

# TITLE 5

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## **Public Safety**

**Chapter 1**

Fire Protection

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Fire Prevention and Safety Codes

# Title 5 ▶ Chapter 1

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## Fire Protection

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

**(a) General Authority.**

- (1) The Town Board shall provide for fire protection for the Town of Lowell. 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) **Service Agreement; Appropriations.**
  - (1) 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.
  - (2) The Town of Lowell elects to contract for fire protection services with the Village of Reeseville. The terms of that service and the respective obligations of the Village of Reeseville and the Towns of Lowell, Portland and Elba ("the Town Group") shall be as established by intergovernmental agreement between those entities, the terms of which are incorporated herein by reference.

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

### **Sec. 5-1-2 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. 5-1-3 Impeding Fire Equipment Prohibited.**

No person shall impede the progress of a fire engine, fire truck or other fire apparatus of a Fire Department along the streets, roads or alleys of the Town of Lowell 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.

### **Sec. 5-1-4 Police Power of Fire Departments.**

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

- (1) The Chief and Assistants or officers in command of a Fire Department 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 a 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 firemen and law enforcement officers and those admitted by order of any officer of the Department, shall be permitted to come.
  - (3) The Fire 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) **Firefighters to Have Powers of Traffic Officers.** Members of a Fire Department, when at the scene of a fire or other emergency, or when Fire Department vehicles are upon the street pursuant to an emergency call, shall have the authority and duty of traffic officers to direct traffic, as conditions require, notwithstanding any other provision of this Chapter.

### **Sec. 5-1-5 Fire Inspections.**

- (a) The Fire Chief and Assistant Chiefs of the Fire Department(s) serving the Town of Lowell shall be the Fire Inspectors of the Town of Lowell and shall have the power to appoint one (1) 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.
- (b) While acting as Fire Inspectors 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 Town of Lowell 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 Town Board for further action.
- (c) The Chief of the Fire Department(s) 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 oftener as the Chief of the Fire Department orders. Each six (6) month period shall begin on January 1 and July 1 of each year.

- (d) 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 Town Clerk.

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

### **Sec. 5-1-6 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 a Fire Department, and no vehicle shall be driven over any unprotected hose of a 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. 5-1-7 Firefighters May Enter Adjacent Property.**

- (a) **Entering Adjacent Property.** It shall be lawful for any firefighter while acting under the direction of a 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, a 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. 5-1-8 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. 5-1-9 Fire Protection Charges.

- (a) **State Authority.** Pursuant to Secs. 60.55, 60.555, and 60.557, Wis. Stats., the Town of Lowell hereby establishes a policy and procedure for payment of fire costs incurred by the Town of Lowell as set forth in this Section if the Fire Department serving the Town adopts a billing policy and has member local governments process such bills.
- (b) **Liability for Fire Protection Costs.** Each owner of real estate located within the Town of Lowell is provided with fire protection by the Town of Lowell through its contracted fire department. However, in the event that extra equipment, such as a back hoe, ambulance standby service or any other cost to be incurred beyond "normal or customary fire department procedure" must be called in at the discretion of the Fire Department Chief or other person in charge, the owner of the real estate is responsible for the actual costs of the extra equipment or supplementary essentials which is necessary.
- (c) **Liability for Fire Calls When Fire Departments Other Than Authorized Fire Departments.** Any owner of real estate located within the Town of Lowell who shall request fire protection for such property directly from any fire department other than the Town of Lowell's designated Fire Department(s), or from any other contractor, shall be responsible for the full costs billed to the Town for the fire call from such fire department. This Section shall not apply to the costs of any other fire department responding to the request of a Fire Department under a mutual aid agreement.
- (d) **Invoice and Payment Procedure; Special Charge and Lien.** Costs of fire calls chargeable under this Section shall first be submitted to the property owner's insurance carrier for possible payment. In the event the insurance carrier denies payment, the costs of fire calls chargeable under this Section shall be invoiced by the Town Clerk to the property owner(s) and shall be paid to the Town Clerk within ninety (90) days of the date of the bill. Invoices which are unpaid ninety (90) days after their dates which are outstanding for more than ninety (90) days and are unpaid as of November 1, of any year, shall become a lien against the real estate for which fire protection was provided and this amount, including interest, shall be placed on the tax role as a delinquent special charge against such real estate pursuant to Sec. 66.0627, Wis. Stats.

## Title 5 ▶ Chapter 2

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# Fire Prevention and Safety Codes

- 5-2-1** Intent of Code
- 5-2-2** Adoption of State Codes
- 5-2-3** Application to New and Existing Conditions
- 5-2-4** Orders to Eliminate Fire Hazards
- 5-2-5** Service of Orders
- 5-2-6** Investigation of Fires
- 5-2-7** Banning and/or Regulating the Use of Fire, Burning Materials,  
and Fireworks During Existence of Extreme Fire Danger

### **Sec. 5-2-1 Intent of Code.**

It is the intent of this Chapter to prescribe regulations consistent with recognized standard practice for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling, and use of hazardous substances, materials, and devices, and from conditions hazardous to life and property in the use or occupancy of buildings or premises.

### **Sec. 5-2-2 Adoption of State Codes.**

- (a) The following Orders, Rules and Regulations of the Wisconsin Department of Commerce (formerly the Department of Industry, Labor and Human Relations), all of which are set forth in the Wisconsin Administrative Code as from time to amended, are incorporated herein by reference and adopted as part of this Fire Prevention Chapter:
- (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.

### **Sec. 5-2-3 Application to New and Existing Conditions.**

The provisions of this Chapter shall apply equally to new and existing conditions except that existing conditions not in strict compliance with the terms of this Chapter shall be permitted to continue where the exceptions do not constitute a distinct hazard to life or adjoining property.

### **Sec. 5-2-4 Orders to Eliminate Fire Hazards.**

Whenever any of the officers, members, or inspectors of the Fire Department shall find any building or upon any premises dangerous or hazardous conditions as follows, he or they shall order such dangerous conditions or materials to be removed or remedied in such manner as may be specified in said order:

- (a) Dangerous or unlawful amounts of combustible or explosive matter.
- (b) Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive matter.
- (c) Dangerous accumulations of rubbish, wastepaper, boxes, shavings, or other highly flammable materials.
- (d) Accumulations of dust or waste material in air conditioning systems or of grease in kitchen exhaust ducts.
- (e) Obstructions to or on fire escapes, stairs, passageways, door, or windows liable to interfere with the operation of the Fire Department or egress of occupants in case of fire.
- (f) Any building or other structure which, for want of repairs, lack of sufficient fire escapes or other exit facilities, automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause, creates a fire hazard or a threat to life and safety.

### **Sec. 5-2-5 Service of Orders.**

- (a) The service of such orders as mentioned in Section 5-2-4 may be made upon the owner, occupant, or other person responsible for the conditions, either by delivering a copy of the



same personally or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the said premises. Whenever it may be necessary to serve such an order upon the owner of premises, such order may be served either by delivering to and leaving with the said person a copy of the said order or, if the owner is absent from the jurisdiction of the officer making the order, by mailing such copy to the owner's last-known post office address.

- (b) If buildings or other premises are owned by one (1) person and occupied by another under lease or otherwise, the orders issued in connection with the enforcing of the Chapter shall apply to the occupant thereof, except where the rules or orders require the making of such additions to or changes in the premises themselves, such as would immediately become real estate and be the property of the owner of the premises; in such cases the rules or orders shall affect the owner and not the occupant unless it is otherwise agreed between the owner and the occupant.

### **Sec. 5-2-6 Investigation of Fires.**

- (a) The Fire Department serving the Town of Lowell shall investigate the cause, origin, and circumstances of every fire occurring in the Town which is of suspicious nature or which involves loss of life or injury to persons or by which property has been destroyed substantially damaged. Such investigations shall be begun immediately upon the occurrence of such a fire by the fire officer in whose district the fire occurs, and if it appears that such fire is of suspicious origin, the Chief of the Fire Department shall take charge immediately of the physical evidence, shall notify the proper authorities designated by law to pursue the investigation of such matters and shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case.
- (b) Appropriate law enforcement agencies, upon request of the Chief of the Fire Department, may assist in the investigation of any fire which, in the opinion of the Chief of the Fire Department, is of suspicious origin.

### **Sec. 5-2-7 Banning and/or Regulating the Use of Fire, Burning Materials, and Fireworks During 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 Lowell. This extreme danger of fire affects the health, safety, and general welfare of the residents of the Town of Lowell 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 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 briquets, gas grills, or camp stoves on private property; or
    - b. Charcoal grills using charcoal briquets, 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 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 Town where adequate fire prevention measures have been taken.
- (c) **Period of Emergency.** Burning emergencies shall become effective upon the time and date of the Town Chairperson or Dodge County Board 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, or when applicable, the Dodge County Board.