

CHAPTER 12

FIRE PREVENTION AND RESCUE SQUAD

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12.01 FIRE DEPARTMENT ORGANIZATION

- (a) **MEMBERSHIP.** The Fire Department of the Village of Pulaski (the "Pulaski Fire Department") shall consist of the Fire Chief, a First and Second Assistant Chief, and as many drivers and firefighters who live and normally work within the Village of Pulaski as may be appointed by the Chief and approved by the Village Board, provided that at no time shall the Pulaski Fire Department consist of less than 22 active members.
- (b) **DEPARTMENT TO ADOPT BYLAWS.** The Village of Pulaski is serviced by the Pulaski Tri-County Volunteer Fire Department, Inc., a separate entity, which has its own set of bylaws. If the Village shall cease to contract for services, as provided in Sec. 12.01(c), the Pulaski Fire Department shall adopt bylaws for the control management and government and for the regulation of business and proceedings of the Pulaski Fire Department, which bylaws shall be adopted by a two-thirds (2/3) vote of the Pulaski Fire Department members and approved by the Village Board. Amendments shall be adopted in the same manner.
- (c) **CONTRACT SERVICES.** In lieu of the establishment of the Pulaski Fire Department, the Village shall have the authority, by resolution, to contract for fire prevention and firefighting services with a private fire prevention and firefighting organization authorized to provide such services within the Village. In the event the Village shall contract for fire prevention and firefighting services with a private fire prevention and firefighting organization, all references to the powers, duties and authorities of the Fire Chief, or his designee, or of firefighters under this Chapter, shall apply to the fire chief and the firefighters of the contract service provider.

12.02 FIRE CHIEF

- (a) **DUTIES AND POWERS.** The Chief shall have general supervision of the Pulaski Fire Department personnel, apparatus and equipment, subject to the ordinances of the Village and the bylaws of the Pulaski Fire Department. The Fire Chief, or his designee, shall be present at all fires and command all fire fighting operations. The Fire Chief, or his designee, may demote or expel any officer or member of the Pulaski Fire Department for neglect or refusal to perform Pulaski Fire Departmental duties, subject to the right of any member demoted or expelled to appeal to the Village Board. The Fire Chief, or his designee, shall enforce or cause to be enforced all fire prevention ordinances, laws and regulations of the Village and State.
- (b) **TO ACT AS FIRE INSPECTOR.** The Fire Chief as Fire Inspector of the Village of Pulaski shall have the power to appoint one or more deputy Fire Inspectors and shall perform all duties required of Fire Inspectors by the laws and rules of the State.

12.03 FIREFIGHTER

- (a) **APPLICATIONS.** Applications for membership in the Pulaski Fire Department shall be filed with the Department Secretary. Each applicant shall also file a certificate of physical fitness from such physician as the Chief may designate. The name of any applicant appointed by the Chief as provided in the bylaws shall be presented to the Village Board for confirmation.
- (b) **AGE LIMIT.** Age limits for membership in the Pulaski Fire Department shall be determined by the Pulaski Fire Department.

12.04 AUTHORITY AT FIRES

The Chief and his assistants or officers in command are hereby vested with full and complete police authority at fires and may cause the arrest of any person failing to give the right-of-way to the Pulaski Fire Department responding to a fire call.

12.05 REMOVAL OF PROPERTY

The Chief, or his designee, 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 spread of fire or protect adjoining property, and during the progress of any fire he shall have the power to order the destruction of any property necessary to prevent the further spread of the fire. The Fire Chief, or his designee, shall also 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 impede the work of the Pulaski Fire Department during the progress of a fire.

12.06 FIREFIGHTER MAY ENTER ADJACENT PROPERTY

It shall be lawful for any fireman acting under the direction of the Fire Chief or any officer in command to enter upon the premises adjacent to or in the vicinity of any building or other property then on fire for the purpose of extinguishing such fire and no person shall hinder, resist or obstruct any fireman in the discharge of his duty as hereinbefore provided, the person so offending shall be deemed guilty of resisting Firefighter in the discharge of their duty.

12.07 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 refusing to obey said orders.

12.08 FALSE FIRE ALARMS PROHIBITED

No person shall give or send, or cause to be given or sent, in any manner any alarm of fire which he knows to be false.

12.09 DAMAGING FIRE HOSE PROHIBITED

No person shall willfully injure in any manner, any hose, hydrant or fire apparatus belonging to the Village of Pulaski, or its contract service provider, and no vehicle shall be driven over any unprotected fire hose 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 official in command.

12.10 INTERFERENCE WITH USE OF HYDRANTS PROHIBITED

No person shall occupy any portion of such streets or alleys with a motor 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.

12.11 OPEN BURNING REGULATIONS

- (a) **OPEN BURNING PROHIBITED.** Except as otherwise permitted in this Section, all open burning is prohibited in the Village of Pulaski.
- (b) **RECREATIONAL FIRES.**
 - (1) **DEFINITION.** For purposes of this Section, a "recreational fire" shall mean a campfire or an outdoor cooking fire, whether charcoal or LP based, for recreational or personal enjoyment. *(Ord. #491.10)*
 - (2) **EXEMPTION.** Recreational fires complying with this Section are exempt from the open burning prohibitions stated in Section 12.11(a).
 - (3) **EXEMPTION REQUIREMENTS.** To qualify for the open burning prohibition exemption of Section 12.11(a), the recreational fire must meet the following requirements:
 - a. No recreational fire shall be located on a wooden deck or

- on a balcony. (Ord. #491-10)
- b. No fire pit, whether in ground or portable, shall be closer than twenty-five (25') feet from any fence, building, shed, accessory structure, garage, or any other combustible material.
 - c. No in ground fire pit shall be deeper than twelve (12") inches nor greater in diameter than four (4') feet. The fire pit shall be surrounded on the outside at ground level by non-combustible material such as concrete block or rock.
 - d. Portable fire pits, defined as commercially designed devices intended to contain and control outdoor wood fires, must be used in accordance with the manufacturer's recommendations and must be used upon a non-combustible surface such as stone, gravel, concrete or brick, with a surface area twice the diameter of the portable fire pit.
 - e. No recreational fires shall be started or allowed to continue burning when the wind direction or wind speed would cause, smoke, embers or other burning materials to be carried by the wind toward any building or other flammable materials. Smoke from any recreational fire shall not cause a nuisance for neighboring property owners. The fire shall be extinguished immediately upon the complaint of a neighboring property owner in regard to nuisance smoke.
 - f. Material for recreational fires shall not include rubbish, garbage, recyclable items, trash, any material made of or coated with rubber, plastic, leather, or petroleum-based materials, and shall not contain any flammable or combustible liquids.
 - g. Adequate fire suppression equipment, such as shovels, fire extinguishers, water hoses, or other like equipment sufficient to extinguish the fire, shall be immediately available to extinguish or control the recreational fire if necessary.
 - h. All recreational fires shall be attended at all times by at least one responsible person at least 18 years of age or older, from the ignition of the fire until the fire is completely extinguished.
- (c) **APPROVED TRAINING FIRES.** Training fires for firefighters, approved by the Fire Chief, shall be exempt from the open burning prohibitions stated in Section 12.11(a).
- (d) **CONTROLLED BURNING.** Burning carried out and controlled by the Village on public property under the direction and control of and authorized by the Director of Public Works for public purposes shall be exempt from the open burning prohibitions of Sec. 12.11(a) of the Municipal Code of Ordinances. (Ord. #415)

12.12 FIRE CALL FEE

There shall be a fee for each fire call within the Village, which fee shall be determined and set from time to time by resolution of the Village Board. The fire call fee shall be payable by the owner of the property that is the subject of the fire. In the event of multiple property owners, the owners shall be jointly and severally liable for the fire call fee. The fire call fee shall be exclusive of and in addition to any insurance claim recovery obtained through the property owner's insurance carrier. In the event the fire call fee remains unpaid after ninety (90) days after the invoice date, the fee shall be deemed delinquent, shall become a lien on the property against which it is imposed as of the date of delinquency, and shall be placed on the tax roll for that property as a special charge under s. 66.0627, Wis. Stats.

12.13 ELIMINATION OF DANGEROUS OR HAZARDOUS CONDITIONS

- (a) **WHEN ORDERS TO BE ISSUED.** Whenever the Chief finds in any building or upon any premises any of the following dangerous or hazardous conditions or materials which present a clear and present danger due to the likelihood of fire or explosion, such materials shall be removed or conditions remedied in a reasonable manner:
- (1) Dangerous or unlawful amounts of combustible or explosive materials.
 - (2) Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive materials.
 - (3) Dangerous or unlawful accumulations of rubbish, waste, paper boxes, shavings or other flammable materials.
 - (4) Accumulation of dust or waste material in air conditioning or ventilation systems or of grease in kitchen or other exhaust ducts.
 - (5) Obstruction of fire escapes, stairs, passageways, doors or windows which interfere with the operations of the Fire Department or egressive occupants in case of fire.
- (b) **SERVICE OF ORDERS.**
- (1) The service of written orders by the Chief, or his designee, for the correction of violations of this Chapter shall be made upon the owner, occupant, or other person responsible for the conditions, either by delivering a copy of the same to any person in charge of the premises or by mailing such orders to the owner or other responsible person. This subsection shall not preclude the Chief, or his designee, from issuing orders orally or in such other manner as deemed appropriate under the circumstances.

- (2) If buildings or other premises are owned by one person, and occupied by another, the orders issued in connection with the enforcement of this Chapter shall apply to the occupant thereof as well as to the owner. Except where rules or orders require the making of additions to or changes in the premises themselves, such as would immediately become fixtures upon the real estate and become the property of the owner of the premises, such orders shall be served upon the owner of the premises unless it is otherwise agreed between the owner and the occupant.
- (3) Receipt of any order issued by the Chief, or his designee, hereunder by the owner or the occupant shall be sufficient notice to effect compliance with the order.

12.14 OUTDOOR WOOD-FIRED FURNACES PROHIBITED

- (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 Pulaski, Wisconsin from the air pollution hazards and public nuisance of operating an outdoor wood-fired furnace in densely populated areas.
- (b) **DEFINITIONS.** For the purposes hereof, the following definitions shall apply:
 - (1) "Outdoor Wood-Fired Furnace" shall mean a wood-fired furnace or boiler so designed to burn wood or other approved solid fuels as specified by the manufacturer for outdoor installation in an accessory structure not intended for habitation by humans or domestic animals to provide heat and/or heated water to a building intended for habitation by humans or domestic animals via the distribution, particularly through pipes, of a water or water/antifreeze mixture. This definition does not include outdoor recreational uses of wood fires such as outdoor fire pits, chimaeas or outdoor wood-fired grills or barbecues.
- (c) **GENERAL PROHIBITION ON OUTDOOR WOOD-FIRED FURNACES.** The construction and operation of outdoor wood-fired furnaces, as defined herein, are expressly prohibited within the boundaries of the Village. (Ord. #478-09)

12.15 ADOPTION AND INCORPORATION OF NFPA1.

- (a) **NFPA1 ADOPTED.** The National Fire Protection Association (the "NFPA") has developed, established and maintains a comprehensive and integrated uniform Fire Code that establishes minimum standards and requirements for fire prevention and suppression and hazard management, known and referred to as "NFPA1". For the protection of life, health and

property; to minimize risk to the public and to safety personnel; and, to establish minimum standards and requirements for fire prevention and suppression and hazard management, the provisions of NFPA1, as currently written, together with all future duly-adopted amendments, revisions or modifications thereof and thereto, are hereby fully incorporated herein and made a part, by reference of this Code.

- (b) **VIOLATIONS OF NFPA1.** Any violation of the provisions of NFPA1, adopted and incorporated herein, shall be subject to the penalty provisions of Sec. 12.31 hereof. (*Ord. #498-2011*)

12.16 (Reserved)

12.17 (Reserved)

12.18 (Reserved)

12.19 (Reserved)

12.20 **RESCUE SQUAD**

- (a) **ORGANIZATION.** There shall be established the Tri-County Volunteer Rescue Squad of the Village of Pulaski. The officers shall be the President, President-Elect, Secretary, Treasurer, Training Officer and Supply Officer. The operation shall be directed by a Captain.

(b) **CONSTITUTION AND BYLAWS.** The Rescue Squad shall adopt a constitution and bylaws for the control, management and government and for regulation of business and proceedings of the Rescue Squad, which constitution shall be adopted by a 3/4 vote of the squad members and approved by the Village Board. Amendments shall be adopted in the same manner.

12.21 FALSE ALARMS PROHIBITED

No persons shall give or send, or cause to be given or sent, in any manner, any alarm or call for rescue squad service which is known or should have known to be false.

12.22 INTERFERENCE PROHIBITED

No person shall interfere with the operation of a rescue squad or its members while on or carrying out a rescue squad call.

12.23 (Reserved)

12.24 (Reserved)

12.25 (Reserved)

12.25 (Reserved)

12.26 (Reserved)

12.29 (Reserved)

12.30 FLAMMABLE LIQUIDS

(a) **GENERALLY.** The Wisconsin Administrative Code Chapter Ind. 8 (Flammable Liquids Code) issued by the Industrial Commission of Wisconsin is hereby adopted by reference as a part of this Chapter and it is the duty of the Building Inspector to enforce the provisions thereof.

- (b) **STORAGE OF GASOLINE.** The construction, installation, and maintenance of any storage tank or container for gasoline located below or above the ground or floor is prohibited in any residential area. Only five (5) gallons of gasoline may be stored in the usual red containers clearly marked "gasoline" on any one premises in the garage, outside shed, or area outside the home walls.
- (c) **TANK INSTALLATION AND REMOVAL PERMIT REQUIRED.** No above or below ground storage tank, capable of holding a flammable liquid, as defined herein, shall be installed on or removed from any property located in the Village without the following: *(Ord. #367)*
 - (1) Obtaining from the Village a permit for such installation or removal in such form as may be prescribed by the Village.
 - (2) The payment of a tank installation or removal fee based on the following:

<u>TANK CAPACITY</u>	<u>PERMIT FEE</u>
0-1000 gallons	\$45.00 per tank
1001-3000 gallons	\$60.00 per tank
3001-5000 gallons	\$75.00 per tank
Above 5000 gallons	\$90.00 per tank

12.31 PENALTIES.

The penalty for violating any provision of this Chapter shall be not less than \$50.00 nor more than \$500.00, plus all applicable Court costs. *(Ord. #413)*