

# Title 5 ♦ Chapter 2

## Fire Protection

- 5-2-1 Fire Department Organization; Goals of the Department
- 5-2-2 Impeding Fire Equipment Prohibited
- 5-2-3 Police Power of the Department; Investigation of Fires
- 5-2-4 Damaging Fire Hose Prohibited; Parking by Hydrants;  
Blocking Fire Lanes
- 5-2-5 Firefighters May Enter Adjacent Property
- 5-2-6 Duty of Bystanders to assist
- 5-2-7 Vehicles to Yield Right-of-Way
- 5-2-8 Interference with Use of Hydrants Prohibited
- 5-2-9 Open burning
- 5-2-10 Banning and/or Regulating the Use of Fire, Burning Materials  
and Fireworks During the Existence of Extreme Fire Danger

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

- (a) **Fire Department Recognized.** The Merrilan Fire Department is officially recognized as the Fire Department serving the Village of Merrilan, and the duties of firefighting and fire prevention in the Village are delegated to such Department. The Merrilan Fire Department shall be responsible for the program of fire defense for the citizens and property within the Village of Merrilan.
- (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.

**5-2-1**

- (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 Merrilan Fire Department shall be organized and governed pursuant to its bylaws.

**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 Merrilan 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 Chiefs designee, shall be the Fire Inspector of the Village of Merrilan 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 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

Merrillan 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 Commerce. A copy of such reports shall be filed with the Fire Chief.
- (c) **Fire Inspectors Handbook.** The *Fire Inspectors' Handbook, DILHR* 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 Village of Merrillan, 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/her 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 Open Burning.**

- (a) **Open Burning Prohibited.** No person, firm or corporation shall build any outdoor fire within the corporate limits of the Village of Merrilan excepting as set forth below in this Section.

- (b) **Exceptions.** Open burning is permitted as follows:
- (1) Any resident using a burning container for the use of burning papers and cardboards only will do so under the following guidelines:
    - a. Any container used for burning cannot exceed the size of a two hundred fifty (250) gallons in size.
    - b. Any container used for burning shall not exceed fifty-five (55) gallons in size and must have a screen covering.
    - c. All containers determined by the Fire Chief to be unsafe and/or located in an unsafe environment will be banned from burning use.
  - (2) Outdoor cooking over a fire contained in a device or structure designed for such use is permissible;
  - (3) 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);
  - (4) Controlled burning of grass or similar vegetation for environmental management purposes, with the prior approval of the Chief of Police or Fire Chief, or their 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 (2) and (3) above.
  - (7) Open burning when a permit or verbal authorization is issued.
- (c) **Application.**
- (1) ***Procedure for Burning Authorization.*** Before the setting or starting of any open burning not automatically permitted under this Section, authorization shall be first obtained by the owner, operator, or agent from the Fire Chief or from such other person as may be authorized or designated by the Fire Chief to issue such authorization. The Fire Chief may also establish from time to time special rules or restrictions relating to open burning by permit. Such rules may govern conditions including, but not necessarily limited to, the following:
    - a. Hours when burning is allowed;
    - b. Day(s) when burning is allowed;
    - c. Material which may or may not be burned;
    - d. Whether open burning is allowed or whether burning is only allowed with an approved incinerator or burning device;
    - e. The length of time the permit is valid;
    - 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.** If the Fire Chief, or other person authorized or designated by the Fire Chief to authorize open burning for special situations, finds that the proposed burning complies with all Village ordinances and the regulations contained in Ch. ILHR 14, Wis. Adm. Code, the Fire Chief shall approve the application and authorize such open burning.
- (d) **Open Burning Regulations.** The following regulations shall be applicable when an open burning permit has been issued:
- (1) All open burning conducted pursuant to a permit 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) 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.
  - (3) 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).
  - (4) Any ashes created by burning such material as is lawful under this Section are to be disposed of in a manner authorized by law.
  - (5) 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.
  - (6) No materials may be burned upon any street, curb, gutter, or sidewalk.

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

## **Sec. 5-2-10 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 Merrilan. This extreme danger of fire

affects the health, safety, and general welfare of the residents of the Village of Merrillan 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 Merrillan during said emergency.

(b) **Regulation of Fires, Burning Materials and Fireworks.** Pursuant to Sec. 66.325, Wis. Stats., and 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 briquets, gas grills, or camp stoves on private property; or
  - b. Charcoal grills using charcoal briquets, 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 briquets 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 Jackson County, Wisconsin, is under Wisconsin Department of Natural Resources emergency fire regulations banning outdoor smoking and campfires, or when necessary as determined by the Village President, upon the recommendation of the Fire Chief.
- (2) Pursuant to Sec. 66.325, Wis. Stats., 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 Village Board.

## **Sec. 5-2-11 Fire And Emergency Service Cost Recovery.**

- (A) Applicability.
- (1) This section shall apply to all situations and circumstances where the Village of Merrilan Fire Department, herein after " Fire Department," responds to a request for its professional assistance and causes the equipment and/or the personnel of the Fire Department to respond.
  - (2) Exempted from the provisions of this section are:
    - (a) Situations wherein any assistance is rendered pursuant to a mutual aid agreement whereby the provisions of this section would conflict with the terms of the mutual aid agreement.
  - (3) This section is in addition to, and not in place of, other ordinances and laws and is not meant to implicitly repeal any ordinance.
- (B) Fees and collection.
- (1) For any response to a situation by the Fire Department, the person receiving emergency service and/or the owner and operator and other person or entity having control of the object for which the circumstances or situation caused the Fire Department and its emergency medical services employees to respond shall pay to the Village of Merrilan Fire Department or its designee according to the fee schedule adopted by the Village Board and on file in the office of the Village Clerk.
  - (2) Within 30 days after a response, the Fire Department or its designee shall cause to be issued a statement of the fees and the basis for such. That statement shall be payable to the Fire Department or its designee within 30 days of the date of the statement.
  - (3) Upon the failure of the responsible party to pay such fees to the Fire Department or its designee within 30 days, the Fire Department or its designee may cause the necessary action to be taken to collect such fees.
- (C) Contesting statement and appeal.
- (1) Any person or entity who or which disagrees with the statement of costs as sent by the Fire Department or its designee may seek to resolve the disagreement with the Fire Department or its designee within 14 days of the date of the statement.
  - (2) Any person or entity who or which wishes to further contest the determination of the Fire Department or its designee as to the amount of costs to be assessed shall appeal that determination to the Village of Merrilan Board of Trustees within 30 days of the date of determination by the Village of Merrilan Fire Department or its designee.

### **Fire And Emergency Service Cost Recovery Fee Schedule**

- (A) Any fire and emergency service shall be billed at \$500.00 for the first full hour, including response time, and \$400.00 for each additional hour, or part thereof, thereafter.
- (B) Extrication: Any extrication shall be billed \$300.00.



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