

# ORDINANCE NUMBER 06192024A

## TOWN OF BURKE DANE COUNTY, WISCONSIN AN ORDINANCE RELATING TO FIRE PROTECTION AND CONVEYANCE REGULATIONS IN THE TOWN OF BURKE

**WHEREAS**, in October 2023 the Town and City approved intergovernmental agreement by which the City would provide fire protection to the Town and Town residents effective July 1, 2024; and

**WHEREAS**, the Town Board finds that adoption of fee schedules and ordinances that conform to Madison General Ordinances Chapters (MGO) 34 and 40, and providing certain authority to the Fire Chief of the City of Madison and other City of Madison Fire personnel, will promote public health, safety and welfare and will facilitate the provision of fire prevention services in the Town.

**NOW, THEREFORE**, the Town Board of the Town of Burke does ordain as follows:

**Section 1.** Title 3, Chapter 1 – Fire Protection, 1-5(a) and (d) are amended as follows:

(a) The Fire Chief and Assistant Chiefs of the Fire Department service the Town of Burke shall be the Fire Inspectors of the Town of Burke and shall have the power to appoint (1) or more deputy Fire Inspectors and shall perform all duties required of the Fire Inspectors by the laws of the State and rules of the ~~Department of Industry, Labor and Human Relations~~ Department of Safety and Professional Services, particularly Sec. 101.14, Wis. Stats.

(d) Written reports of inspections shall be made and kept on file in the office of the Chief of the Fire Department in the manner and form required by the ~~Department of Industry, Labor and Human Relations~~ Department of Safety and Professional Services.

**Section 2.** Title 3, Chapter 2 – Fire Prevention and Safety Codes is repealed and replaced with City of Madison MGO 34.

1. Title 3.2.10 Knox Box Provisions will remain and shall not be repealed.
2. City of Madison General Ordinances. Except as expressly provided in this section, City of Madison General Ordinances (MGO) Chapters 34 and 40 as they may be amended, are hereby adopted and incorporated by reference in this Code. The following sections of the MGO are not adopted or are otherwise amended:

34.01(10) and 40.13 – Appeals - will not be adopted or incorporated.

34.5601(2) Cornellier Fireworks in existence prior to this agreement is Grandfathered as exempt as of January 1, 2024.

The following exceptions are additional exceptions to the requirements in IFC section 5601.1.3: The retail sales, storage, handling and use of recreational fireworks as specified in this section are permitted. Cornellier Fireworks, as a retail store in existence as of January 1, 2024, is exempted from complying with the definition of Recreational Fireworks contained in MGO Section 34.5601(1) and the permit fee in 34.5601(3), but its retail sales must remain in compliance with Wis. Stat. Sec. 167.10.

34.907(1)(b)(2) – Fire Alarm and Detection Systems shall read:

On January 1, 2025, all owners of residential buildings, except owner-occupied single-family homes, shall install and maintain a smoke alarm in each bedroom, in every sleeping area and within six (6) feet of each

door leading to a bedroom or sleeping area of each unit and on each floor of the building. This subdivision does not apply to owners of hotels and motels.

34.907(1)(b)(4) – Owner-Occupied

Owner-Occupied Single-Family Homes. It shall be the responsibility of an owner-occupied single-family home to install smoke alarms are required by sub. (1)(a) and sub. (1)(b) of this ordinance by July 1, 2025.

2. Title 7, Chapter 7 - Regulation and Licensing of Fireworks is hereby repealed in full.

**Section 3. Other Standards.**

(a) The National Fire Protection Association standards, Wisconsin State Statutes, and Wisconsin Administrative Code sections adopted in Chapters 34 and 40, MGO, including but not limited to the following, are adopted

ACTP93- Flammable and Combustible Liquids

NFPA 1- National Fire Code

SPS 307- Explosive Materials

SPS 314- Fire Prevention

SPS 318- Elevators, escalators and lift devices

SPS 324- Electrical

SPS 361- Administration and enforcement

SPS 362- Building and structures

SPS 364- Heating, ventilating, and air conditioning

SPS 365- Fuel gas appliances

SPS 366- Existing buildings

(b) Authority of the City of Madison Fire Chief. The Chief of the Madison Fire Department and the Chief's designee is authorized to issue permits, licenses, and notices or orders to correct violations pursuant to this section and any other Town ordinances relating to fire prevention, and to take any other action to enforce this section that they could take to enforce Chapters 34 and 40, MGO.

(c) Interpretation. In their interpretation and application, the provisions of this section shall be held to minimum requirements liberally constructed in favor of the Town and for the utmost protection of public health and safety and shall not be deemed a limitation on or repeal of any other power granted by state law.

(d) Appeal of Decision of Chief and Variance from Provisions.

(1) Appeal. Whenever the Chief shall disapprove an application or refuse to grant a permit, approval, or certificate applied for or revoke a permit, approval, or certificate, or when it is claimed that MGO Chapter 34 and 40 have been misconstrued or wrongly interpreted, the person affected may appeal from the decision of the Chief as allowed by applicable state statutes.

(2) Variances. Individuals and entities may apply for or request a variance from the provisions of this Code as allowed by applicable state statutes.

**Section 4. Definitions.**

For the purposes of this section as it relates to the Town, the following terms used in City of Madison General Ordinances (MGO) Chapters 34 and 40 are defined as follows:

(a) "Citizens of Madison" shall mean "Citizens of the Town of Burke".

(b) "City" shall mean "Town".

(c) "City of Madison" shall mean the "Town of Burke". Notwithstanding the foregoing sentence, where a provision of Chapters 34 or 40, MGO requires payment of a fee to the City of Madison, the fee shall be paid to the City of Madison, and not the Town.

(d) "City Clerk" shall mean the City Clerk of the City of Madison, not the Town Clerk of the Town of Burke.

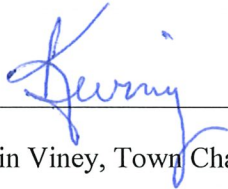
(e) "Common Council of the City of Madison" shall mean "Town Board of the Town of Burke".

**Section 5.** Section Title 10, Chapter 1.18 Conveyance Code as it relates to elevators, escalators, manlifts, and other conveyances but does not include grain elevators, is added as follows:

The City of Madison General Ordinances (MGO) Chapter 40 as it may be amended, is hereby adopted and incorporated by reference in this Code.

**Section 6.** This ordinance shall be effective on July 1, 2024 when the Madison Fire Department and Town of Burke contract begins.

This ordinance was duly considered and adopted by the Town Board of the Town of Burke pursuant to a vote of \_\_\_ for and \_\_\_ against on this 19th day of June, 2024.



Kevin Viney, Town Chair

ATTEST:



PJ Lentz, Town Clerk/Treasurer