

ORDINANCE No. 2057
AN ORDINANCE AMENDING THE FIRE DEPARTMENT CODE CHAPTER 2.24

The Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, do ordain as follows:

Section 1: Chapter 2.24 of the Whitewater Municipal Code is hereby amended to read as follows:

2.24.010 Fire and Emergency Medical Services Department Established.

The Whitewater Fire and EMS Department (Fire Department) is established as a department of government of the City of Whitewater as of July 30, 2022. The duties of firefighting, fire prevention, and emergency medical service in the City are delegated to the Fire Department. The Fire Department also provides services to various surrounding townships by contract as approved by the Common Council.

2.24.020 Organization.

(a) The Fire Department shall consist of a Fire Chief and such other officers, fire inspectors, fire fighters and other members as may from time to time be appointed pursuant to the provisions of State Statute, the Ordinances and Resolutions of the Common Council and the policies and regulations governing the Fire Department.

(b) The Fire Chief shall have command of the Fire Department. It shall be his or her duty to require that the rules and regulations pertaining to the Fire Department are properly enforced and shall have such additional powers and be subject to such additional duties as are now or hereafter may be enacted by city manager or as directed by the city council.

2.24.030 (Reserved for Definitions Section)

2.24.040 Fire Prevention.

(a) The provisions of Wisconsin Admin Code SPS 314 (Fire Prevention) and all amendments thereto, including the adoption therein of section 314.001 (1)(a) of the National Fire Protection Association (NFPA 1, Fire Code), and all amendments and supplements thereto relating to fire protection are adopted as a portion of this chapter as if fully set forth in this section so far as applicable, except as otherwise lawfully provided by in this Municipal Code.

(b) The provisions of Wis. Stat. 101.14 and all amendments thereto are adopted by reference and made a part hereof.

(c) All inspectable areas and/or premises (as outlined in SPS 314 and Wis. Stat. 101.14) in the service area of Whitewater Fire Department shall be subject to the terms of this chapter. The Whitewater Fire Chief shall serve as the Authority having Jurisdiction as it pertains to fire code/fire prevention in the entire response area served under contract by the City of Whitewater Fire Department, unless superseded by another government entity.

2.24.050 Fire Inspections.

- (a) The Fire Chief may designate as many inspectors as deemed necessary to ensure safety and compliance with this chapter in the entire service area. These inspectors may be City of Whitewater Fire Department employees, City of Whitewater Neighborhood Services Department employees, or employees of a third party vendor as outlined in SPS 314 Sub II (13)(11).
- (b) Fire inspectors acting on behalf of the Fire Chief shall have the authority to enforce this chapter and issue citations for violations of this chapter taking place in the City of Whitewater. Furthermore, if a fire inspector issues orders to correct a violation or condition in the City of Whitewater, and said violation or condition is not corrected before a subsequent visit by a fire inspector, the fire inspector shall have the power to issue re-inspection fees under Chapter 1.29 to the offending party.
- (c) This chapter shall not be construed or be a basis to hold the City of Whitewater or any of its officers, employees, or agents, including the Whitewater Fire Department, its members, or any inspectors liable when discharging their duties in good faith, by reason of (1) any inspection or re-inspection authorized herein, or (2) due to the approval or disapproval of any condition on, in, or about any premises within its jurisdiction.
- (d) The Fire Chief or his or her designated inspector may, at all reasonable hours, enter into and upon all buildings, premises and public thoroughfares excepting only the interior of private dwellings, for the purpose of ascertaining and causing to be corrected any condition liable to cause fire, or any violation of any law or order relating to the safety of occupants, fire hazard, or the prevention of fire.
- (e) No person shall deny an inspector access to any property or area within their jurisdiction to perform an inspection. No person shall hinder or obstruct an inspector in the performance of their duties or refuse to observe any lawful direction given. Any person violating any provision of this chapter or resisting or obstructing an inspector in the performance of their duties shall be subject to forfeiture under this chapter.
- (f) The Fire Chief or his or her designee may enter, for the purpose of a fire prevention inspection, any structure as identified in WI SPS 314. Inspections shall be completed at least once per calendar year with an interval not to exceed 15 months, or more often as deemed necessary by the Fire Chief.
- (g) It shall be the duty of the Fire Chief to investigate all complaints that are brought to the department as it pertains to fire code/fire safety. The chief may designate an inspector to enter a premise, when lawful, to gather information concerning the subject of a citizen complaint; to ascertain the validity of a citizen complaint or concern, or to conduct an investigation into the complaint until the hazard is rectified or otherwise found to be unsubstantiated.

2.24.060 Reserve for Fee Schedule

2.24.070 Closure of Buildings or Structures

- (a) The Fire Chief or his or her designee is hereby empowered and directed to close any building or structure, and order it vacated, when violations of any regulations of this chapter are found and not corrected within a reasonable period of time as directed by the Fire Chief.

(b) Where the public is exposed to immediate danger, the Fire Chief or his or her designee is hereby empowered to order the closing and vacating of the building, structure, or premises forthwith.

2.24.080 Fireworks

[Link to 5.08](#)

2.24.090 Open Burning

[Link to 8.32](#)

2.24.100 Controlled or Prescribed Burning in Townships

Reserve (Notification, fees for negligence.)

2.24.110 Recovery of Costs and Standby Fees

(a) Purpose of Section. This section is enacted because the City of Whitewater Fire Department responds to the scene of fire related incidents, motor vehicle accidents, and provides standby Emergency Medical Services (EMS). The City of Whitewater Fire Department provides such services to preserve the health and property of persons and the public. For the fire department to provide such services, it is necessary to charge the owners of the property and/or vehicles involved for the services provided.

(b) Charges Authorized. The City of Whitewater Fire Department is hereby authorized to charge fees to the owner and/or operator of a motor vehicle (and their insurance companies) when the City of Whitewater Fire Department provides services to their vehicle, or to the accident scene, as a direct result of their vehicle's involvement. This may include, but is not limited to car fires, disconnecting the battery, fluid clean-ups, flush-downs, stabilization, site clean-up and extrications. This fee shall be charged in addition to the emergency medical services charges that are incurred.

(c) Charges Authorized. The City of Whitewater Fire Department is hereby authorized to charge fees to the owner of the property when the City of Whitewater Fire Department provides services to their property for any fire call lasting more than one hour. This fee shall be charged in addition to the emergency medical services charges that are incurred.

(d) Charges Authorized. The City of Whitewater Fire Department is hereby authorized to charge fees for Emergency Medical Service (EMS) standby services to any organization who has requested such service. This fee shall be charged in addition to the emergency medical services charges that may be incurred.

2.24.120 Nuisance Alarms

Reserved for charges and definitions.

2.24.130 Unlawful Activities Designated-Penalties-Additional Remedies.

(a) The following shall constitute violations of this chapter and shall subject those responsible to penalties as listed below.

It is a violation of Chapter 2.24 to:

1. Own any property or structure that does not fully comply with the terms of this chapter: \$50.00 to \$400.00 plus costs of prosecution.

2. Establish or cause to be established, or allow or fail to remedy, any usage of land or premises or any structure which does not fully comply with the terms of this title, or to aid or abet in such activity: \$50.00 to \$400.00 plus costs of prosecution.

3. Fail to request and obtain a permit for a property use that requires such a permit under this chapter: \$50.00 to \$300.00 plus costs of prosecution; in cases where a permit is subsequently requested, the standard permit fee shall be doubled.

4. Fail to comply with an order duly issued by the Fire Department or any employee or agent thereof: \$50.00 to \$400.00 plus costs of prosecution.

5. Violate the provisions of this chapter in any other manner: \$50.00 to \$400.00 plus costs of prosecution.

(b) Each day of a violation shall constitute a separate offense.

(c) City of Whitewater Ordinance Chapter 2.43 shall govern administrative review and appeal procedures pertaining to this section.

Ordinance introduced by Council Member Dawsey - Smith, who moved its adoption.

Seconded by Council Member Schrieber.

AYES: Allen, Brown, Dawsey- Smith, Gerber, Hicks, Schreiber, Stone

NOES:

ABSENT:

ADOPTED: June 20, 2023

John Weidl
John Weidl, City Manager

Karri Anderberg
Karri Anderberg, City Clerk