

# TITLE 5

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## Public Safety

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## **Title 5 ► Chapter 2**

### **Fire Protection**

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#### **Sec. 5-2-1 Fire Protection; Fire Department.**

**(a) General Authority.**

- (1) The Town Board shall provide for fire protection for the Town of Stephenson. Fire protection for the Town, or any portion of the Town, may be provided in any manner, including:
  - a. Establishing a Town fire department.
  - b. Joining with another town, village, or city to establish a joint fire department. If the Town Board establishes a joint fire department with a village under Sec. 61.65(2)(1)3, Wis. Stats., the Town Board shall create a joint board of fire commissioners with the village under Sec. 61.65(2)(b)2, Wis. Stats.
  - c. Contracting with any person.

- d. Utilizing a fire company organized under Ch. 213, Wis. Stats. (2) The Town Board may provide for the equipping, staffing, housing, and maintenance of fire protection services.
- (b) **Funding.** The Town Board may:
  - (1) Appropriate money to pay for fire protection in the Town.
  - (2) Charge property owners a fee for the cost of fire calls made to their property.
  - (3) Levy taxes on the entire Town to pay for fire protection.
  - (4) Levy taxes on property served by a particular source of fire protection, to support the source of protection.
  - (5) Negotiate contracts with other local governments and nations, to be adjusted annually.
  - (6) The Fire Department may also raise monies independently.
- (c) **Appropriations.** The Town Board shall appropriate funds for Fire Department operations and for such apparatus and equipment for the use of the Fire Department(s) as the Board may deem expedient and necessary to maintain efficiency and properly protect life and property from fire.

*State Law Reference:* Sec. 60.55, Wis. Stats.

## Sec. 5-2-2 **Town of Stephenson Fire Department Organization.**

- (a) **Establishment.** The Town of Stephenson Fire Department is established with volunteer membership within the Town of Stephenson, funded by the Town of Stephenson and established under Sec. 60.55(1)(a)1, Wis. Stats.
- (b) **Fire Department Mission Statement.**
  - (1) **Generally.** The Town of Stephenson Fire Department ("Fire Department") is organized and administered to provide fire inspection, public fire education, fire suppression and rescue services for the Town of Stephenson. The Fire Department will also provide assistance to any mutual aid department requesting our assistance.
  - (2) **Goals for the Fire Department.**
    - a. The primary goal of the Fire Department is to serve all citizens, without prejudice and favoritism, by safeguarding their lives against the effects of fire, explosions and major emergencies.
    - b. The second goal of the Fire Department is to safeguard the general economy and welfare of the community by preventing major conflagrations and destruction by fire of major industries, businesses and residences.
    - c. The third goal of the Fire Department is to protect the property of all citizens against the effects of fire, explosions and major emergencies. All property as physically possible deserve equal protection regardless of location or monetary value.

- d. The fourth goal is to provide assistance to mutual aid departments when the Fire Department is called upon to provide assistance. Only after the first three (3) goals are met can steps to achieve this fourth goal be considered.
- (c) **Town Board Responsibility.** The Stephenson Town Board has three (3) responsibilities related to the Fire Department's ability to provide fire protection:
- (1) **Legislation.** To enact legislation for the reduction of incidents of fire and resulting loss of life and property.
  - (2) **Scope of Service.** To establish the scope and level of service provided by the Fire Department.
  - (3) **Funding.** To provide the Fire Department with the necessary funds to carry out the mission of the Fire Department.
- (d) **Fire Department Structure.**
- (1) **General Structure.** The Town of Stephenson Fire Department shall consist of a maximum of fifty (50) members, including a department head (Fire Chief), Assistant Chief(s), Captain(s), Lieutenant(s), Safety Officer(s), Traffic Control Officers, Fire Inspector(s) and Firefighters. The Fire Chief shall appoint the Assistant Chief, Captain, Lieutenant, Safety Officer and Fire Inspector. **Chain of Command.**
  - (2) a. *Fire Chief* The Fire Chief shall be appointed by the Stephenson Town Board for an indefinite period and shall be a Department member of recognized experience and expertise. The Fire Chief shall be responsible for the overall operations and administration of the Fire Department. The Fire Chief shall carry out policy set by the Town Board, develop and approve the organizational structure, determine policies and operational procedures in order to meet the mission of the Fire Department. The Fire Chief shall report directly to the Town Chairperson or his/her designee; the Chairperson or designee shall report to the Town Board on matters pertaining to the Fire Department.
  - b. *Assistant Chief* The Assistant Chief is the second in command in the chain of command.
  - c. *Captain.* The Captain is the next rank in the chain of command.
  - d. *Lieutenant.* The Lieutenant is the fourth rank in the chain of command.
  - e. *Firefighter.* The rank of firefighter is fifth in the chain of command.
- (3) **Program Areas Of The Department.** To accomplish the goals of the Fire Department, four (4) program goals are identified:
- a *Fire Prevention.* Fire prevention shall include: Inspection services for Code enforcement; public education services; plan review of proposed construction projects in the community; consulting services to individual citizens and to enterprises within the community; and the investigation of the origin and cause of fires and false alarms.

- b. *Emergency Operations.* Emergency operations shall include: Fire suppression and rescue services; provision of services; control of accidental release of hazardous or otherwise troublesome materials which threaten public safety; water rescue; and support of the Town's emergency government activities in response to natural and/or manmade emergencies.
- c. *Support Services.* Support services include: Personnel recruitment, personnel development and training programs to improve performance; provision of performance evaluations; record keeping and reporting systems; apparatus and equipment; supply service appropriate to Departmental needs; and liason with other emergency services agencies.
- d. *Expenditures.* Any expenditure over One Thousand Dollars (\$1,000.00) up to Five Thousand Dollars (\$5,000.00) must be approved by the Committee Chairpersons of the Finance and Fire Department Committees.

**(4) General Authority To Combat Fires and Related Emergencies.**

- a. *Police Powers At Emergency Scenes.* The fire official conducting operations in connection with the extinguishing and control of any fire, explosion or other emergency shall have full authority to direct all operations of fire extinguishment or control, and to take the necessary precautions to save life, protect property and prevent further injury and damage. In the pursuit of such operation, including the investigation of the cause of such emergency, the fire official may control or prohibit the approach to the scene of such emergency by any person.
- b. *Tampering With Barriers.* No unauthorized person shall remove, unlock, destroy or tamper with any barricade or sign which has been lawfully installed by the Fire Department or by its order or under its control.

**(e) Safety Committee.**

- (1) **Purpose.** Under COMM 30.05, Wis. Adm. Code, established April 1, 1991, the Fire Department is required to establish a committee which shall advise the Fire Chief on issues of occupational safety and health. [Note: Prior to COMM 30.05, the NFPA established NFPA 1500 Occupational Safety and Health Section; with this provision came the committee established to improve Department safety standards through policy, procedures, updating protective equipment and working conditions.
- (2) **Intent Of The Safety Committee.** It is the intent of the Safety Committee to advise the Fire Chief on matters concerning occupational safety and health for all members of the Fire Department.
- (3) **Committee Goal.** The overall goal of the Safety Committee is to review policies and procedures regarding health and safety of the Department members and shall recommend changes and updates in order to best protect Department members while maintaining the Department mission.
- (4) **Objectives.**
  - a. *Safety Recommendations.* The Safety Committee, given Fire Department policy, shall recommend changes and updates in order to improve the safety of Department members.

- b. *Injury Reduction Goal.* The Safety Committee, given Fire Department procedures, shall recommend changes and updates in order to reduce the potential for injury with Department operations.
  - c. *Injury Report Review.* The Safety Committee, as provided by the Safety Officer, shall review any and all injury reports and make recommendations into the reduction for reoccurrence of the injury cause.
  - d. *Personal Protection Equipment.* The Safety Committee shall establish a list of health and safety items needed for purchase to improve the personal protection of Department members. This list will be used to establish the budget prescribed by COMM 30, Wis. Adm. Code.
- (5) **Committee Composition.** The Safety Committee shall be composed as follows:
- a. *Volunteer Member.* A member of the volunteer membership of the Department elected by the volunteers.
  - b. *Town Board Member.* A member of the Stephenson Town Board as named by the Fire Chief. The Town Board member shall be the chairperson of the Safety Committee.
  - c. *Safety Officer.* The Safety Officer shall provide technical input and assist in providing Committee direction.
  - d. *Training Officer.* The Training Officer shall provide input regarding training aspects of any Safety Committee recommendations.
  - e. *Fire Chief.* The Fire Chief shall be a non-voting member of the Safety Committee. The Fire Chief reserves the right to accept, modify or reject any recommendation of the Safety Committee. The rejection of a recommendation shall be accompanied by a statement of reason for the rejection. Rejection by the Fire Chief shall be brought to the Town Board for review and disposition.
- (6) **Commerce Account.** The Department's Commerce Account is designed to purchase equipment for the health and safety of Fire Department members. This includes, but is not limited to: Protective clothing; self-contained breathing apparatus; personal safety devices and markings.
- (f) **Stephenson Fire Department Established.** The Town of Stephenson Fire Department is established under Sec. 60.55(1)(a)1, Wis. Stats., and is a municipal fire department.

### Sec. 5-2-3 Ambulance Service.

The Town Board shall contract for or operate and maintain ambulance services unless such services are provided by another person. The Town Board may purchase equipment for medical and other emergency calls. The Town may offer financial support to the local rescue service on an annual basis.

*State Law Reference: Sec. 60.565, Wis. Stats.*

### **Sec. 5-2-4 Impeding Fire Equipment or Firefighting Prohibited.**

- (a) No person shall impede the progress of a fire engine, fire truck or other fire apparatus of a Fire Department along the streets or alleys of the Town of Stephenson at the time of a fire or when a Fire Department is using such streets or alleys in response to a fire alarm or for practice.
- (b) No person shall obstruct the operations of the Fire Department in connection with extinguishing any fire or actions relative to other emergencies or disobey any lawful command of the fire official in charge of the emergency or any lawful order of a police officer assisting the Fire Department.

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

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

- (1) The Chief and assistants or officers of the Town of Stephenson Fire Department in command at any fire are hereby vested with full and complete police authority at fires. Any officer of a 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 law enforcement officers and those admitted by order of any officer of the Fire Department, shall be permitted to come. The fire official in charge of an emergency scene shall have the authority to establish fire line barriers to control access in the vicinity of such emergency and to secure any street or alley. No unauthorized person may cross such fire line barriers.
- (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 shall be the Fire Inspector in the Town of Stephenson 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 Wisconsin 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 officers of their Fire Department designated by the Fire Chief, shall have the right and authority to enter any building or upon any premises in the Town of

Stephenson 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(s) 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 his/her Fire Chief and to the Town Board for further action and possible citation per Section 1-2-4.

- (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 in that Department's jurisdictional area 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 Town Board has designated or thereafter designates as within the Town or as a congested district subject to conflagration, and oftener as the Fire Chief 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 Fire Chief 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. 5-2-6 **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. 5-2-7 **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. 5-2-8 **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. 5-2-9 **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. 5-2-10 **Outdoor Burning.**

- (a) **Purpose.** This Section is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Town of Stephenson due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning.
- (b) **Applicability; Exceptions.** This Section applies to all outdoor burning and refuse burning within the Town of Stephenson, except:
  - (1) **Grills.** This Section does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.

- (2) **Interior Furnaces.** This Section does not apply to burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation unless the material being burned includes refuse as defined in Subsection (c) below.
  - (3) **Construction/Maintenance Activities.** This Section does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.
  - (4) **Outdoor Solid Fuel Heating Devices.** This Section does not apply to outdoor solid fuel heating devices meeting the requirements of Section 5-2-14.
  - (5) **Recreational Burning Permits.** 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, non-painted 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.
- (c) **Definitions.** The following definitions are applicable in this Section:
- (1) **Campfire.** A small outdoor fire intended for recreation or cooking not including a fire intended for disposal of waste wood or refuse.
  - (2) **Clean Wood.** Natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.
  - (3) **Confidential Papers.** Printed materials containing personal identification or financial information that the owner wishes to destroy.
  - (4) **Fire Chief.** The Chief of the Town of Stephenson Fire Department or other person authorized by the Fire Chief.
  - (5) **Outdoor Burning.** Open burning or burning in an outdoor wood-fired furnace.
  - (6) **Open Burning.** Kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney from an enclosed burning compartment.
  - (7) **Outdoor Wood-Fired Furnace.** A wood-fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.
  - (8) **Refuse.** Any waste material except clean wood.
- (d) **General Prohibition On Open Burning, Outdoor Burning and Refuse Burning.** Open burning, outdoor burning and refuse burning are prohibited in the Town unless the burning is specifically permitted by this Section.
- (e) **Materials That May Not Be Burned.** Unless a specific written approval has been obtained from the Wisconsin Department of Natural Resources, the following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device. The Town will not issue a permit for burning any of the following materials without air pollution control devices and a written copy of an approval by the Wisconsin Department of Natural Resources:

- (1) **Rubbish/Garbage.** Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
  - (2) **Waste Oil.** Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in NR 590, Wis. Adm. Code.
  - (3) **Asphalt.** Asphalt and products containing asphalt.
  - (4) **Treated/Painted Wood.** Treated or painted wood including, but not limited to, plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
  - (5) **Plastics.** Any plastic material including, but not limited to: nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, films and containers.
  - (6) **Rubber.** Rubber including tires and synthetic rubber-like products.
  - (7) **Paper.** Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the recycling ordinances of the Town except as provided in Subsection (h) below; such material may be used in small quantities as a starting agent.
- (f) **Open Burning Of Leaves, Brush, Clean Wood And Other Vegetative Debris.** Open burning of leaves, weeds, brush, stumps, clean wood, and other vegetative debris is allowed only in accordance with the following provisions:
- (1) **Nuisance-Free Conduct.** All allowed open burning shall be conducted in a safe nuisance-free manner, when wind and weather conditions are such as to minimize adverse effects and not create a health hazard or a visibility hazard on roadways, railroads or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.
  - (2) **Burning Ban Periods.** Except for barbecue, gas and charcoal grills, no open burning shall be undertaken during periods when either the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban applicable to the area.
  - (3) **Property Restriction.** Open burning shall be conducted only on the property on which the materials were generated or at a facility approved by and in accordance with provisions established by the Wisconsin Department of Natural Resources and the Fire Chief.
  - (4) **Commercial Properties.** Unless explicitly allowed elsewhere in this Section, a commercial enterprise other than an agricultural or silvicultural operation may open burn only at a facility approved by and in accordance with provisions established by the Wisconsin Department of Natural Resources.
  - (5) **Burning of Weeds and Brush on Agricultural Lands.** Open burning of weeds and brush on agricultural lands is allowed with the approval of the Wisconsin Department of Natural Resources.
  - (6) **Forest/Wildlife Management Fires.** Fires set for forest or wildlife habitat management are allowed with the approval of the Wisconsin Department of Natural Resources.

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- (7) **Campfires.** Outdoor campfires and small bonfires for cooking, ceremonies or recreation are allowed provided that the fire is confined by a control device or structure such as a barrel, fire ring, or fire pit. Bonfires are allowed only if approved by and in accordance with provisions established by the Fire Chief.
  - (8) **Burning of Trees/Stumps.** Burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of rights-of-way is allowed if approved by a DNR Fire Warden or is during in snow-covered months when DNR approval is not required and is in accordance with other provisions of this Section.
  - (9) **Natural Disaster Emergencies.** Burning in emergency situations such as natural disasters is allowed if approved by the Wisconsin Department of Natural Resources.
  - (10) **Permit Situations.** Open burning under this Subsection shall be conducted only following issuance of and in accordance with a permit issued under Subsection (i).
  - (11) **Location.** Except for campfires, open burning under this Section shall only be conducted at a location at least two hundred and fifty (250) feet from the nearest building that is not on the same property.
  - (12) **Adult Attendant.** Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. [An individual who is sixteen (16) years of age may supervise an open fire if the individual is a **family** member of the property owner.] The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
  - (13) **Prohibited Burning Areas.** No materials may be burned upon any street, road, highway, curb, gutter or sidewalk or on the ice of a lake.
  - (14) **Burning Setback.** Except for barbecue, gas and charcoal grills, no burning shall be undertaken within twenty-five (25) feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief.
- (g) **Fire Department Practice Burns.** Notwithstanding Subsections (d) and (e), the Town of Stephenson Fire Department may burn a standing building if necessary for fire fighting practice and if the practice burn complies with the requirements of the Wisconsin Department of Natural Resources.
- (h) **Exemption for Burning Certain Papers.**
- (1) **Use as Fire Starter.** Notwithstanding Subsection (e)(7), paper and cardboard products may be used as a starter fuel for a fire that is allowed under this Section.
  - (2) **Confidential Papers Exception.** Small quantities of confidential papers from a residence may be burned if necessary to prevent the theft of financial records, identification or other confidential information. A fire set for burning a small quantity of confidential papers shall be subject to and comply with Subsections (f)(1)-(3), (6) and (11)-(14).
  - (3) **Business Confidential Papers Disposal.** Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.

(i) **Burning Permits.**

- (1) **Permit Requirement.** No person shall start or maintain any open burning without a burning permit issued by a DNR Fire Warden or agent/designee.
- (2) **Campfires Exempt.** An outdoor campfire does not require a permit provided that the fire complies with all applicable provisions of this Section.
- (3) **Three-Day Burning Permits.** Any person responsible for burning leaves, brush, clean wood or other vegetative debris under Subsection (f) shall obtain a three-day burning pennit from a DNR Fire Warden before starting the fire. There is no fee for a three-day burning pennit. A permit is not required when there is complete snow cover.
- (4) **Burning Moratoriums.** When weather conditions warrant, the Fire Chief or the Wisconsin Department of Natural Resources may declare a burning moratorium on all open burning and temporarily suspend previously issued burning permits for open burning.
- (5) **Compliance With Section.** A burning permit issued under this Section shall require compliance with all applicable provisions of this Section and any additional special restrictions deemed necessary to protect public health and safety.
- (6) **Penalty for Non-Compliance.** Any violation of the conditions of a burning permit shall be deemed a violation of this Section. Any violation of this Section or the burning permit shall void the permit, and may subject the violator to a forfeiture under Section 1-1-6.

(j) **Liability.** A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused to structures by the fire. Costs shall be determined on a case-by-case basis.

(k) **Right of Entry and Inspection.** The Fire Chief or any authorized officer, agent, employee or representative of the Town of Stephenson Fire Department or the Town of Stephenson who presents proper credentials may enter any property for the purpose of ascertaining compliance with the provisions of this Section. [Note: **If** the owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with Section 66.0119, Wis. Stats.

(l) **Restrictions on Burning.** Burning shall be limited in the following manner, and failure to comply with these restrictions shall be a violation of this Section:

- (1) Except during months when the ground is sufficiently snow covered, no burning is permitted on Sundays or legal holidays at any time during the year; exceptions may be granted by the DNR Fire Warden or agent/designee.
- (2) Burning is permitted only when such open burning will not interfere with, or cause discomfort to, another individual.
- (3) Fires will be attended at all times, by an adult or a family member of the property owner who is sixteen (16) years of age or older, until extinguished.
- (4) All Wisconsin Department of Natural Resources (DNR) burning restrictions shall be applicable. Copies of DNR burning restrictions are available at the local Wisconsin DNR Office.

- (5) Restrictions on open burning do not apply to warming and cooking fires; said warming and cooking fires shall be no larger than six (6) feet in diameter and shall be attended by an adult at all times until extinguished. (m) **Penalties.** The penalty for violation of portion of this Section shall be as prescribed in Sec. 1-1-6, plus the cost of prosecution. Penalties shall be doubled for second and subsequent offenses. In addition to any forfeiture stemming from the issuance of a citation, violators shall pay applicable fire suppression costs (determined by the Fire Chief) per Section 1-3-1.

### Sec. 5-2-11 **Patio Fireplaces.**

Patio fireplaces are permitted in the Town of Stephenson 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 5-2-10(b)(5). Upon the complaint of two (2) or more persons to the 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. 5-2-12 **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 Town of Stephenson. This extreme danger of fire affects the health, safety, and general welfare of the residents of the Town of Stephenson 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 Town of Stephenson 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 Town 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 Town 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 the Town of Stephenson and Marinette County, Wisconsin, are under Wisconsin Department of Natural Resources emergency fire regulations banning outdoor smoking and campfires, or when necessary as determined by the Town Chairperson, upon the recommendation of the Fire Chief.
  - (2) Burning emergencies shall become effective upon the time and date of the Town Chairperson 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 Town Board.

### Sec. 5-2-13 **Fire Department Authorized to Hold Auxiliary 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 Town of Stephenson 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 Town funds are being held by the Town 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 Town 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 the Fire Department's funds. They shall be audited in the same manner as other Fire Department funds.

## Sec. 5-2-14 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.** Building Permit Required.
- (c) **Other Requirements.**
  - (1) All wood burning units installed within the Town of Stephenson 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 Town Board.

- (4) Any indoor or outdoor solid fuel-fired heating device shall have a minimum stack height of twelve (12) feet from ground level.
- (5) All stacks or chimneys must be so constructed to withstand high winds or other related elements.
- (6) 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.
- (7) All units shall be placed a minimum of ten (10) feet from any lot line.

### **Sec. 5-2-15 Firefighter/Rescue Squad Incentive Program.**

- (a) **Purpose.** The purpose of this Section is to:
  - (1) Attract and retain a volunteer force of firefighters and rescue members.
  - (2) Provide some long-term incentive for firefighters and rescue members to remain as volunteers.
  - (3) To create a Town of Stephenson Firefighter/Rescue Squad Incentive Program.
- (b) **Eligibility Requirements.** To be eligible for participation in the Incentive Program, a firefighter or rescue member shall:
  - (1) Be a member of the department for the full calendar year for distribution eligibility for that year; and
  - (2) Be a member is good-standing and satisfy the required number of meetings and drills attended as written in the pertinent department's bylaws.
- (c) **Program Standards.**
  - (1) The Town of Stephenson shall make a contribution not to exceed a maximum of Two Hundred and Fifty Dollars (\$250.00) per year per individual firefighter or rescue squad member.
  - (2) If a person is a dual member of both the Fire Department and Rescue Squad and meets the requirements of both departments, he/she could get a maximum of Five Hundred Dollars (\$500.00) per year.
  - (3) The net amount of dollars for each member to be determined by his/her participation in the department.
  - (4) Distributions shall be made at the end of each calendar year by the Town Clerk and not to exceed the Incentive Program budget.
  - (5) Yearly contributions shall be made to each individual in good-standing of the department(s).
  - (6) The Incentive Program will be retroactive to January 1, 2003 and thereafter.
- (d) **Bookkeeping.**
  - (1) The Fire Department and Rescue Squad will designate an individual to be responsible for keeping the records regarding each member's eligibility and incentive total.

- (2) Each department's bylaws shall establish a point system to calculate each individual's share of the Incentive Program.

### **Sec. 5-2-16 Vehicle Fire Call Fees for Fire and Rescue Volunteers.**

Concerning vehicle accidents: when the circumstances of any motor vehicle accident are such that there is a need for the Town of Stephenson Fire Department (or any other fire department requested under the Marinette County Mutual Aid Pact) to respond and provide fire extinguishment, protection or any other services, there will be a fee charged per the established fee-schedule in Section 1-3-1

Any active member of the Town of Stephenson Fire Department or Twin Bridge Rescue Squad, or his/her spouse, shall be exempt from any charges for fire response on any vehicle owned or driven by such volunteer or spouse needing assistance from the Town of Stephenson Fire Department (or any other fire department requested under the Marinette County Mutual Aid Pact) within the boundaries of the Town of Stephenson. There shall be no personal liability regarding insurance payments.

## Title 5 ► Chapter 3

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# Fire Prevention Code; Hazardous Materials

5-3-1	Adoption of Fire Prevention Codes
5-3-2	Disclosure of Hazardous Material and Infectious Agents; Reimbursement for Cleanup of Spills
5-3-3	Fees for Extraordinary Services; Hazardous Material Incident Response Reimbursement
5-3-4	Smoke Detectors

### Sec. 5-3-1 Adoption of Fire Prevention Codes.

(a) **State Administrative Codes Adopted.** The following rules and regulations as promulgated within the Wisconsin Administrative Code, together with any future additions, deletions, or supplements thereto, are herewith incorporated as part of this Chapter and shall be enforced with the same force and effect as though set forth in full herein. Provided, however, that where such rules and regulations are less stringent than other provisions found in this Chapter, the provisions of this Chapter shall apply:

- (1) Wis. Adm. Code Ch. COMM 4; Signs for Smoking Areas.
- (2) Wis. Adm. Code Ch. COMM 7; Explosive Materials.
- (3) Wis. Adm. Code Ch. COMM 9; Manufacture of Fireworks.
- (4) Wis. Adm. Code Ch. COMM 10; Flammable and Combustible Liquids.
- (5) Wis. Adm. Code Ch. COMM 14; Fire Protection.
- (6) Wis. Adm. Code Ch. COMM 15; Cleaning and Dyeing.
- (7) Wis. Adm. Code Ch. COMM 16; Electrical.
- (8) Wis. Adm. Code Ch. COMM 20-25; Uniform Dwelling Code.
- (9) Wis. Adm. Code Ch. COMM 28; Smoke Detectors.
- (10) Wis. Adm. Code Ch. COMM 30; Fire Department Safety and Health.
- (11) Wis. Adm. Code Ch. COMM 43; Anhydrous Ammonia Code.
- (12) Wis. Adm. Code Chs. COMM 50-64; Building and Heating, Ventilating and Air Conditioning.
- (13) Wis. Adm. Code Ch. COMM 66; Uniform Multifamily Dwelling.
- (14) Wis. Adm. Code Ch. COMM 70; Historic Building.
- (15) Wis. Adm. Code Ch. COMM 75-79; Existing Buildings.
- (16) Wisconsin Electrical Code.

- (b) **Adoption of NFPA Codes.** The following rules and regulations issued by the National Fire Protection Association (NFPA), together with any future additions, deletions or supplements thereto, are herewith adopted and incorporated by reference as part of this Chapter and shall be enforced with the same force and effect as though set forth in full herein. Provided, however, that where such rules and regulations are less stringent than other provisions found in this Code, the provisions of this Chapter shall apply:
- (1) Fire Prevention Code, NFPA 1, except for 3-2 3.1 and 7-1.2.
  - (2) Safety to Life from Fire in Buildings and Structures, NFPA 101.
  - (3) Water-based Fire Protection Systems, NFPA 54.
  - (4) Spray Applications Using Flammable or Combustible Materials, NFPA 33.
  - (5) National Fuel Gas Code, NFPA 54.
  - (6) Storage and Handling of Liquid Petroleum Gases Code, NFPA 58.
  - (7) Aircraft Fuel Servicing, NFPA 407.
- (c) **Statutory Fireworks Regulations.** Section 167.10 of Wis. Stats., pertaining to Regulation of Fireworks, together with any future additions, deletions, or supplements thereto, and applicable rules of the Wisconsin Department of Natural Resources are herewith incorporated as part of this Chapter and shall be enforced with the same force and effect as though set forth in full herein. Provided, however, that where such rules and regulations are less stringent than other provisions found in this Chapter, the provisions of this Chapter shall apply. Notwithstanding any provisions of this Chapter to the contrary, no person may sell, possess or use fireworks, as that term is defined by Sec. 167.10(1), Wis. Stats., as may be amended from time to time, within the Town of Stephenson; except that the use of fireworks may be allowed by appropriate Permit issued by the Fire Chief.

## Sec. 5-3-2 **Disclosure of Hazardous Materials and Infectious Agents; Reimbursement for Cleanup of Spills.**

- (a) **Application.**
- (1) All persons, firms or organizations using, researching or producing hazardous materials and/or infectious agents shall notify the Town of Stephenson Fire Department or Crivitz Fire Department, as appropriate (the "Fire Department").
  - (2) The provisions of this Section shall apply to all persons, firms or organizations using, researching, producing or storing hazardous materials and/or infectious agents on and after the effective date of this Section.
- (b) **Definitions.**
- (1) "Infectious agent" is a bacterial, mycoplasmal, fungal, parasitic or viral agent known to cause illness in humans which is used, researched, produced or stored within or on prerruses.
  - (2) "Hazardous materials" are those materials that can cause death or disabling injury from brief exposure; those materials that could cause a lost-time injury from exposure;

and those materials that could cause temporary disability or injury without permanent effects which are used, researched, produced or stored within or on premises except those household consumer products used at the point of consumption and not used for commercial or experimental purposes. This definition of hazardous materials shall include radioactive materials. **(c) Information Required.**

- (1) Any person, firm or organization using, researching, producing and/or storing any hazardous materials shall provide in writing to the Fire Department the following information:
  - a. Address, location of where hazardous materials are used, researched, stored or produced;
  - b. The trade name of the hazardous material;
  - c. The chemical name and any commonly used synonym for the hazardous material and the chemical name and any commonly used synonym for its major components;
  - d. The exact locations on the premises where materials are used, researched, stored and/or produced;
  - e. Amounts of hazardous materials on premises per exact location;
  - f. The boiling point, vapor pressure, vapor density, solubility in water, specific gravity, percentage volatile by volume, evaporation rate for liquids and appearance and odor of the hazardous material;
  - g. The flashpoint and flammable limits of the hazardous substance;
  - h. Any permissible exposure level, threshold limit value or other established limit value for exposure to a hazardous material;
  - i. The stability of the hazardous substance;
  - j. Recommended fire extinguishing media, special firefighting procedures and fire and explosion hazard information for the hazardous material;
  - k. Any effect of over-exposure to the hazardous material, emergency and first aid procedures and telephone numbers to call in an emergency;
  - l. Any condition or material which is incompatible with the hazardous material and must be avoided.
  - m. Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming into contact with the hazardous materials; n. Procedures for handling or coming into contact with the hazardous materials.
- (2) Any person, firm or organization using, researching, producing and/or storing infectious agent and/or carrier of an infectious agent shall provide in writing to the Fire Department the following:
  - a. The name and any commonly used synonym of the infectious agent;
  - b. Address/location where infectious agents are used, researched, stored and/or produced;

- c. The exact locations where infectious agents are used, researched, stored and/or produced;
  - d. Amount of infectious agent on premises per exact locations;
  - e. Any methods of route of transmission of the infectious agents;
  - f. Any symptoms of effect of infection, emergency and first aid procedure and a telephone number to be called in an emergency;
  - g. Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming in contact with the infectious agent;
  - h. Procedure for handling, clean-up and disposal of infectious agents leaked or spilled.
- (d) **Reimbursement for Cleanup of Spills.** Any person who possesses or controls a hazardous material or infectious agent which was discharged or caused the discharge of a hazardous material or infectious agent shall reimburse the Town for actual and necessary expenses incurred by the Town or its agent to contain, remove or dispose of the hazardous substance or infectious agent or take any other appropriate action which is deemed appropriate under the circumstance.

### **Sec. 5-3-3 Fees for Extraordinary Services; Hazardous Material Incident Response Reimbursement.**

- (a) **Purpose; Authority.**
- (1) The Town provides fire, public safety, and other response services for the protection of the public health, safety and welfare, the costs of which are funded from the general tax revenue of the Town. Such services may involve property which is not owned by a property taxpayer of the Town such as utility transmission and telephone lines, gas lines, cable television equipment, or hazardous materials, or may involve property owned by a taxpayer of the Town, but which requires extraordinary response services, such as an open burning site or a hazardous substances or hazardous waste handling or storage site. Such response services benefit the owner or person in charge of such property and the public health, safety and welfare; and
  - (2) The Town, pursuant to its police powers, may collect the costs of such response services from the owner or person in charge of the property if it is deemed proper and in the best interest of the public health, safety and welfare.
- (b) **Prohibited Discharges.** No person, firm or corporation shall discharge or cause to be discharged, leaked, leached or spilled upon any public or private street, alley, public or private property, or unto the ground, surface waters, subsurface waters, or aquifers, or within the Town of Stephenson, except those areas specifically licensed for waste disposal or landfill activities and to receive such materials, including, but not limited to, any explosive, flammable or combustible solid liquid or gas, any radioactive material at or

above Nuclear Regulatory Restriction levels, etiologic agents, or any solid, liquid or gas creating a hazard, potential hazard, or public nuisance or any solid, liquid or gas having a deleterious effect on the environment.

(c) **Definitions.**

- (1) **Hazardous Substances or Hazardous Waste.** As defined in Sec. 289.01(11) and (12), Wis. Stats.
- (2) **Properly.** The personal property or real estate directly involved in the response services, including but not limited to, utility transmission or telephone line, gas line, cable television equipment, open burning site or hazardous substance or hazardous waste handling or storage site.
- (3) **Town Response Services.** Town of Stephenson emergency services, fire, utilities, public works, or other similar response services.
- (4) **Emergency Services Response.** Includes, but is not limited to: Fire Service, Emergency Medical Service, Law Enforcement. A person, firm, or corporation who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall be responsible for reimbursement to the responding agencies for actual and necessary expenses incurred in carrying out their duties under this Chapter. Actual and necessary expenses may include but not be limited to: replacement of equipment damaged by the hazardous material, cleaning, decontamination and maintenance of the equipment specific to the incident, specific laboratory expenses incurred in the recognition and identification of hazardous substances in the evaluation of response, decontamination, costs incurred in the procurement and use of specialized equipment specific to the incident, clean up and medical surveillance, and incurred costs in future medical surveillance of response personnel as required by the responding agencies medical advisor.

- (d) **Site Access.** Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to emergency government officers and staff and to Fire Department personnel for the purpose of evaluating the threat to the public and monitoring containment, cleanup and restoration activities.
- (e) **Public Protection.** Should any prohibited discharge occur that threatens the life, safety or health of the public at, near, or around the site of a prohibited discharge, and that the situation is so critical that immediate steps must be taken to protect life and limb, the Town Chairperson, his/her assistant, or the senior fire official on the scene of the emergency may order an evacuation of the area or take other appropriate steps for a period of time until the Town Board can take appropriate action.
- (f) **Enforcement.** The Fire Chief and his/her deputies, as well as law enforcement officers, shall have authority to issue citations or complaints under this Section.
- (g) **Civil Liability.** Any person, firm or corporation in violation of this Section shall be liable to the Town for any expenses incurred by the Town or loss or damage sustained by the Town of Stephenson by reason of such violation.

**(h) Responsibility for Costs.**

- (1) In the event the Town Board determines the costs incurred for Town response services are extraordinary in amount or the services for which the costs are incurred are extraordinary in type, the Town Board shall review and determine whether to seek reimbursement for the extraordinary costs from the owner of the property. The Board shall consider the amount of the costs involved, the nature of the response services, the impact of the response on other Town services, and such other factors it deems appropriate in making its determination.
- (2) The Town Board may direct the Town Clerk to issue an invoice for the costs of labor and materials, or a portion thereof, to the owner or person in charge of the property. The invoice shall include an itemization of the costs and a requirement for payment within thirty (30) days.

**Sec. 5-3-4 Smoke Detectors.**

- (a) All dwelling rental units, vacant or occupied, shall be provided with working, approved, listed and labeled smoke detectors. Smoke detectors shall be installed in accordance with the appropriate Department of Commerce (COMM) code that governs the dwelling building and in accordance with the manufacturer instructions.
- (b) The owner of the building shall be solely responsible for the installation and maintenance of smoke detectors, to include battery replacement as required.
- (c) The tenant shall be responsible for informing the owner in writing of any smoke detector malfunction, including the need for a new battery.
- (d) The owner shall immediately upon receipt of written notice from the tenant repair/replace the smoke detector or replace the battery as needed.
- (e) Neither the owner nor the tenant shall remove or disconnect the battery from a smoke detector at any time except for battery replacement.
- (f) The owner shall install new batteries in all smoke detectors at the beginning of a new lease or new tenancy and shall install new batteries annually.
- (g) The owner shall furnish to the tenant at the beginning of a new lease or new tenancy, written notice of the responsibilities of the tenant and the obligations of the owner regarding smoke detectors, their batteries and their maintenance.