

Title 5 ► Chapter 2

Fire Protection

- 5-2-1** Fire District Organization; Goals of the District
- 5-2-2** Impeding Fire Equipment Prohibited
- 5-2-3** Police Power of the Department; Investigation of Fires
- 5-2-4** Damaging Fire Hose Prohibited; Parking by Hydrants;
Blocking Fire Lanes
- 5-2-5** Firefighters May Enter Adjacent Property
- 5-2-6** Duty of Bystanders to Assist
- 5-2-7** Vehicles to Yield Right-of-Way
- 5-2-8** Interference with Use of Hydrants Prohibited
- 5-2-9** Open Burning
- 5-2-10** Patio Fireplaces
- 5-2-11** Banning and/or Regulating the Use of Fire, Burning Materials
and Fireworks During the Existing of Extreme Fire Danger
- 5-2-12** Fire Department Authorized to Hold Volunteer Company Funds
- 5-2-13** Outdoor Solid Fuel Heating Devices

Sec. 5-2-1 Fire District Organization; Goals of the District.

- (a) **Fire District Recognized.** The Elk Mound Fire District is officially recognized as the Fire Department of the Village of Elk Mound, and the duties of firefighting and fire prevention in the Village are delegated to such District.
- (b) **Appropriations.** The Village Board shall appropriate funds for Elk Mound Fire District operations as apportioned by the Elk Mound Fire District Board.
- (c) **Elk Mound Fire District.**
 - (1) **Purpose.** The purpose of the Elk Mound Fire District shall be to provide proper fire protection for all persons and properties situated within the district boundaries by the joint and mutual supervision and funds of the municipalities involved. It is the common belief of the Village of Elk Mound, the Town of Spring Brook and the Town of Elk Mound that:

5-2-1

- a. Greater protection against fire losses in the Village of Elk Mound and the Towns can be secured by the joint ownership and purchase of firefighting equipment.
 - b. A more effective fire organization can be promoted by the joint and mutual cooperation of the Village and Towns with the existing Volunteer Fire Department of the Village.
 - c. The cost of protection can be more equitably shared by the Village and Towns involved.
 - d. "Towns" means the Town of Spring Brook and the Town of Elk Mound.
- (2) **Name.** The name of this Association shall be the Elk Mound Fire District, and its headquarters shall be located in the Village of Elk Mound, Dunn County, Wisconsin.
- (3) **Boundaries.** The District shall consist of all property lying within the Village and all property lying within the Towns and additional territory as may be added to the District by the Trustees according to the articles of association and the bylaws.
- (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.
- (e) **Organization.** The Elk Mound Fire District shall be organized and governed pursuant to its bylaws.

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 Fire Department along the streets or alleys of such Village at the time of a fire or when the Fire Department 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 Fire 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 Fire 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 Fire 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 Elk Mound 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 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 Elk Mound 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 Fire Chief 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 Wisconsin 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 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 law enforcement 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 firefighters 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 is 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.** Except as provided in Subsection (c) below, no person shall engage in the open burning of any garbage, solid waste, grasses, or other refuse of any kind on any public and private property located within the Village of Elk Mound. This prohibition on burning includes burning of construction waste and debris at construction sites and the use of burning barrels.
- (b) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Garbage.** Discarded materials resulting from the handling, processing, preparation, storage, cooking, and consumption of food and discarded animal feces.
 - (2) **Open Burning.** Burning from which the products of combustion are emitted directly into the air without passing through a stack or chimney.
 - (3) **Refuse.** All matters produced from industrial or community life, subject to decomposition.
 - (4) **Solid Waste.** Garbage, waste, recyclable materials, grasses, and all other discarded or salvageable solid materials including solid waste materials resulting from industrial, commercial, and agricultural operations, and from domestic use and public service activities.
- (c) **Prohibition Exceptions.**
- (1) Outdoor cooking over a fire contained in a device or structure designed for such use is permissible. This includes the open burning of fuel for cooking food, such as a barbeque or other similar outdoor activity if confined to a proper cooking device such

as a grill or in an open pit. This Section does not prohibit the warming of a person or the cooking of food, excepting that only clean wood, charcoal or propane may be used as an accelerant, and the warming or cooking fire must be contained within a fire pit or within a rocked or bricked enclosure or grill, or within a device intended for warming or cooking.

- (2) Recreational burning pits not exceeding four (4) feet in diameter with contents not exceeding three (3) feet if measured vertically 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. and must be attended to at all times by a person not less than sixteen (16) years of age who has readily available for use such fire extinguishing equipment as may be necessary for total control of the fire while burning and/or extinguishing such fire.
- (d) **No Burning Permits.** There is no application for a burning permit process as open burning is not allowed within the limits of the Village of Elk Mound except pursuant to Subsection (c) above.
- (e) **Open Burning Regulations.** The following regulations shall be applicable for all 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 effects, 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. All open burning must be pursuant to Subsection (c).
 - (2) Startup of open fires 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. [See Subsection (c)(6) above].
 - (4) The pile of material being burned shall be at least twenty-five (25) 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 twenty-five (25) 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 bushes.
 - (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 no less than 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 total control of the fire while burning and/or extinguishing such fire.

- (7) No materials shall be burned upon the street, curb, gutter, sidewalk, or drainage ditch.
- (8) Permits shall not be issued for burning barrels as they are not allowed.
- (f) **Fire Hazard Conditions.** The Fire Chief of the Elk Mound Fire District shall have the authority to ban all open burning, including open burning used in food preparation, when weather conditions are such that open burning would threaten life and/or property. Food preparation over a fire contained in a device or structure designed for such use, such as a grill, shall be permissible at any time.
- (g) **Penalties.**
 - (1) The first time a person(s) is/are informed by the Fire or Police Department that he/she is in violation of any provision of this Section, he/she will be directed to extinguish the fire. The officer issuing the directive shall record the same in the daily police log. Failure to comply with the directive shall result in a penalty imposed as herein provided.
 - (2) Any person, firm or corporation violating the provisions of this Section shall be subject to a forfeiture as prescribed in Section 1-1-6. Each violation and each day a violation continues or occurs shall constitute a separate offense. The imposition of a penalty under this Section shall not prohibit the Village of Elk Mound from maintaining a separate action against the violator to secure monetary compensation for any damage caused by the burning.

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

Sec. 5-2-10 Patio Fireplaces.

Patio fireplaces are permitted in the Village of Elk Mound 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(c)(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 Elk Mound. This extreme danger of fire affects the health, safety, and general welfare of the residents of the Village of Elk Mound 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 Elk Mound 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 Dunn County, Wisconsin, are 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

- Elk Mound Area 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 Fire Chief is authorized to deposit volunteer company funds of the Fire Department in an account in the name of the Department in any public depository in which other Village funds are being held by the Village Clerk-Treasurer or designee.
 - (c) **Control of Funds.** The Fire Chief is granted exclusive control over the expenditure of volunteer company funds of the Fire 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 Volunteer Fire Department members present at a duly noticed meeting of the Fire 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 Board 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.** Volunteer Fire Department accounts authorized by this Section shall be included in any audit of Fire Department funds. They shall be audited in the same manner as other Fire Department funds.

Sec. 5-2-13 Outdoor Solid Fuel Heating Devices.

- (a) **Definitions.** The following definitions shall be applicable herein:
 - (1) **Solid Fuel-Fired Heating Device.** A device designed for solid fuel combustion so that usable heat is derived for the interior of the building, and includes solid fuel-fired cooking stoves, and combination fuel furnaces or boilers which burn solid fuel including outdoor wood burning units.
 - (2) **Stacks or Chimneys.** Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel-fired heating device; especially that part of such structures extending above a roof.
 - (3) **Person.** An individual, partnership, corporation, company or other association.
 - (4) **Public Nuisance.** Any act or failure to perform a legal duty required by this Section is declared a public nuisance.

- (b) **Registration.** The Village of Elk Mound shall require registration with the Village Clerk-Treasurer of any solid fuel-fired heating device installed after the effective date of this Section. Registration must be made fourteen (14) days after the date of installation.
- (c) **Other Requirements.**
 - (1) All wood burning units installed within the Village of Elk Mound are required to meet omission standards currently required by the Environmental Protection Agency (EPA). Emission standards currently required by the EPA are hereby adopted by reference together with any amendments or modifications made thereto in the future.
 - (2) All outdoor wood burning units or solid fuel-fired heating devices are subject to public nuisance consideration as described in this Section.
 - (3) Any dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities, may be declared a public nuisance by the Village Board.
 - (4) Any indoor or outdoor solid fuel-fired heating device shall have a minimum stack height of fifteen (15) feet from ground level.
 - (5) Any existing non-complying stack shall be removed or replaced within a period of six (6) months from the effective date of this Section.
 - (6) All stacks or chimneys must be so constructed to withstand high winds or other related elements.
 - (7) Buildings with less than twenty-five (25) feet of open space between units shall have a minimum stack height of three (3) feet above the adjoining property's highest roof elevation.