

# Title 5 ▶ Chapter 1

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## Fire Protection

<b>5-1-1</b>	Fire Protection
<b>5-1-2</b>	Ambulance Service
<b>5-1-3</b>	Impeding Fire Equipment Prohibited
<b>5-1-4</b>	Police Power of Fire Departments
<b>5-1-5</b>	Fire Inspections
<b>5-1-6</b>	Damaging Fire Hose Prohibited; Parking by Hydrants; Blocking Fire Lanes
<b>5-1-7</b>	Firemen May Enter Adjacent Property
<b>5-1-8</b>	Duty of Bystanders to Assist
<b>5-1-9</b>	Vehicles to Yield Right-of-Way
<b>5-1-10</b>	Open Burning

### Sec. 5-1-1 Fire Protection.

(a) **General Authority.**

(1) The Town Board shall provide for fire protection for the Town of Friendship. 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. The Town of Friendship has entered into intergovernmental agreements with area units of government to provide 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.

**5-1-1**

- (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.

*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.

*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 Friendship 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 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) **Firemen 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 Friendship shall be the Fire Inspectors of the Town of Friendship 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 Industry, Labor and Human Relations, 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 Friendship at all reasonable hours for the purpose of making inspections or investigations which, under the provisions of this Code of Ordinances, he 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 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 three hundred (300) feet from the place of fire without the consent and authority of the Fire Chief or any law enforcement officer.

### **Sec. 5-1-7 Firemen May Enter Adjacent Property.**

- (a) **Entering Adjacent Property.** It shall be lawful for any fireman 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 fireman 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, a Fire Chief or his 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 Duty of Bystanders to Assist.**

Every person who shall be present at a fire shall be subject to the orders of a 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. 5-1-9 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. 5-1-10 Open Burning.**

- (a) **Open Burning Restricted.** No person, firm or corporation shall set, maintain or build any outdoor fire within the limits of the Town of Friendship upon any property zoned commercial, industrial, agricultural or residential (or which are predominantly commercial,

agricultural, industrial or residential in nature regardless of zoning classification), excepting as set forth below in this Section. This prohibition on burning includes burning of construction waste and debris at construction sites other than small amounts of paper.

- (b) **Open Burning Regulations.** The following regulations shall be applicable when permitted open burning is conducted:
- (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 regulations. Open burning shall not be used to covertly burn refuse, garbage, plastic; construction debris or other prohibited materials. Open burning shall not regularly be used as an alternative to proper collection and disposal requirements/services.
  - (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 in residential zone area unless a waiver is recommended by the Fire Chief.~~
  - (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 a Fire Department approved incinerator, burner, device or site 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, sidewalk or public right-of-way; work conducted by Town or County maintenance personnel are excepted from this prohibition.
- (c) **Fire Response Costs.** In the event an open burning event results in a response by Fire Department and/or other emergency personnel, the cost of such ~~response may be~~ billed to the property owner, and, if necessary placed on the property tax roll pursuant to Sec. 66.30(16), Wis. Stats.