

## FIRE PROTECTION

### 5.01 BURNING REGULATED. (Rep. & recr. 2007-004)

(1) GENERAL REGULATION FOR OPEN FIRES. All burning, bonfires or other open fires shall be subject to the following regulations:

A. Burning Procedures: No person may engage in any burning of any nature except in strict conformity with the following procedures:

1. Tools Required: Persons engaged in burning shall have sufficient tools present at the fire to control the fire at all times. A minimum of two of the following shall be present at the location of the burn:
  - (a) Rakes, shovels, garden hose, water pump can or other implements necessary to control the spread of fire while the burning is in process.
2. Supervision: A person of at least 18 years of age shall remain at and insure the fire remains under control at all times.
3. Size of Burn Pile: The size of any burn pile shall not exceed the dimensions of four (4) feet by four (4) feet by three (3) feet high.
4. Distances: The burning materials shall be located at a minimum 15 feet from any property line. The burning material shall also be at a minimum of at least 30 feet from any building, fences, utility poles, overhead wires or piles of combustible materials.
5. Wind: No burning shall be permitted if the National Weather Service reports a wind speed in excess of 9 MPH. No burning shall be permitted if the wind direction is such that smoke or soot will be visibly carried onto any adjoining building or when it would be a source of annoyance to persons near the location of the burn.
6. Material Banned From Burning: The burning of garbage, tires, asphalt products, plastic material, treated lumber, composite woods or other materials which create toxic or noxious smoke is prohibited at all times.
7. Type of Burning: Unless specifically provided herein, burning shall be permitted only between the hours of 8:00 A.M. and 10:00 P.M. seven days a week.
8. Fire Hot Line: The Fire Department shall maintain a recorded telephone service known as the Fire Hot Line. The Fire Hot Line shall identify whether ground conditions are favorable or unfavorable for burning. In addition to all other requirements herein, no person shall engage in any burning without first calling the Fire Hot Line at (262) 646-6667 within four (4) hours prior to burning, and no person shall engage in burning if the Fire Hot Line identifies ground conditions as unfavorable for burning.

(2) BONFIRES: All bonfires shall be subject to the following regulations:

1. Procedures to Burn: No bonfire shall be permitted except in strict conformity
2. Materials: Only dry wood materials may be used for bonfires. No leaves, pine branches, Christmas trees or other similar materials may be used.
3. Time Burning is Allowed: Bonfires shall be permitted between the hours of 4:00 P.M. and 1:00 A.M., every day of the week.

(3) BURNING AT CONSTRUCTION SITES: Burning at any construction site, in any fashion, including a burn barrel, is PROHIBITED except as follows:

1. Masonry/Concrete Work: Sand used for the purpose of making cement may be warmed for use in the winter months by burning coal or charcoal in a metal tube or large diameter pipe.
  - a. Procedures to Burn: The fire shall comply with the requirements of Section 1.
  - b. Materials to Burn: Only coal or charcoal may be used. No on-site construction materials shall be burned at any time.
  - c. Method of Heating: An area of at least 15 feet shall be cleared of ALL combustible materials. The clear distance to the end of the heating pipe shall be 5' at a minimum. A large diameter pipe shall be run through a pile of sand open at both ends. The fuel shall be placed in the pipe to provide heating. At no time are burning materials allowed outside the heating pipe.

(4) DEMOLITION OR RAZING OF BUILDINGS: No buildings or materials from demolished buildings shall be burned except as defined within this section.

1. Requirements: No materials from a razed, demolished building or structure shall be burned unless the debris pile and materials are first inspected by the Fire Chief and his/her written approval is granted for such burning.
2. Debris Piles: Any debris pile for which approval is requested shall be at a minimum 30 feet from any other buildings, fences, utility poles, overhead wires or other combustible materials.
3. Buildings and Structures: No building or structure shall be burned in place, without the approval and supervision of the Fire Department. The Fire Department may, as it determines necessary, charge a reasonable fee for this supervision for the equipment and manpower necessary to insure public safety.
4. Public Safety: The burning in all cases shall be conducted in a manner that is safe and that does not adversely affect the environment or the public safety.

(5) BURNING OF PRAIRIE, GRASS LANDS AND OPEN FIELDS: No burning of any prairie, grass lands, or open fields shall be permitted except as defined within this section:

1. Requirements: No prairie, grass lands or open fields shall be burned unless the area and materials are first inspected by the Fire Chief and his/her written approval is granted for such burning.
2. Supervision: No prairie, grass lands or open fields shall be burned without the supervision of the Fire Department unless the Chief determines direct supervision by the Department is not required. The Fire Department may, as it determines necessary, charge a reasonable fee for this supervision for the equipment and manpower necessary to insure public safety.
3. Procedures to Burn: The fire shall comply with the requirements of Section 1 (1) A. 1 through 7 inclusive. If the Fire Department has determined it will not be present at the site of the burn, the area of open flame shall not extend beyond 20' in total length at any time.

(6) CAMPFIRES: All campfires are subject to the following:

1. Size: The size of the fire ring shall not exceed 36" in diameter with burning materials not to exceed 24" in height at any time.
2. Requirements: No campfire shall be permitted except in strict conformity with the requirements of Section 1 (1) A. 1 through 6.

(7) BURNING IN A CONTAINER:

1. Container: The container must be constructed of metal, masonry or concrete with a cover of metal mesh with opening not to exceed 3/8 of an inch.
2. Procedure to Burn: Burning in this type of container shall comply with the requirements of Section 1 (1) A. 1 through 5 inclusive.
3. Time Burning is Allowed: Burning in a container will be allowed from 8:00 A.M. to 10:00 P.M. on all days of the week. All fires must be COMPLETELY EXTINGUISHED by 10:00 P.M.

(8) BURNING BAN:

1. Burning Ban: The Fire Chief may, at any time in the interest of public safety, declare a "Burning Ban". When a burning ban is in effect, NO BURNING OF ANY TYPE will be allowed at any time within the Town limits.

(9) PENALTIES:

Except as otherwise provided, any person found to be in violation of any provisions of this ordinance shall be subject to penalties and forfeitures as set forth in Chapter 25 of the Town Code, and in addition, all personnel and equipment costs associated with any fire call made to the site. In the event the fire call costs are not paid within 60 days of levy, the Town Board may direct that the costs be placed on the owner's tax bill as a special charge.

5.02 AMBULANCE FEES. (Rep. & rec. #96-420) The Town Board shall establish a schedule of ambulance fees for services provided by the Fire Department of the Town of Delafield. The schedule may be amended by the Town Board from time to time by separate resolution of the Town Board.

5.03 FIRE DEPARTMENT SERVICE CHARGES: (Rep. & rec. #89-214)(Rep. & rec. #94-381)(1) GENERAL REQUIREMENTS. The Town of Delafield Fire Department shall charge for services rendered by the department. These charges shall be as defined in the "SERVICES RATE SCHEDULE" which shall be set by resolution from time to time by the Town Board to reflect the actual cost of providing services. The Fire Chief may waive these charges if in his determination they are necessary.

(a) Charges for services shall be assessed only to the individuals or other entities that do not fund the Department through the payment of taxes or other means for these services, except that the negligent handling of burning materials as defined in §961.01(1), or the causing of a Department response as a result of violation of any provision of the Town's "Burning Regulations," 93-354 or other Town ordinances will result in charges being assessed to the responsible or violating individual or other entities in ALL cases.

(2) APPLICATION OF CHARGES. The charges for department services shall be determined by the nature, type, equipment, supplies and personnel used or provided for the service as defined herein and as shown in the "Services Rate Schedule".

- (a) FIRE RUNS: Charges will be assessed to the responsible individual, corporation, utility, company or property owner for the extinguishment of burning in violation of any Town or State regulations, codes, ordinances or statutes.
- (b) MOTOR VEHICLE FIRES: Charges will be assessed to the responsible individual, corporation, utility, corporation, utility, company, governmental body or vehicle owner for the extinguishment of burning vehicles on any Town, State or County roadway.

- (c) RAIL ROAD AND UTILITY RESPONSES: Charges will be assessed to the responsible corporation, utility, company or governmental body for all types of responses that occur on property owned by these entities unless it is determined by the Fire Chief that the necessary response was caused by someone or something unrelated to the property owner.
- (d) HAZARDOUS MATERIALS INCIDENTS OR CLEAN-UP OF MATERIALS: Charges will be assessed to the responsible individual, corporation, utility, company, property owner or individual for ALL equipment and materials used in the response to a hazardous material incident. In addition the clean-up of ANY/ALL material considered to be hazardous will be billed per dry gallon as defined in the “Services Rate Schedule”. This billing will apply to ALL spills within the Town including those caused by residence or businesses within the Town.
- (e) MOTOR VEHICLE ACCIDENTS: Charges will be assessed for the cost of equipment and personnel used in response to motor vehicle accidents. The total cost will be divided equally between the vehicle owners involved. If the vehicle owner has previously paid for the service to the Town they will not be billed a portion of the cost.
- (f) SERVICE CALLS OR OTHER ACTIVITIES: Charges will be assessed for all special services provided by the Fire Department that are not of an emergency nature as determined by the Fire Chief. Charges will apply but be limited to the burning of buildings and the pumping of basements.

5.04 TOWN FIRE DEPARTMENT. (Cr. #92-324)

(1) CREATED.

- (a) There is hereby created a Fire Department to serve the fire fighting and emergency medical needs of the Town. The Town Board shall have the option to fill the membership of the Department by contracting with a volunteer fire fighters’ organization legally incorporated under Wisconsin law or through the hiring of individual personnel to fill the Department.
- (b) Regardless of which option is selected by the Town Board, the personnel so selected shall be officially recognized as the Town Fire Department (TDFD) and the duties of fire fighting, fire prevention education, preservation of life and property and emergency medical care in the Town is delegated to the Department. The Town Fire Department’s organization and internal regulations shall be governed by the provisions of this section and by the policies and procedures adopted by the Department as approved by the Town Board.

(2) FINANCES, PROPERTY AND EQUIPMENT: The Town shall provide and own all equipment, real estate and money necessary to properly operate and maintain the Fire Department. Any money, equipment or property donated, dedicated or given to the Fire Department shall become the property of the Town, who shall thereafter account therefore.

- (a) Appropriations: The Town Board shall appropriate funds to provide for the operation and for such equipment and apparatus for the use of the Fire Department as the Board may deem expedient and necessary to maintain efficiency and to properly protect life and property from fire.
- (b) Personnel Compensation. The officers and members of the Fire Department shall receive such compensation from the Town as may be from time to time fixed by the Town Board.

- (c) Gifts, Donations and Conveyances. Any moneys or other property of whatever nature that is gifted, donated or conveyed to the Fire Department shall become the property of the Town to be accounted for as all other public funds.

(3) MEMBERSHIP OF THE DEPARTMENT:

- (a) Members. Any person eligible to belong to the Town Fire Department shall become a qualified fire fighter or qualified emergency medical technician within one year of membership. In the alternative, personnel may function in administrative or support capacities if desired. The policies of the Department as approved by the Town Board shall establish qualifications for membership in the Department. At no time shall the Department consist of less than a total complement of 22 and not more than 55 active fire fighters and active emergency medical technicians.
- (b) Organization. (Rep. & Rec. 98-462)
  - 1. Officers. The Fire Chief shall establish officer positions as he/she deems proper and fill those positions to ensure the department functions in a safe and efficient manner. The Chief need not fill all officer positions.
  - 2. Selection of Members.
    - (a) Application and approval. Members of the Fire Department shall be as provided by the Department policies, but all members shall be approved by the Chief. Any person desiring to become a member of the Fire Department may file with the Department an application in such form as established by the policies. All applicants shall meet the physical and health qualifications as established by the Department policies.
    - (b) Demotion or expulsion. Any member of the Department who has been expelled or demoted for any offense or neglect of duty or insubordination shall have the right of review of such action pursuant to §60.57, Wis. Stats.
  - 3. Chief.
    - (a) Appointment. The Chief shall be appointed by a 3/4 vote of the Town Board. The Town Board may give first preference to existing officers of the Department, but the selection shall not be binding upon the Town Board.
    - (b) Removal. The Chief can only be removed from office by a 3/4 vote of the Town Board for cause after hearing.
    - (c) Residency and vacancy. The Chief shall reside within 15 miles of the jurisdictional boundaries of the Town. A vacancy in the office of Chief shall be filled by a majority vote of the Town Board. Until the vacancy is filled, the next ranking officer shall fill the vacancy.

(4) FIRE CHIEF.

- (a) Powers and Duties of.
  - 1. The Chief shall have general supervision of the Department, subject to this section and the policies of the Department, and shall be responsible for the personnel and general efficiency of the Department.
  - 2. The Chief shall preside at meetings of the Department, call special meetings, preserve order, decide all points of order that may arise and enforce a rigid observance of this section and the Department policies.
  - 3. The Chief shall have complete command of and entire responsibility for all fire fighting operation, plan the control of the same, direct the action of the Department when they arrive at a fire, observe that the Department does its duty, grant leaves of absence at a fire when he/she may deem it proper and see that the fire apparatus is kept in proper condition at all times.

4. The Chief will not later than October 1 of each year submit to the Town Clerk a detailed estimate of the appropriations needed by the Department to conduct business during the ensuing fiscal year.
5. (Rep. & rec. 98-457) The Chief shall submit a written report to the Town Board not later than April 1 of each year and at such other times he/she deems desirable, relating to the conditions of the various pieces of apparatus and appurtenances, the number of calls occurring since the previous report, the total number of active members of the Department and resignations and expulsions from the Department. He/she shall also report upon the drill training program of the Department, together with other pertinent information, including recommendations of such improvements as he/she deems proper and necessary for the operation of the Department.
6. The Chief shall enforce all fire prevention and safety ordinances of the Town and State laws and regulations pertaining to fire prevention and safety and shall keep citizens informed on fire prevention methods and on the activities of the Department. He shall be in charge of the emergency medical services of the Department.
7. He/she shall keep a run report of every emergency call to which the Department is called, which shall contain the location of the call, time alarm received, cause of fire, cause of any delay, if any, in responding, method of extinguishment or care provided, equipment used, estimated fire loss, time call was completed, names of persons responding and general remarks.
8. He/she shall keep an inventory of all apparatus and equipment and inventory of all hose showing dates and results of tests on each length, which shall be individually identified.
9. He/she shall perform such other duties as are incumbent upon the commanding officer of the Fire Department, but not limited to specific written job descriptions as approved by the Town Board.
10. Subject to the approval of the Town Board, he is authorized to sign into municipal agreement or their equivalent concerning matters related to the operation of fire service and emergency medical service.
  - (b) Responsibilities of.
    1. The Chief shall have control of all apparatus used by the Department and shall be responsible for its proper maintenance and repairs.
    2. No apparatus shall be used for any purpose, except for fire fighting within the Town limits or in training. With the approval of the Chief, such apparatus may be used for purposes other than fire fighting within and outside of the Town. The Chief may pursue mutual aid with neighboring communities.

(5) POLICE POWER OF DEPARTMENT.

- (a) Authority at Emergencies. The Chief or officers at any emergency are hereby vested with full and complete police authority at emergencies. 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 an emergency.
- (b) Prescribing Certain Limits. The Chief or incident commander may prescribe certain limits in the vicinity of any emergency scene within which no person shall be permitted to enter, excepting authorized persons including, but not limited to, EMTs, fire fighters and policemen and those admitted by order of any officer. The incident commander shall have the power to cause the removal of any property whenever it shall become necessary for the

preservation of such property from fire, to prevent the spreading of fire or to protect the adjoining property and, during the progress of any emergency, he shall have the power to order the removal or destruction of any property necessary to prevent the further danger to life or property. He shall also 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 the emergency.

- (c) Fire Fighters May Enter Adjacent Property. Any fire fighter or EMT, while acting under the direction of the Fire Chief or other officer in command, may enter upon the premises adjacent to or in the vicinity of any building or other property then on fire or involved in the emergency for the purpose of extinguishing such fire or rendering aid and, in case any person shall hinder, resist or obstruct any fire fighter or EMT in the discharge of their duty as is herein provided, the person so offending shall be deemed guilty of resisting emergency personnel in the discharge of their duty.
- (d) Duties of Bystanders to Assist. Every person who shall be present at an emergency shall be subject to the orders of the Fire Chief or officer in command and may be required to render assistance in mitigating the emergency or in removing or guarding property. Such officers shall have power to cause the arrest of any person or persons refusing to obey the orders.

(6) MEETINGS AND ELECTIONS.

- (a) Fire Station. All meetings and elections of the Fire Department shall be held at the Town Fire Station No. 1.
- (b) Eligibility to Vote. Only members in good standing will be eligible to vote and the Department policies shall further define eligibility.

(7) SEPARATION OF SOCIAL ACTIVITIES OF FIRE FIGHTERS. Unless authorized by the Town Board, there shall be no social functions of the Department. Social functions include, but are not limited to, any activity with no primary business purpose and any activity where alcohol beverages might be served.

(8) FIRE INSPECTIONS.

- (a) The Chief of the Fire Department shall hold the office of Fire Inspector with the power to appoint one or more deputy inspectors who shall perform the same duties and have the same powers as the Fire Inspector.
- (b) Fire inspectors shall inspect semi-annually all commercial buildings, premises and public thoroughfares within the Town limits for the purpose of noting and causing to be corrected any condition liable to cause fire or injury.
- (c) Whenever or wherever in the Town any inspection by the Fire Chief or his deputies reveals a hazard, the Chief or his/her deputies shall serve a notice in writing upon the owner of the property giving the owner a reasonable time in which to correct the hazard. In the event the hazard is not corrected within the time allowed, it shall be deemed a nuisance. The Fire Chief or deputy is authorized to have the conditions corrected by the Town and the cost of such correction shall be recovered in an action by the Town against the owner of the property.
- (d) The Chief shall keep a record of each property inspection which shall

conform to the requirements of the State and shall make inspections as required by the State Fire Prevention Bureau.

- (e) No person shall deny the Chief or his/her deputy's free access to any property within the Town at any reasonable time for the purpose of making an inspection. No person shall hinder or obstruct the Fire Inspector in the performance of their duty or refuse to observe any lawful orders given by the Inspector.

- (9) PENALTIES. Any person violating the provisions of this section shall be subject to forfeitures of not less than \$100 and not more than \$500, together with the costs of prosecution and, in the event of nonpayment, shall be imprisoned in the county jail for a term of not more than 3 months. Each day a violation of this section occurs shall constitute a separate offense.

5.05 FIRE PREVENTION CODE ADOPTED. (Cr. #93-341) (1) WISCONSIN ADMINISTRATIVE CODE. Except as otherwise specifically provided in this Code, the current and future provisions describing and defining regulations of the Department of Safety and Professional Services are hereby adopted and made part of this chapter by reference as if fully set forth herein. Any act required to be performed or prohibited by any current or future provision incorporated herein by reference is required or prohibited by this Code. Any future additions, amendments, revisions or modifications to the regulations incorporated herein are intended to be made a part of this Code in order to secure uniform state-wide regulation. If there is a conflict between codes or interpretations, the most restrictive code or interpretation shall be enforced. The adopted code herein includes, but is not limited to the following:

- (a) SPS 310 "Flammable and Combustible Liquids."
- (b) SPS 340 "Liquefied Petroleum Gases."
- (c) SPS 314 "Fire Prevention Code."

(2) ENFORCEMENT.

- (a) Enforcement Officials. This section shall be enforced by the Fire Department, the Town Board or any other designee of the Town Board.
- (b) Nonexclusive. 1. Other Ordinances. This section does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.  
2. Other Remedies. The issuance of a citation hereunder shall not preclude the Town Board or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

5.10 PENALTY. (Am. #173; ren. MCC '94) Except as otherwise provided, any person found to be in violation of any provision of this chapter shall be subject to a penalty as provided in §25.04 of this General Code, plus the cost of any fire run made necessary by such fire. In default of payment of such forfeiture, the violator shall be imprisoned in the County Jail for a period not to exceed 30 days.