

## Title 5 ► Chapter 2

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### Fire Protection

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

(a) **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.

(b) **Fire Department Constitution and By-Laws.** The Grantsburg Volunteer Fire Department, Inc. ("Fire Department" or "Department") is authorized and directed to adopt a constitution and by-laws for the control, management, government and regulation of its business and

proceedings, except as otherwise prescribed herein. Said constitution and by-laws shall become effective and operative after adoption of a two-thirds (2/3) vote of the members of the Department. All amendments shall be similarly adopted.

(c) **Grantsburg Fire Association to Authorized Fire Equipment.**

- (1) **Authorization.** The Grantsburg Fire Association shall provide such apparatus and equipment for the use of the Fire Department as it may deem expedient and necessary to maintain efficiency and to properly protect life and property from fire. [Note: The Grantsburg Fire Association contracts with the Grantsburg Volunteer Fire Department for fire protection services. The Grantsburg Fire Association is comprised of the Village of Grantsburg and the Towns of Anderson, Grantsburg, Trade Lake (partial), West Marshland and Wood River].
- (2) **Other Use.** No apparatus shall be used for any purpose except for fire fighting within the Village limits and such townships under contract, or in training therefor, except pursuant to an agreement approved by the Grantsburg Fire Association after the Fire Chief has given his/her recommendations on such use. With the prior approval of the Fire Chief, such apparatus may be used for purposes other than fire fighting within or out of the Village.
- (3) **Active Membership.** Active membership in the Department shall be governed by the bylaws of the Department.

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

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

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

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

- (1) The Chief and assistants or officers in command at any fire are hereby vested with full and complete police authority at fires. Any officer of the Fire Department may cause the arrest of any person failing to give the right-of-way to the Fire Department in responding to a fire.
- (2) The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting firefighters and police officers and those admitted by order of any officer of the Fire Department, shall be permitted to come.
- (3) The Chief shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire or to prevent

the spreading of fire or to protect the adjoining property, and during the progress of any fire he/she shall have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work of the Fire Department during the progress of a fire.

(b) **Fire Inspection Duties.**

- (1) The Fire Chief, or the Chief's designee, shall be the Fire Inspector of the Village of Grantsburg and shall have the power to appoint one or more deputy Fire Inspectors and shall perform all duties required of the Fire Inspectors by the laws of the State and rules of the Department of Commerce, particularly Sec. 101.14, Wis. Stats.
  - (2) While acting as Fire Inspector pursuant to Sec. 101.14(2), Wis. Stats., the Fire Chief, or any officer of the Grantsburg 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 Grantsburg at all reasonable hours for the purpose of making inspections or investigations which, under the provisions of this Code of Ordinances, he/she may deem necessary. Should the Fire Inspector find that any provisions of this Code relating to fire hazards and prevention of fires are being violated, or that a fire hazard exists which should be eliminated, it shall be his/her duty to give such directions for the abatement of such conditions as he/she shall deem necessary and, if such directions be not complied with, to report such noncompliance to the Village Board for further action.
  - (3) The Fire Chief is required, by himself/herself or by officers or members of the Fire Department designated by him/her as fire inspectors, to inspect all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of any law or ordinance relating to the fire hazard or to the prevention of fires. Such inspections shall be made at least once per year in all of the territory served by the Fire Department.
  - (4) Written reports of inspections shall be made and kept on file in the office of the Chief of the Fire Department in the manner and form required by the Department of Commerce.
- (c) **Fire Inspectors Handbook.** The *Fire Inspectors' Handbook, COMM* is hereby adopted and made part of this Code of Ordinances by references.

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

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

- (a) **Driving Over Fire Hose.** No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the Fire Department, and no vehicle shall be driven over any

unprotected hose of the Fire Department when laid down on any street, private driveway or other place, to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.

- (b) **Parking Vehicles Near Hydrants.** It shall be unlawful for any person to park any vehicle or leave any object within ten (10) feet of any fire hydrant at any time.
- (c) **No Parking Near Fire.** It shall be unlawful for any person, in case of fire, to drive or park any vehicle within one block from the place of fire without the consent and authority of the Fire Chief or any law enforcement officer.

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

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

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

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

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

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

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

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

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

- (a) **Open Burning Prohibited.** Except as provided in Subsection (c) below, no person shall engage in the open burning of any garbage, solid waste, grasses, or other refuse of any kind on any public property or private property located within the Village of Grantsburg. This prohibition on burning includes burning of construction waste and debris at construction sites.
- (b) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Designated Area.** An open pit with a minimum size of nine (9) square feet.
  - (2) **Garbage.** Discarded materials resulting from the handling, processing, preparation, storage, cooking and consumption of food, and discarded animal feces.
  - (3) **Open Burning.** Burning from which the products of combustion are emitted directly into the air without passing through a stack or chimney.
  - (4) **Refuse.** All matters produced from industrial or community life, subject to decomposition.
  - (5) **Solid Waste.** Garbage, refuse, recyclable materials, grasses, and all other discarded or salvageable solid materials including solid waste materials resulting from industrial, commercial, and agricultural operations, and from domestic use and public service activities.
  - (6) **Burnable Yard Waste.** Leaves, yard and garden debris, excluding grass clippings, and brush including clean woody vegetative material less than three (3) inches in diameter.
- (c) **Exceptions.**
- (1) Outdoor cooking over a fire contained in a device or structure designed for such use is permissible. This includes the open burning of fuel for cooking food, such as a barbecue or other similar outdoor activity if confined to a proper cooking device such as a grill or in an open pit.
  - (2) Recreational burning pits not exceeding four (4) feet in diameter and not located less than twenty-five (25) feet from any structure (the burning of clean wood only is permitted and the use of burning pits to burn refuse is prohibited); recreational burning pits shall be extinguished by midnight.
  - (3) Yard waste (herein defined as "burnable yard waste") may be burned on private property only, and must be supervised by an adult who must remain within fifty (50)

feet of such burning activity. The Village Board shall designate dates/times when open burning of burnable yard waste is permitted.

- (4) Controlled burning of grass or similar vegetation for environmental management purposes, with the prior written approval of the Fire Chief, or his/her designee, may be permitted; this exception is not to be used for the burning of grass, leaves or other lawn debris.
  - (5) Ceremonial campfire or bonfires, with prior approval of the Fire Chief, or his/her designee, may be permitted.
  - (6) Other occasions of desirable outdoor burning not specified by this Subsection, but not as an alternative to refuse removal or disposal of which other methods are available, may be granted single occasion approval as in Subsections (b)(3) and (4) above.
  - (7) Open burning when a permit is issued.
- (d) **Application for Permit.**
- (1) ***Procedure for Issuance of Burning Permit.*** The Fire Chief, or his/her designee, shall have the authority to issue special burning permits allowing open burning in circumstances not listed in Subsection (c) of this Section as deemed appropriate. The permit issuer may also establish from time to time special rules or restrictions relating to open burning by permit. An open burning permit is not required at such times when there is a minimum of two (2) inches of snow cover, provided all other open burning regulations are complied with. Such rules may govern conditions including, but not necessarily limited to, the following:
    - a. Day(s) and hours when burning is allowed;
    - b. Material which may or may not be burned;
    - c. Whether open burning is allowed or whether burning is only allowed with an approved incinerator or burning device;
    - d. The length of time the permit is valid;
    - e. What constitutes an approved burning device or incinerator;
    - f. The size of the material pile burned by open burning;
    - g. The distance or distances to be maintained between the material being burned and other flammable material;
    - h. Supervision required for burning, including minimum age of supervisors and type of fire extinguishing equipment which must be present at the burn site;
    - i. The manner in which ashes created by the burning under the permit are to be disposed of.
  - (2) ***Issuance Of Permit.*** If the permit issuer finds that the proposed burning complies with all Village ordinances and the regulations contained in Ch. COMM 14, Wis. Adm. Code, he/she shall approve the application, and a burning permit shall subsequently be issued to the applicant. A copy of any burning permit, and the application therefore, shall be kept on file with the Fire Chief. No burning permit issued shall be valid for more than thirty (30) days from the date when issued.

- (e) **Open Burning Regulations.** The following regulations shall be applicable for open burning:
- (1) All open burning shall be performed in a safe, pollution-free manner, when wind and weather conditions are such as to minimize adverse affects, and in conformance with local and state fire protection regulation. Open burning shall not be used to covertly burn plastic, construction debris or other prohibited materials.
  - (2) Startup shall be accomplished by using kindling materials rather than waste oil, tires or other rubber materials.
  - (3) The size of the pile of material to be burned shall not exceed four (4) feet in any direction measured horizontally, or three (3) feet measured vertically.
  - (4) Open burning under this Subsection may only be conducted after 6:00 p.m. and is prohibited on Sundays.
  - (5) The pile of material being burned shall be at least fifty (50) feet away from any structure, wood or lumber pile, wooden fence, trees, or bushes. Provisions shall be made to prevent the fire from spreading to within fifty (50) feet of such items or the fire shall otherwise be contained in an approved incinerator or burner device which is located at least fifteen (15) feet from any structure, wood or lumber pile, wooden fence, trees, or bush(es).
  - (6) Any ashes created by burning such material as is lawful under this Section are to be disposed of in a manner authorized by law.
  - (7) Open burning shall be constantly attended and supervised by a competent person of at least sixteen (16) years of age until such fire is extinguished. This person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire while burning and/or extinguishing such fire.
  - (8) No materials may be burned upon any street, curb, gutter, sidewalk, or drainage ditch.
- (f) **Fire Hazard Conditions.** The Fire Chief of the Grantsburg Volunteer Fire Department shall have the authority to ban all open burning when weather conditions are such that open burning would threaten life and/or property.
- (g) **Penalties.**
- (1) The first time a person(s) is/are informed by the Fire or Police Department that he/she is in violation of any provision of this Section, he/she will be directed to extinguish the fire. The officer issuing the directive shall record same in the daily police log. Failure to comply with the directive shall result in a penalty imposed as herein provided.
  - (2) Any person, firm or corporation violating the provisions of this Section shall be subject to a forfeiture as prescribed in Section 1-1-6. Each violation and each day a violation continues or occurs shall constitute a separate offense. The imposition of a penalty under this Section shall not prohibit the Village from maintaining a separate action against the violator to secure monetary damage for any damage caused by the burning.

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

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

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

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

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

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

(c) **Period of Emergency.**

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

## **Sec. 5-2-12 Outdoor Solid Fuel Heating Devices.**

(a) **Definitions.** The following definitions shall be applicable herein:

- (1) **Outdoor Solid Fuel-Fired Heating Device.** A device designed for outside 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, corn or other solid-fuel burning units.
- (2) **Stacks or Chimneys.** Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel-fired heating device; especially that part of such structures extending above a roof.
- (3) **Person.** An individual, partnership, corporation, company or other association.
- (4) **Public Nuisance.** Any act or failure to perform a legal duty required by this Section is declared a public nuisance.

(b) **Registration.** The Village of Grantsburg shall require registration with the Village Clerk of any solid fuel-fired heating device newly installed or installed as a replacement unit after the effective date of this Section. Registration must be made fourteen (14) days after the date of such installation.

(c) **Placement and Use Requirements.**

- (1) All outdoor solid fuel heating devices, including outdoor wood burning units, installed within the Village of Grantsburg are required to meet emission 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 and/or solid fuel-fired heating devices are subject to public nuisance consideration as described in this Code of Ordinances. Any dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities, may be declared a public nuisance by the Village Board or law enforcement authorities. Units shall not be used as a form of improper refuse disposal.

- (3) Persons shall at all times operate their outdoor solid fuel heating devices in full compliance with the manufacturer's specifications. It is the responsibility of the owner/operator to possess a complete copy of and comply with such manufacturer's specifications. In the case of a conflict between the manufacturer's specifications and this Section, this Section shall govern.
- (4) Units installed after the effective date of this Section shall be installed with a chimney/stack so that the combined height of the unit and chimney/stack is a minimum of fifteen (15) feet above ground. However, where buildings have less than twenty-five (25) feet of open space between principal structures, and it is intended to place the outdoor solid fuel heating device between the structures, such units shall have a minimum stack height of three (3) feet above the adjoining property's highest first floor elevations.
- (5) All stacks or chimneys must be so constructed to be capable of withstanding high winds or other related elements.
- (6) All outdoor solid fuel heating devices, whether pre-existing or installed after the effective date of this Section, shall have a minimum five (5) foot setback from side or rear lot lines. Pre-existing units existing at the time of adoption of this Section shall comply with such setback requirement within six (6) months of the effective date of this Section.