

CHAPTER 5

FIRE PROTECTION

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5.01 FIRE PROTECTION AGREEMENT. As authorized in §60.55, Wis. Stats., fire protection for the Town is provided by contract with the Waubeka Volunteer Fire Department

5.02 FIRE CHIEF, POWERS AND DUTIES. The Fire Chief of the Fire Department shall direct the operation of the Fire Department at all emergencies, including fires, EMS calls, vehicle accidents and hazardous materials incidents, subject to the rules and regulations which may be adopted by the Town Board and shall issue and enforce such orders as in the Chief's judgment may be best calculated for the protection of property and the extinguishing of fires; and shall enforce all applicable ordinances and rules and regulations of the Town Board.

5.03 FIRE INSPECTOR. (1) **APPOINTMENT.** The Fire Chief or his designee shall be the Town Fire Inspector.

(2) **POWERS AND DUTIES.** The Fire Inspector shall make such inspections as may be necessary to ascertain the compliance of the owners or occupants of private premises with the provisions of the applicable State law and the administrative rules of the Department of Commerce, and this chapter, and he may enter any building or upon any premises at any reasonable hour for the purpose of such inspection. Should an inspector find a fire hazard within the Town, he may serve a notice in writing on the owner of the property, giving the owner 48 hours in which to remove the hazard. If the fire hazard is not removed within that time, it is deemed a nuisance and the Fire Inspector may have the same removed by the Town and the cost of removal shall be recovered by the Town as a special charge pursuant to §66.0627, Wis. Stats.

(3) **INVESTIGATION AND RECORD OF FIRES.** The Fire Chief or his designated representative shall investigate the cause of all fires occurring within the Town as soon as possible after their occurrence and shall keep a record thereof, and of the evidence in each case, on file in their offices as public record. The Fire Chief shall notify the Town Treasurer of all property fires, including vehicle fires.

5.04 SAFETY REGULATIONS. The Fire Chief or his designated agents may prescribe certain limits in the vicinity of any fire within the Town within which any persons shall not be permitted. He may 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 adjoining property. He may likewise cause the shut-off of electrical and natural gas services where the same creates a dangerous hazard or interferes with the work of the Fire Department during the progress of the fire.

5.05 DUTY OF BYSTANDERS. Every person who may be present at a fire shall be subject to orders of the Chief or other officers in command and every such person shall render assistance as may be ordered by the officer in charge. Any person who shall refuse to obey such order after the official status of the officer in charge shall be made known to him shall be subject to a penalty as provided in sec. 5.20 of this chapter.

5.06 DAMAGE TO EQUIPMENT AND INTERFERENCE. No person shall willfully hinder a firefighter in the discharge of his duties, nor shall any person willfully injure in any manner any hose, fire engine or other fire apparatus belonging to the Fire Company.

5.07 DRIVING OVER FIRE HOSE PROHIBITED. No road vehicle shall be driven over any fire hose unless otherwise directed by a Fire Chief.

5.08 COMBUSTIBLE MATERIALS PROHIBITED. No person shall permit on premises he controls any empty boxes, waste paper, excelsior, rags or other combustible materials in such quantities or manner as to create a fire hazard.

5.09 CARELESS SMOKING PROHIBITED. (1) No person shall, by careless or willful smoking or use of lighters or matches in smoking, whether intentional or unintentional, set fire to personal property or any building.

(2) The Fire Chief shall post or cause to be posted “No Smoking” signs on any premises or in any building or any section of such premises or building within the Town where, by the presence of highly combustible materials, in his opinion, the act of smoking presents a fire hazard.

5.10 HAZARDOUS MATERIAL SPILLS. See ch. 9 of this Code.

5.11 OPEN BURNING REGULATIONS. See ch. 9 of this Code.

5.12 TOWN FIRE PROTECTION CODE; ADOPTION OF CODES. The following are hereby adopted by reference and made a part hereof: COMM 14 General Fire Hazards; NFPA-101; section 8.07(3) of this code. Copies of the referenced codes are on file in the office of the Fire Chief.

5.13 HAZARDOUS MATERIALS FIRES. (1) Every person using, storing, handling or transporting flammable or combustible liquids, chemicals, gasses or other hazardous materials shall comply with the requirements of Wisconsin Administrative Code as the same is now in force and may hereafter from time to time be amended.

(2) Every person using, storing, handling or transporting (whether by rail or on the highways) flammable or combustible liquids, chemicals, gasses or other hazardous materials shall be liable to the Town for the actual cost of labor and materials associated with the use of any specialized extinguishing agent, chemical, neutralizer or similar materials or equipment employed to extinguish, confine, neutralize, contain or clean up any such hazardous material which is involved in any fire or accidental spill or in the threat of any fire or accidental spill.

5.14 EMERGENCY MEDICAL SERVICES. Emergency medical services shall be provided by contract with the Waubeka Volunteer Fire Department, Inc.

5.15 EMERGENCY VEHICLE ACCESS. (1) Driveways to conform to 8.02(3) DRIVEWAYS AND CULVERTS (3) Specifications and Standards and OBSTRUCTIONS AND ENCHROMENTS PROHIBITED 8.03(2) Trees and Shrubbery.

5.16 AUTO-CALL HOME AND BUSINESS FIRE ALARM FEE. (1) No auto-call Fire Alarms, farm, commercial or residential, shall be installed in the town of Fredonia without a permit from the Town of Fredonia. A fee must be paid (see Town Fee Schedule). Permit applications are available at the Town of Fredonia Office or the Waubeka Fire Department.

(2) Excessive False Fire Alarms. No person or entity shall cause or permit more than two (2) false fire alarms at a particular address within each calendar year, without regard to whether the false fire alarm was intentional, accidental, or otherwise. For the purposes of this section, “false fire alarm” means an alarm summoning the fire department to which responding firefighters find no evidence of a fire or other emergency.

(3) That the Town issue a Special Charge for the Excessive False Fire Alarm to recover the actual cost to the Waubeka Fire Department for each offense.

5.17 FALSE FIRE ALARM ORDINANCE. No alarm user shall maintain, use, or allow the use of an alarm system or alarm systems, which signals false alarms. (1) An alarm system user shall be in violation of this code whenever any alarm system signals more than two (2) false alarms in any three hundred sixty-five (365) day period.

(2) **DEFINITIONS.** The words, phrases and terms used in this section shall be interpreted as follows:

(a) *Alarm system* means any device or piece of equipment or an assembly of equipment and devices designed or arranged to signal visibly, audibly, electronically, mechanically or by any combination of these methods the presence of a fire requiring urgent attention and to which the Township's fire department is expected to respond.

(b) *Alarm user* means any person whether owner, occupant or tenant, residential or commercial properties upon whose premises an alarm system is maintained or operated within the Township, except for alarm systems on motor vehicles.

(c) *False alarm* means any activation of an alarm system not resulting from a fire of the type, which the alarm system is designed and intended to detect, except activation caused by criminal activity, acts of God or verifiable interruptions of electrical or telephonic service to an alarm user.

(d) *An Act of God* means an unusual, extraordinary, sudden or unexpected display of forces of nature against which the science and the skill of mankind are of not avail.

(e) *Person* means any individual, partnership, corporation, unincorporated association or any group of persons.

(3) Charges for false alarms as defined (2(c)) are prescribed in sec. 20.04.

5.20 PENALTY. (1) Any person who shall violate any provision of this chapter, or any order, rule or regulation made hereunder, and any fireman who shall neglect or refuse to perform any duty required hereunder shall be subject to an Administrative charge as prescribed in sec. 20.04 or sec 5.16(3) of this Code. (2) Any default of payment and/or costs incurred under this Subsection or the administrative fee may be placed on the tax roll against the property as a special charge pursuant to Sec. 66.0627 Wis. Stats.