ORDINANCE NO. 848

AN ORDINANCE TO AMEND SECTION 34-2 OF THE CITY OF FORT ATKINSON CODE OF GENERAL ORDINANCES RELATING TO FIRE INSPECTION RECORDS AND REPORTING

NOW THEREFORE, the City Council of the City of Fort Atkinson, Wisconsin, does hereby ordain as follows:

Section 1. Amends Sec. 34-2 relating to records and reporting for fire protection enforcement and penalties to read as follows:

"Sec. 34-2. – Enforcement and penalty.

(a) *Enforcement.* The authority having jurisdiction (AHJ) shall be authorized to ascertain and cause to be corrected any condition liable to cause fire or any violation of any law or order relating to the fire hazard or to the prevention of fire. This chapter shall be administered and enforced by the fire department fire chief, fire officers and fire inspectors.

(b) *Notice of violations.* Whenever the AHJ determines violations of this chapter, a written notice shall be issued to confirm such findings.

(c) *Serving notice of violation.* Any order or notice of violation issued pursuant to this chapter shall be served upon the owner, operator, occupant, registered agent, or other person responsible for the condition or violation by one of the following means:

(1) Personal service.

(2) Emailed to last known address of the owner, operator, or registered agent or other person responsible for the condition or violation.

(3) Mailed to last known address of the owner, operator, or registered agent or other person responsible for the condition or violation.

(d) *For unattended or abandoned locations.* A copy of such order or notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises, and the order or notice shall be disseminated in accordance with one of the following:

(1) Emailed to last known address of the owner, operator or registered agent, or other person responsible for the condition or violation.

(2) Mailed to last known address of the owner, operator or registered agent, or other person responsible for the condition or violation.

(3) Published in a newspaper of general circulation wherein the property in violation is located.

(e) *Duty to correct.* Upon notification of a violation, the responsible party shall have the duty to correct the violation(s) within the time specified by the AHJ.

(f) *Failure to comply.* Any person who fails to comply with the provisions of this chapter, fails to carry out an order made pursuant to this chapter, or violates any condition attached to a permit, approval or certificate shall be subject to the penalties established by the AHJ.

(g) *Citations.* The fire department chief, fire officers and fire inspectors are authorized to issue citations for violations of the provisions of this chapter. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time as determined and set by the AHJ. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. Each day upon which a provision of this chapter shall be violated shall constitute a separate offense.

(h) *Cost recovery method and process.* The fire chief shall report in writing to the finance director the cost(s) for providing special service(s) and materials where authorized under this chapter. The city clerk shall invoice the responsible party. Any fees remaining unpaid as of November 1st of each year shall be placed on the annual tax roll for collection as a special charge together with a reasonable administrative charge per parcel. The city clerk shall spread the same, as a special tax, on the tax roll against the property owner for whom the service was rendered. The amount therein charged to each lot or parcel of land shall be entered by the city clerk in the tax roll as a special tax against the lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate.

(i) *Records and Reporting.*

(1) The owner or person in control or in charge of any building shall install, inspector, repair, and maintain, or cause to be installed, inspected, repaired, and maintained, such fire prevention, detection, or suppression equipment as is required by the adopted codes in Section 34-3 of this Chapter.

(2) Records of all tests, inspections, and maintenance required under this chapter shall be maintained for a minimum of three (3) years.

(3) Inspection reports shall be submitted to the Fort Atkinson Fire Department immediately upon completion in a manner determined by the Fire Chief to be in the best interest of Public Safety.

(Ord. No. 726, 12-2-14)"

Section 2. This ordinance shall take effect after passage, posting, or publication as provided by law.

Enacted by the City Council of the City of Fort Atkinson, Jefferson County, Wisconsin, this 5 day of Aug., 2025.

Fort Atkinson City Council

Kyle Jaeckel, President

ATTEST:

Michelle Ebbert, City Clerk/Treasurer/Finance Director