted on the premises in a conspicuous place at or near the entrance to such premises and delivered by email or mail to the last known address of the owner, operator, occupant, registered agent, or other person responsible for the condition or violation.

- (c) Failure to comply. Any person who fails to comply with this ordinance or a written order made pursuant to this ordinance, or who otherwise violates any condition attached to a permit, approval, or certificate shall be subject to the penalties established by the AHJ.
- (d) Citations. The AHJ is authorized to issue citations for violations of this ordinance. The imposition of one penalty for any violation shall not excuse the violation or permit the violation to continue. Each violation shall be corrected within a reasonable time determined by the AHJ. The application of the penalty in this section shall not preclude AHJ's removal or abatement of any violation of this ordinance.
- (e) Cost recovery method and process. The cost for providing special services and materials described in this ordinance shall be established as part of the Town's Fee Schedule. The cost for providing special services and materials described in this ordinance shall be invoiced to the responsible party or the owner of the property receiving such services or materials. Any fees remaining unpaid as of November 1 of each year shall be placed on the annual tax roll for collection as a special charge against the property that received such services or materials, together with a reasonable administrative charge per parcel.
- (f) Penalties. In addition to any other amounts due as provided in this ordinance, each violation of this ordinance shall be subject to a forfeiture of not less than \$5.00 nor more than \$500.00. Each day upon which a provision of this ordinance is violated shall constitute a separate offense.

4. Codes adopted.

- (a) Adoption of National Fire Protection Code (NFPA). The current provisions of the NFPA 1, Fire Code, the referenced publications of NFPA 1 Chapter 2 and the Annexes, as amended or renumbered from time to time, are hereby adopted by reference, enforced, and incorporated into this ordinance as if fully set forth herein.
- (b) Adoption of Certain State Codes. The current Chapters 93 and 94 of the Wisconsin Agriculture, Trade and Consumer Protection Codes, as amended or renumbered from time to time, are hereby adopted by reference, enforced, and incorporated into this ordinance as if fully set forth herein. The current versions of the following Chapters of the Wisconsin Department of Safety and Professional Services Code, as amended or renumbered from time to time, are hereby adopted by reference, enforced, and incorporated into this ordinance as if fully set forth herein:

SPS 303	Petition for variance procedures
SPS 305	Licenses, certification and registration
SPS 307	Explosive materials and fireworks manufacturing
SPS 308	Mines, pits and quarries
SPS 314	Fire prevention
SPS 316	Electrical
SPS 318	Elevator code
SPS 320-325	Uniform Dwelling Code
SPS 326	Manufactured home communities
SPS 328	Smoke detectors
SPS 330	Fire department safety and health standards
SPS 332	Public employee safety and health
SPS 333	Passenger ropeways
SPS 334	Amusement rides and attractions
SPS 335	Infectious agents
SPS 340	Gas systems
SPS 341	Boilers and pressure vessels
SPS 343	Anhydrous ammonia
SPS 345	Mechanical refrigeration
SPS 361-366	Wisconsin Commercial Building Code
SPS 370	Historic buildings
SPS 371	Solar energy systems
SPS 375-379	Existing buildings

- (c) **Conflict of Codes and Standards.** If a conflict arises between provisions in the codes and standards adopted under this section, then the more restrictive provision shall govern.
5. **Cost recovery for driving over fire hose.** No person shall damage or drive over a fire hose with any type of vehicle. If a fire hose is damaged or driven over, the person responsible shall pay for all costs to clean, test, dry, repair, or replace the hose in addition to being subject to a penalty.
6. **Cost recovery for special services and materials required.** All costs for special services associated with an incident response including, but not limited to, class A or B foam and private vendor services, shall be recovered by the AHJ against the property owner of record or other party receiving such services. If the AHJ determines a danger exists, the AHJ shall be authorized to order the occupants to vacate, or temporarily close for use or occupancy, a building, the right-of-way, sidewalks, streets, or adjacent buildings or nearby areas. The AHJ shall be authorized to employ the necessary resources to perform the required work in order to mitigate the danger. Costs incurred by the AHJ in the performance of emergency work shall be the responsibility of the property owner or other responsible party creating such danger.

7. **Cost recovery for false alarms.** False alarms shall not exceed three occurrences per calendar year. Activated alarms caused by a storm are not included in this restriction. Any property owner in violation of this section shall forfeit the sum of all costs for responding to the reported false alarm. Each additional false alarm shall constitute a separate penalty.
8. **Cost recovery for responses to nuisance fires.** Any person, industry, commercial establishment, railroad, apartment house complex or other who shall cause multiple nuisance fires including, but not limited to, rubbish and grass fires, shall forfeit the sum of all costs incurred for the response to the reported nuisance fire. Each additional nuisance fire shall constitute a separate penalty.
9. **Cost recovery for incidents involving hazardous materials.** Any person, firm or corporation shall forfeit the sum of all costs incurred for the response to any flammable or combustible liquid, gas, solid or any hazardous material or chemical involved in any fire or spill. Such costs include the replacement cost of any extinguishment agent, neutralizers, chemicals or materials.
10. **Frequency of fire prevention inspections.** Fire inspections of all public buildings and places of employment, as defined in Wis. Stats. ch. 101, shall be provided for at least once per calendar year or more often as ordered by the AHJ, provided that the interval between each such inspection shall not exceed 15 months.

SECTION 2: The terms and provisions of this Ordinance are severable. If any provision of this Ordinance is held to be invalid or unenforceable, or if the application of any provision to any person or circumstance is held to be invalid or unenforceable, such holding shall not affect the other provisions or application of this Ordinance, which shall be given lawful effect without the invalid or unenforceable provisions or application. All ordinances or parts of ordinances conflicting with or contravening the provisions of this Ordinance are hereby repealed.

SECTION 3: This Ordinance shall take effect upon passage and posting as provided by law.

Adopted this 18 day of November 2025.



Laura Payne, Town Chairperson

ATTEST:

Wendy Tanguay
Wendy Tanguay, Clerk/Treasurer