

## Title 5 ▶ Chapter 2

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### Fire Protection

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#### **Sec. 5-2-1 Fire Department Organization; Goals of the Department.**

- (a) **Fire Department Recognized.** The Village of Elmwood Area Fire Department ("Department") is officially recognized as the entity which shall provide fire fighting and fire prevention services for the Village of Elmwood.
- (b) **Appropriations.** The Village shall appropriate funds pursuant to fulfill its contractual obligations to the Elmwood Area Fire Department for funding the operations and long term debt expenses of the Fire Department.
- (c) **Fees.** Individual property owners within the Village receiving fire fighting and fire protection services may be charged a fee according to the schedule established by the Fire Department for actual fire fighting and protection services provided to their individual property.
- (d) **Goals of the Fire Defense Program.**
  - (1) The primary objective of the fire defense program is to serve all citizens, without prejudice or favoritism, by safeguarding, collectively and individually, their lives against the effects of fires and explosions.

- (2) The second objective of the fire defense program is to safeguard the general economy and welfare of the community by preventing major conflagrations and the destruction by fire of industries and businesses.
- (3) The third objective of the fire defense program is to protect the property of all citizens against the effects of fire and explosions. All property deserves equal protection regardless of location or monetary value.

### **Sec. 5-2-2 Impeding Fire Equipment Prohibited.**

No person shall impede the progress of a fire engine, fire truck or other fire apparatus of the Elmwood Area Fire Department along the streets or alleys of such Village at the time of a fire or when the Fire Department of the Village is using such streets or alleys in response to a fire alarm or for practice.

### **Sec. 5-2-3 Police Power of the Department; Investigation of Fires.**

#### **(a) Police Authority at Fires.**

- (1) The Chief and assistants or officers in command at any fire are hereby vested with full and complete police authority at fires. Any officer of the Department may cause the arrest of any person failing to give the right-of-way to the Fire Department in responding to a fire.
- (2) The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting firefighters and police officers and those admitted by order of any officer of the Department, shall be permitted to come.
- (3) The Chief shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire or to prevent the spreading of fire or to protect the adjoining property, and during the progress of any fire he/she shall have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work of the Department during the progress of a fire.

#### **(b) Fire Inspection Duties.**

- (1) The Fire Chief, or the Chief's designee, shall be the Fire Inspector of the Village of Elmwood and shall have the power to appoint one 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 Commerce, particularly Sec. 101.14, Wis. Stats.
- (2) While acting as Fire Inspector pursuant to Sec. 101.14(2), Wis. Stats., the Fire Chief, or any officer of the Elmwood Area Fire Department designated by the Fire Chief, shall have the right and authority to enter any building or upon any premises in the

Village of Elmwood at all reasonable hours for the purpose of making inspections or investigations which, under the provisions of this Code of Ordinances, he/she may deem necessary. Should the Fire Inspector find that any provisions of this Code relating to fire hazards and prevention of fires are being violated, or that a fire hazard exists which should be eliminated, it shall be his/her duty to give such directions for the abatement of such conditions as he/she shall deem necessary and, if such directions be not complied with, to report such noncompliance to the Village Board for further action.

- (3) The Chief of the Fire Department is required, by himself/herself or by officers or members of the Fire Department designated by him/her as fire inspectors, to inspect all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of any law or ordinance relating to the fire hazard or to the prevention of fires. Such inspections shall be made at least once in six (6) months in all of the territory served by the Fire Department, and not less than once in three (3) months in such territory as the Village Board has designated or thereafter designates as within the Village or as a congested district subject to conflagration, and oftener as the Chief of the Fire Department orders. Each six (6) month period shall begin on January 1 and July 1.
- (4) 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 Commerce. A copy of such reports shall be filed with the Fire Chief.
- (c) **Fire Inspectors Handbook.** The *Fire Inspectors' Handbook, COMM* is hereby adopted and made part of this Code of Ordinances by references.

*State Law Reference:* Sec. 101.14(2), Wis. Stats.

#### **Sec. 5-2-4 Damaging Fire Hose Prohibited; Parking by Hydrants; Blocking Fire Lanes.**

- (a) **Driving Over Fire Hose.** No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the Elmwood Fire Department, and no vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street, private driveway or other place, to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.
- (b) **Parking Vehicles Near Hydrants.** It shall be unlawful for any person to park any vehicle or leave any object within ten (10) feet of any fire hydrant at any time.
- (c) **No Parking Near Fire.** It shall be unlawful for any person, in case of fire, to drive or park any vehicle within one block from the place of fire without the consent and authority of the Fire Chief or any police officer.

### **Sec. 5-2-5 Firefighters May Enter Adjacent Property.**

- (a) **Entering Adjacent Property.** It shall be lawful for any firefighter while acting under the direction of the Fire Chief or any other officer in command to enter upon the premises adjacent to or in the vicinity of a building or other property then on fire for the purpose of extinguishing such fire and in case any person shall hinder, resist or obstruct any firefighter in the discharge of his/her duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firemen in the discharge of their duty.
- (b) **Destruction of Property to Prevent the Spread of Fire.** During the progress of any fire, the Fire Chief or his/her assistant shall have the power to order the removal or destruction of any property necessary to prevent the further spread of fire; provided that it is inevitable that, unless such property is removed, other property is in danger of being destroyed by fire.

### **Sec. 5-2-6 Duty of Bystanders to Assist.**

Every person who shall be present at a fire shall be subject to the orders of the Fire Chief or officer in command and may be required to render assistance in fighting the fire or in removing or guarding property. Such officer shall have the power to cause the arrest of any person or persons refusing to obey said orders.

### **Sec. 5-2-7 Vehicles to Yield Right-of-Way.**

Whenever there shall be a fire or fire alarm or the Fire Department shall be out for practice, every person driving or riding in a motorized or other vehicle shall move and remain to the side of the street until the fire engine and fire truck and other fire apparatus shall have passed.

### **Sec. 5-2-8 Interference with Use of Hydrants Prohibited.**

No person shall occupy any portion of such streets or alleys with a motorized or other vehicle between such fire engine or fire truck or other fire apparatus or any hydrant to which a fire hose may be, or may be about to be, attached.

## Sec. 5-2-9 Open Burning.

- (a) **Open Burning Prohibited.** No person, firm or corporation shall build any outdoor fire within the corporate limits of the Village of Elmwood excepting as set forth below in this Section. This prohibition on burning includes burning of construction waste and debris at construction sites and the use of burning barrels.
- (b) **Exceptions.**
- (1) Outdoor cooking over a fire contained in a device or structure designed for such use is permissible;
  - (2) Recreational burning pits not exceeding four (4) feet in diameter and not located less than twenty-five (25) feet from any structure (the burning of clean wood only is permitted and the use of burning pits to burn refuse is prohibited); recreational burning pits shall be extinguished by 11:00 p.m.;
  - (3) Controlled burning of grass or similar vegetation for environmental management purposes, with the prior written approval of the Fire Chief, or his/her designee, may be permitted; this exception is not to be used for the burning of grass, leaves or other lawn debris;
  - (4) Ceremonial campfire or bonfires, with prior written approval of the Fire Chief, or his/her designee, may be permitted.
  - (5) Other occasions of desirable outdoor burning not specified by this Subsection, but not as an alternative to refuse removal or disposal of which other methods are available, may be granted single occasion approval as in Subsections (3) and (4) above.
  - (6) Open burning when a permit is issued.
- (c) **Application for Permit.**
- (1) ***Procedure for Issuance of Burning Permit.*** Before the setting or starting of any open burning permitted under this Section, a permit authorizing the burn shall be first obtained by the owner, operator, or agent from the Fire Chief or from such other person as may be authorized or designated by the Fire Chief to issue such permits. Application for a burning permit shall be made in writing upon a form furnished by the Fire Chief. The Fire Chief may also establish from time to time special rules or restrictions relating to open burning by permit. Such rules may govern conditions including, but not necessarily limited to, the following:
    - a. Hours when burning is allowed;
    - b. Day(s) when burning is allowed;
    - c. Material which may or may not be burned;
    - d. Whether open burning is allowed or whether burning is only allowed with an approved incinerator or burning device;
    - e. The length of time the permit is valid;
    - f. What constitutes an approved burning device or incinerator;
    - g. The size of the material pile burned by open burning;

- h. The distance or distances to be maintained between the material being burned and other flammable material;
  - i. Supervision required for burning, including minimum age of supervisors and type of fire extinguishing equipment which must be present at the burn site;
  - j. The manner in which ashes created by the burning under the permit are to be disposed of.
- (2) **Issuance Of Permit.** If the Fire Chief, or other person authorized or designated by the Fire Chief to issue such permits, finds that the proposed burning complies with all Village ordinances and the regulations contained in Ch. COMM 14, Wis. Adm. Code, he shall approve the application, and a burning permit shall subsequently be issued to the applicant. A copy of any burning permit, and the application therefore, shall be kept on file with the Fire Chief. No burning permit issued shall be valid for more than thirty (30) days from the date when issued.
- (d) **Open Burning Regulations.** The following regulations shall be applicable for open burning:
- (1) All open burning shall be performed in a safe, pollution-free manner, when wind and weather conditions are such as to minimize adverse affects, and in conformance with local and state fire protection regulation. Open burning shall not be used to covertly burn plastic, construction debris or other prohibited materials.
  - (2) Startup shall be accomplished by using kindling materials rather than waste oil, tires or other rubber materials.
  - (3) The size of the pile of material to be burned shall not exceed four (4) feet in any direction measured horizontally, or three (3) feet measured vertically.
  - (4) The pile of material being burned shall be at least fifty (50) feet away from any structure, wood or lumber pile, wooden fence, trees, or bushes. Provisions shall be made to prevent the fire from spreading to within fifty (50) feet of such items or the fire shall otherwise be contained in an approved incinerator or burner device which is located at least fifteen (15) feet from any structure, wood or lumber pile, wooden fence, trees, or bush(es).
  - (5) Any ashes created by burning such material as is lawful under this Section are to be disposed of in a manner authorized by law.
  - (6) Open burning shall be constantly attended and supervised by a competent person of at least sixteen (16) years of age until such fire is extinguished. This person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire while burning and/or extinguishing such fire.
  - (7) No materials may be burned upon any street, curb, gutter, sidewalk, or drainage ditch.
  - (8) Permits shall not be issued for burning barrels.

*State Law Reference:* Ch. COMM 14, Wis. Adm. Code.

## **Sec. 5-2-10 Patio Fireplaces.**

Patio fireplaces are permitted in the Village of Elmwood as long as they are commercially purchased units that enclose the entire fire area within the patio fireplace. Homemade units must meet the approval of the Fire Chief. The chimney area and viewable area of the patio fireplace must be screened with a spark reduction device at all times the patio fireplace is in operation. The patio fireplace shall only burn a readily combustible fuel source that consists of wood, charcoal, or manufactured fireplace logs. The burning of trash, leaves, woods with a chemical treatment (railroad tie, fence post, power pole, etc.), or other materials that tend to create a noxious or annoying smoke discharge are not allowed. This Section does not allow for below ground campfires or other device fires not clearly authorized in this Section or Section 5-2-9(b)(2). Upon the complaint of two (2) or more persons to the Police or Fire Department that the patio fireplace is causing annoyance, the person responsible for the patio fireplace shall immediately discontinue the use of the device.

## **Sec. 5-2-11 Banning and/or Regulating the Use of Fire, Burning Materials and Fireworks During the Existence of Extreme Fire Danger.**

- (a) **Declarations of Emergency.** When there occurs a lack of precipitation, there may exist an extreme danger of fire within the Village of Elmwood. This extreme danger of fire affects the health, safety, and general welfare of the residents of the Village of Elmwood and constitutes a state of emergency. It is hereby found that the regulation of fires, burning materials, and fireworks is necessary and expedient for the health, safety, welfare and good order of the Village of Elmwood during said emergency.
- (b) **Regulation of Fires, Burning Materials and Fireworks.** When a burning state of emergency is declared, it may be ordered that a person may not:
  - (1) Set, build, or maintain any open fire, except:
    - a. Charcoal grills using charcoal briquettes, gas grills, or camp stoves on private property; or
    - b. Charcoal grills using charcoal briquettes, gas grills, or camp stoves in Village parks placed at least twenty (20) feet away from any combustible vegetation.
  - (2) Throw, discard or drop matches, cigarettes, cigars, ashes, charcoal briquettes or other burning materials while outdoors except into a noncombustible container that does not contain combustible materials.
  - (3) Light or ignite a flare, except upon a roadway in an emergency.
  - (4) Light, ignite, or use anything manufactured, processed, or packaged solely for the purpose of exploding, emitting sparks or combustion for amusement purposes, including fireworks, firecrackers, bottle rockets, caps, toy snakes, sparklers, smoke

bombs, or cylindrical or cone fountains that emit sparks and smoke, except in displays authorized by the Village where adequate fire prevention measures have been taken.

(c) **Period of Emergency.**

- (1) The periods of emergency for which this Section shall be in effect shall be during such periods that Pierce County, Wisconsin, is under Wisconsin Department of Natural Resources emergency fire regulations banning outdoor smoking and campfires, or when necessary as determined by the Village President, upon the recommendation of the Fire Chief.
- (2) Burning emergencies shall become effective upon the time and date of the Village President declaring a state of emergency and shall remain in effect until the period of emergency ceases to exist or until the ratification, alteration, modification, or repeal of the burning state of emergency by the Village Board.

**Sec. 5-2-12 Fire Department Authorized to Hold Volunteer Company Funds.**

- (a) **Purpose and Authority.** This Section is enacted pursuant to the authority of Sec. 66.0608, Wis. Stats, for the purpose of authorizing "volunteer funds" to be held in the name of the Fire Department. This Section is to be interpreted in conformance with that Statute as it may be amended from time to time.
- (b) **Adoption of Authorization.** The Elmwood Village Board does hereby authorize the Fire Chief to deposit volunteer company funds of the Department in an account in the name of the Fire Department in any public depository in which other Village funds are being held by the Clerk-Treasurer or designee.
- (c) **Control of Funds.** The Fire Department, through its Fire Chief, is granted exclusive control over the expenditure of volunteer company funds of the Department. This authority is granted without limitation as to amount or type of funds. It is subject to the limitations and requirements hereinafter set forth.
- (d) **Limitations and Requirements.** The following limitations and requirements shall apply to the handling and disbursement of funds from the account:
  - (1) **Expenditures.** Expenditures withdrawn from the account may be made only upon majority vote of Fire Department members present at a duly noticed meeting of the Department. Such withdrawals and expenditures may be made for any purpose that promotes the ability of the Fire Department to provide services for which it is organized.
  - (2) **Accountings.** The Fire Chief shall provide the Village with a quarterly statement at the end of March, June, September and December of each calendar year. The statements shall be provided within thirty (30) days of the end of the calendar quarter. The statements shall include a detailed itemization of all receipts, expenditures, and

the balance on hand at the end of the quarter. The source of all funds and the identity of the payee for each disbursement shall be set forth.

- (3) **Audit.** Fire Department accounts authorized by this Section shall be included in any audit of Fire District funds. They shall be audited in the same manner as other Fire District funds.