

CHAPTER 2

Fire Protection

(Rev. 4-2005, Ord. 2005-02)

- SEC. 5-2-1 FIRE DEPARTMENT ORGANIZATION; GOALS OF THE DEPARTMENT.
- SEC. 5-2-2 IMPEDING FIRE EQUIPMENT PROHIBITED.
- SEC. 5-2-3 POLICE POWER OF THE DEPARTMENT; INVESTIGATION OF FIRES.
- SEC. 5-2-4 DAMAGING FIRE HOSE PROHIBITED; PARKING BY HYDRANTS; BLOCKING FIRE LANES.
- SEC. 5-2-5 FIREFIGHTER MAY ENTER ADJACENT PROPERTY.
- SEC. 5-2-6 DUTY OF BYSTANDERS TO ASSIST.
- SEC. 5-2-7 VEHICLES TO YIELD RIGHT-OF-WAY.
- SEC. 5-2-8 INTERFERENCE WITH USE OF HYDRANTS PROHIBITED.
- SEC. 5-2-9 OPEN BURNING.

SEC. 5-2-1 FIRE DEPARTMENT ORGANIZATION; GOALS OF THE DEPARTMENT.

- (a) **Fire Department Recognized.** The Marshall Volunteer Fire Department (hereinafter "Fire Department") is officially recognized as the Fire Department serving the Village of Marshall, and the duties of firefighting, fire inspections, public fire education and fire prevention in the Village are delegated to such Department. The Fire Department shall be responsible for the program of fire defense for the citizens and property within the Village of Marshall.
- (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.
 - (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) **Organization.** The 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 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 Fire 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 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, the Fire Chief 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, shall designate a fire official of the Fire Department to be the Fire Inspector of the Village of Marshall. The Fire Chief shall have the power to appoint one or more deputy Fire Inspectors. Appointed Inspectors 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, and further assist in the performance of the responsibilities and duties placed on the Fire Chief for the enforcement of the Fire Prevention Code, which is Chapter 3 of Title 5 of the Village of Marshall Municipal Code.
- (2) The designated Fire Inspector shall be responsible for the direct administration and enforcement of the Marshall Fire Prevention Code as authorized or directed by the Fire Chief of the Fire Department. 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 Marshall at all reasonable hours for the purpose of making inspections or investigations which, under the provisions of this Code of Ordinances, which he or she may deem necessary.

It shall be the duty of the Fire Inspector to enforce all laws and ordinances of the Village of Marshall, covering the following:

- A. The prevention of fires.
- B. The storage, sale and use of combustible, flammable or explosive materials.
- C. The maintenance of automatic and other fire alarm system, and fire extinguishing equipment.

- D. The maintenance and regulation of fire escapes.
- E. The means and adequacy of exit in case of fire from factories, schools, hotels, lodging houses, multiple family dwellings, hospitals, churches, halls, theaters, amphitheatres, and all other places in which numbers of person work, live or congregate, from time to time for any purpose.

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 or her duty to give such directions for the abatement of such conditions as he or she shall deem necessary.

Whenever any inspector shall find any building, or upon any premises or other places, combustible or explosive matter or dangerous accumulations of rubbish or unnecessary accumulation of waste, paper, boxes, shavings or any highly flammable material especially liable to fire, and which is so situated as to endanger property; or shall find obstructions to or on fire escapes, stairs, passageways, doors, or windows, liable to interfere with the operations of the Fire Department or egress of occupants in case of Fire, the Inspector shall order the same to be removed or remedied, and such order shall forthwith be complied with by the owner or occupant of such premises or building.

Failure to comply with an order issued pursuant to this section shall constitute a violation of this ordinance and shall be subject to the enforcement and penalty sections of this ordinance.

Any owner or occupant failing to comply with such order within a reasonable period of time after the service of the said order shall be liable to penalties as hereinafter provided.

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

- (3) The provisions of this Chapter shall apply to all places of employment and public buildings in the Village of Marshall. The definitions of "place of employment" and "public building" contained in sec. 101.01, Wis. Stat., or as that statute may from time to time be amended are hereby adopted and incorporated by reference.
- (4) The Fire Inspector in command of inspections shall hereby be vested with full and complete police authority for the preservation and protection of public health, peace, safety, and welfare, and all the Fire Prevention Code shall be liberally construed for that purpose.

- (5) The Chief of the Fire Department is required, directly or by officers or members of the Fire Department designated, 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, or not less than once in three (3) months in such territory as the Village Board has designated or thereafter designates 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.
- (6) 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.

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

(c) ENFORCEMENT; PENALTY.

- (1) All former ordinances or parts thereof conflicting or inconsistent with provision of this ordinance or of the codes thereby adopted are hereby repealed.
- (2) **Enforcement.** The Fire Chief and/or designated Fire Inspector shall enforce those provisions of this Chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated.
- (3) **General Penalty.** Any person who shall violate any provision of this Chapter or who fails to comply with an Order issued pursuant to this Chapter shall be subject to a penalty as provided in Title 1-1-6 of the Marshall Code of Ordinances.

**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 fifteen (15) 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 FIREFIGHTER 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 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 or 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.

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

SEC. 5-2-9 OPEN BURNING.

- (a) **Purpose.** This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Village of Marshall due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning.
- (b) **Applicability.** This ordinance applies to all outdoor burning and refuse burning within the Village of Marshall.
 - (1) This ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.

- (2) This ordinance does not apply to burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation unless the material being burned includes refuse as defined in Section “f” of this ordinance.
 - (3) This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.
- (c) **Severability.** Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.
- (d) **Definitions.**
- (1) “Campfire” means a small outdoor fire intended for recreation or cooking not including a fire intended for disposal of waste wood or refuse.
 - (2) “Clean Wood” means natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.
 - (3) “Fire Chief” means the Chief of the Marshall Fire Department or other person authorized by the Fire Chief
 - (4) “Outdoor Burning” means open burning or burning in an outdoor wood furnace.
 - (5) “Open Burning” means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney from an enclosed chimney.
 - (6) “Outdoor Wood Furnace” means a wood-fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.
 - (7) “Refuse” means any waste material except clean wood.
- (e) **General prohibition on outdoor burning and refuse burning.** Open burning, outdoor burning and refuse burning are prohibited in the Village of Marshall unless the burning is specifically permitted by this ordinance.
- (f) **Materials that may not be burned.**
Unless a specific written approval has been obtained from the Department of Natural Resources, the following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device. The Village of Marshall will not issue a permit for burning any of the following materials without air pollution control devices and a written copy of an approval by the Department of Natural Resources.
- (1) Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
 - (2) Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 590, Wisconsin Administrative Code.
 - (3) Asphalt and products containing asphalt.

- (4) Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
- (5) Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
- (6) Rubber including tires and synthetic rubber-like products.
- (7) Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the recycling ordinance except as provided in Section “k” of this ordinance.
- (8) Construction waste and debris from a construction site.
- (g) **Burning leaves, brush, clean wood and other vegetative debris.**
 - (1) Open burning of leaves, weeds, brush, stumps, clean wood, trees and other vegetative debris is prohibited.
 - (2) Except for barbecue, gas and charcoal grills, no open burning shall be undertaken during periods when either the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban applicable to the area.
 - (3) Fires set for forest or wildlife habitat management are allowed with the approval of the Department of Natural Resources.
 - (4) Outdoor campfires and small bonfires for cooking, ceremonies or recreation are allowed provided that the fire is confined by a control device or structure such as a barrel, fire ring, or fire pit.
 - (5) Large Bonfires are allowed only if a single incident burn permit is obtained and approved by and in accordance with provisions established by the Fire Chief.
 - (6) Burning in emergency situations such as natural disasters is allowed if approved by the Department of Natural Resources.
 - (7) Open burning under subsections (g)(3) and (g)(5) shall be conducted only following issuance of and in accordance with a permit issued under Section “l” of this ordinance.
 - (8) Open burning under this section shall only be conducted at a location at least 250 feet from the nearest building which is not on the same property.
 - (9) Except for campfires and permitted bonfires, open burning shall only be conducted by the Marshall Fire Department at the time of year and time of day as the department deems appropriate.
 - (10) Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
 - (11) No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream, or water body.
 - (12) Except for barbecue, gas and charcoal grills, no burning shall be undertaken within 15 feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized

by the Fire Chief.

- (h) **Burn barrels.**
No person shall use or maintain a burn barrel in the Village of Marshall.
- (i) **Outdoor wood furnaces.**
An outdoor wood furnace may be used in the Village of Marshall only in accordance with the following provisions:
 - (1) The outdoor wood furnace shall not be used to burn any of the prohibited materials listed in Section 5-2-9 of this ordinance.
 - (2) The owner of the outdoor wood furnace shall obtain a conditional use permit from the Village in accordance with Title 13, Article E of the Village of Marshall municipal code.
- (j) **Fire department practice burns.** Except as provided in this section for Fire Department practice burns, an existing unwanted building in Village of Marshall may not be burned. A building, which is no longer standing, may not be used for a practice burn.
 - (1) An existing building may be burned only by the Marshall Fire Department and only if the Fire Chief determines that the burning is necessary for practice and instruction of fire fighters or fire fighting equipment.
 - (2) Asphalt shingles and asphalt or plastic siding shall be removed prior to the practice burn unless the Fire Chief determines that they are necessary for the fire practice.
 - (3) All other materials prohibited by subsection “f” of this ordinance shall be removed prior to the practice burn.
 - (4) A demolition notification shall be submitted to the Department of Natural Resources and all asbestos removed prior to the practice burn.
 - (5) All ash shall be disposed of in an approved landfill or at an alternative location approved by the Department of Natural Resources.
- (k) **Exemption for burning certain papers**
 - (1) Notwithstanding Subsection (f)(8) of this ordinance, paper and cardboard products may be used as a starter fuel for a fire that is allowed under this ordinance
 - (2) Small quantities of confidential papers from a residence may be burned if necessary to prevent the theft of financial records, identification or other confidential information.
 - (3) Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.
 - (4) A fire set for burning of a small quantity of confidential papers shall be subject to and comply with Subsections (g)(2,4,10,11, and 12) of this ordinance.
- (l) **Burning Permits**
 - (1) No person shall start or maintain any open burning without a burning permit issued by the Village Board upon recommendation from the Fire Chief.
 - (2) An outdoor campfire does not require a permit provided that the fire complies with all other applicable provisions of this ordinance.
 - (3) Any person responsible for burning leaves, brush, clean wood or other

vegetative debris under Section “g” of this ordinance shall obtain a one-time burning permit before starting the fire.

- (4) When weather conditions warrant, the Fire Chief or the Department of Natural Resources may declare a burning moratorium on all open burning and temporarily suspend previously issued burning permits for open burning.
 - (5) A burning permit issued under this section shall require compliance with all applicable provisions of this ordinance and any additional special restrictions deemed necessary to protect public health and safety.
 - (6) Any violation of the conditions of a burning permit shall be deemed a violation of this ordinance. Any violation of this ordinance or the burning permit shall void the permit.
- (m) **Liability.** A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.