

Chapter 2

Fire Protection

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

- (a) **Fire Department Recognized.** The Combined Locks Volunteer Fire Department is officially recognized as the Fire Department serving the Village of Combined Locks, and the duties of firefighting and fire prevention in the Village are delegated to such Department. The Combined Locks Volunteer Fire Department shall be responsible for the program of fire defense for the citizens and property within the Village of Combined Locks.
- (b) **Appropriations.** The Village Board shall appropriate funds for Fire Department operations and for such apparatus and equipment for the use of the Fire Department as the Board may deem expedient and necessary to maintain efficiency and properly protect life and property from fire.
- (c) **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.

- (d) **Bylaws Governance.** The Combined Locks Volunteer Fire Department shall be organized and governed pursuant to its bylaws.
- (e) **Bylaws.** The Fire Department shall adopt bylaws for its control, management and government and for regulating the business and proceedings of the Department, which bylaws, after adoption by a two-thirds (2/3) vote of the members of the Department, shall not become effective until approved by the Village Board.
- (f) **Compensation.** The officers and members of the Fire Department shall receive such compensation from the Village as may from time to time be fixed by the Village Board.
- (g) **Organization Generally.** The Fire Department shall be under the general management and supervision of the Village Board. The organization and internal regulation of the Fire Department shall be governed by the provisions of this Chapter and by such bylaws adopted by the Department as are approved by the Village Board, except as is otherwise provided by law or ordinance.
- (h) **Composition.** The Fire Department shall consist of one (1) Chief, Assistant Chief(s), together with firefighters as may be appointed by the Chief and approved by the Village Board; provided at no time shall the Department consist of less than twenty-two (22) active members.
- (i) **Membership.**
 - (1) **Application; Confirmation.** Any person desiring to be a member of the Fire Department may file with the secretary-treasurer an application in such form as the Fire Department may require. Each applicant shall also file a certificate of physical fitness from such physician as the Chief may designate.
 - (2) **Honorary Membership.** Active membership in the Department for other than the Chief shall cease at the age of seventy (70) unless the Village Board by a majority vote approves of the person continuing as an active member. Upon reaching the age of seventy (70), active members shall become honorary members. Members with thirty (30) of service are eligible for honorary membership regardless of age.
 - (3) **Resignations.** Resignations from the Department shall take the same course as applications for and appointments to membership.
- (j) **Powers and Duties of Chief.**
 - (1) **General Supervision.** The Fire Chief shall have the general supervision of the Department, which supervision shall be subject to and not conflict with this Chapter and the bylaws of the Department and shall enforce a rigid observance of this Chapter and the bylaws. He/she shall be responsible for the personnel and general efficiency of the Department.
 - (2) **Presiding Officer.** The Fire Chief preside at all meetings, call special meetings, preserve order and decide all points of order that may arise.
 - (3) **Command at Fires.** The Chief or Assistant Chief shall have complete command of an entire responsibility for all fire-fighting operations, plan the control of the same, direct the action of the Department when it arrives at a fire, observe that the Department does its duty, grant leaves of absence at a fire when he/she deems it proper and see that the fire-fighting apparatus is kept in proper condition at all times.

- (4) **Disciplinary Actions.** The Chief may demote or expel any officer or member of the Department for neglect or refusal to perform his/her departmental duties subject to an appeal from such demotion or expulsion to the Village Board as provided in Subsection (1) below.
- (5) **Department Budget.** Not later than September 1 of each year, the Chief shall file with the Village Administrator a detailed estimate of the appropriations needed for the conduct of the Department during the ensuing fiscal year.
- (6) **Reports.** The Fire Chief shall submit a written report to the Village Board not later than February 1 of each year, and at such other times as he/she deems desirable, relating to the condition of various pieces of apparatus and appurtenances, the number of hydrants and the condition of the same, the number of fires occurring since the previous report and the date of the same and the loss occasioned thereby, the number of members of each company, the total number of active members in the Department resignations and expulsions from the Department. He/she shall also report upon the drill and training program of the Department, together with such other pertinent information, including recommendations for improvements, as he deems proper and necessary for the operation of the Department.
- (7) **Enforcement of Fire Prevention Ordinances.** The Fire Chief shall enforce all fire prevention ordinances of the Village and State laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and on the activities of the Department.
- (8) **Fire Record Book.** The Fire Chief shall keep in a fire record book records of every fire to which the Department was called and shall enter in such book the locality of the fire, the time the alarm was received, the cause of the fire, where the fire started, the cause of delay (if any) in responding, the method of extinguishment and the equipment used, the amount of insurance carried on the building and its contents, the estimated fire loss, the time the fire was extinguished, the names of the men responding and general remarks.
- (9) **Apparatus Inventory.** The Fire Chief shall keep an inventory of all apparatus and equipment and an inventory of all hose, showing dates and results of tests on each length, which shall be individually numbered.
- (10) **Duties of Commanding Officer.** The Fire Chief shall perform such other duties as are usually incumbent on the commanding officer of a Fire Department.
- (11) **Chief Responsible.** The Chief shall have control of all apparatus used by the Department and shall be responsible for its proper maintenance. Emergency repairs may be authorized by the Chief.

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 Combined Locks Volunteer Fire Department along the streets or alleys of such Village at the

time of a fire or when the Fire Department of the Village is using such streets or alleys in response to a fire alarm or for practice.

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

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

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

(b) **Fire Inspection Duties.**

- (1) The Fire Chief, or the Chief's designee, shall be the Fire Inspector of the Village of Combined Locks 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 Industry, Labor and Human Relations, 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 Combined Locks at all reasonable hours for the purpose of making inspections or investigations which, under the provisions of this Code of Ordinances, he/she may deem necessary. Should the Fire Inspector find that any provisions of this Code relating to fire hazards and prevention of fires are being violated, or that a fire hazard exists which should be eliminated, it shall be his/her duty to give such directions for the abatement of such conditions as he/she shall deem necessary and, if such directions be not complied with, to report such noncompliance to the Village Board for further action.
- (3) The Chief of the Fire Department is required, by himself/herself or by officers or members of the Fire Department designated by him/her as fire inspectors, to inspect all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions

liable to cause fire, or any violations of any law or ordinance relating to the fire hazard or to the prevention of fires. Such inspections shall be made at least once in six (6) months in all of the territory served by the Fire Department, and not less than once in three (3) months in such territory as the Village Board has designated or thereafter designates as within the Village or as a congested district subject to conflagration, and oftener as the Chief of the Fire Department orders. Each six (6) month period shall begin on January 1 and July 1, and each three (3) month period on January 1, April 1, July 1 and October 1 of each year.

- (4) Written reports of inspections shall be made and kept on file in the office of the Chief of the Fire Department in the manner and form required by the Department of Industry, Labor and Human Relations. A copy of such reports shall be filed with the Fire Chief.

State Law Reference: Section 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 Combined Locks Volunteer Fire Department, and no vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street, private driveway or other place, to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.
- (b) **Parking Vehicles Near Hydrants.** It shall be unlawful for any person to park any vehicle or leave any object within ten (10) feet of any fire hydrant at any time.
- (c) **No Parking Near Fire.** It shall be unlawful for any person, in case of fire, to drive or park any vehicle within one block from the place of fire without the consent and authority of the Fire Chief or any police officer.

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

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

of any property necessary to prevent the further spread of fire; provided that it is inevitable that, unless such property is removed, other property is in danger of being destroyed by fire.

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

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

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

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

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

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

Sec. 5-2-9 Outdoor and Refuse Burning.

- (a) **General Prohibition on Outdoor Burning and Refuse Burning.** Open burning, outdoor burning and refuse burning is prohibited in the Village of Combined Locks unless the burning is specifically permitted by this Section.
- (b) **Applicability/Exceptions.** This Section applies to all outdoor burning and refuse burning within the Village of Combined Locks except the following:
 - (1) This Section does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.
 - (2) 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)(7) below.
 - (3) 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.

- (c) **Definitions.** The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:
- (1) "Campfire" means a small outdoor fire intended for recreation or cooking not including a fire intended for disposal of waste wood or refuse. A campfire shall not be larger than four (4) feet in diameter.
 - (2) "Clean Wood" means 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) "Fire Chief" means the Chief of the Village of Combined Locks Fire Department or other persons authorized by the Fire Chief.
 - (4) "Open Burning" means 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.
 - (5) "Outdoor Burning" means open burning or burning in an outdoor wood-fired furnace.
 - (6) "Outdoor Wood-fired Furnace" means a wood-fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.
 - (7) "Refuse" means any waste material except clean wood.
- (d) **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:
- (1) 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 or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions of NR 590, Wis. Adm. Code.
 - (3) Asphalt and products containing asphalt.
 - (4) 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) Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 - (6) Rubber including tires and synthetic rubber-like products.
 - (7) Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the Village recycling ordinance.
- (e) **Open Burning of Leaves, Brush, Clean Wood and Other Vegetative Debris.** Open burning of leaves, weeds, brush, stumps, clean wood, and/or other vegetative material is allowed only in accordance with the following provisions:
- (1) All permitted 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) Except for barbeque, 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) Fires set for forest, prairie, or wildlife habitat management are allowed with the approval of the Fire Chief.
 - (4) 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. Campfires are not allowed after 11:00 p.m. on Sunday through Thursday, and are not allowed after 1:00 a.m. on Saturday and Sunday mornings. Bonfires are allowed only if approved by and in accordance with provisions established by the Fire Chief.
 - (5) In emergency situations such as natural disasters, burning that would otherwise be prohibited is allowed if specifically approved by the Wisconsin Department of Natural Resources.
 - (6) 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. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
 - (7) No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or water body.
 - (8) 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.
- (f) **Burn Barrels.** No person shall use or maintain a burn barrel in the Village of Combined Locks.
- (g) **Fire Department Practice Burns.** Except as provided in this Subsection for Fire Department practice burns, an existing unwanted building in the Village of Combined Locks may not be burned. A building, which is no longer standing, may not be used for a practice burn:
- (1) An existing building may be burned only by the Village of Combined Locks Fire Department and only if the Fire Chief determines that the burning is necessary for practice and instruction of firefighters or firefighting equipment.
 - (2) Asphalt shingles and asphalt or plastic siding shall be removed prior to the practice burn.
 - (3) A demolition notification shall be submitted to the Wisconsin Department of Natural Resources and all asbestos removed prior to the practice run.
 - (4) All ash shall be disposed of in an approved landfill or at an alternative location approved by the Wisconsin Department of Natural Resources.

- (5) At least five (5) days before a planned practice burn the Fire Chief or designee shall notify residents within five hundred (500) feet of the site of the proposed burn.
- (h) **Burning Permits.**
- (1) No person shall start or maintain any open burning without a burning permit issued by the Village of Combined Locks Fire Department.
 - (2) An outdoor campfire does not require a permit provided that the fire complies with all other applicable provisions of this Section.
 - (3) 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.
 - (4) 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.
 - (5) 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.
- (i) **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 by the fire.
- (j) **Right of Entry and Inspection.** The Fire Chief or any authorized officer, agent, employee or representative of the Village of Combined Locks Volunteer Fire Department or the Village of Combined Locks who presents credentials may inspect 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.]
- (k) **Enforcement and Penalties.**
- (1) The Fire Chief or his/her designee and the Village President are authorized to enforce the provisions of this Section.
 - (2) The penalty for violation of any portion of this Section shall be a forfeiture of not less than Twenty-five Dollars (\$25.00) or more than Two Hundred and Fifty Dollars (\$250.00) plus the cost of prosecution. Penalties are doubled for second and subsequent offenses.

Sec. 5-2-10 Pyrotechnics and Fireworks Prohibition.

Use of fireworks or other pyrotechnic display is expressly prohibited inside any residence, commercial, entertainment or municipal building.

Sec. 5-2-11 Solid Fuel-Fired Outdoor Heating Devices Prohibited.

- (a) **Definition — Solid Fuel-Fired Outdoor Heating Device.** Any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat, or energy used as a component of

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- a heating system in order to provide heat for any interior residential or commercial space or water source. (Examples: wood or other solid fuel burning boilers).
- (b) **Solid Fuel-Fired Outdoor Heating Devices Prohibited.** No person shall install, use, or maintain a solid fuel-fired outdoor heating device in the Village of Combined Locks.