

Chapter 163

FIRES AND FIRE PREVENTION

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[HISTORY: Adopted by the Village Board of the Village of Black Creek as Title 3, Ch. 2, §§ 3-2-3 and 3-2-5 through 3-2-14, and Title 3, Ch. 3, of the 1987 Village Code. Amendments noted where applicable.]

§ 163-1. Impeding fire equipment prohibited.

No person shall impede the progress of the fire engine or fire truck or other fire apparatus of any 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.

§ 163-2. Damage to fire hoses and hydrants prohibited.

No person shall willfully injure in any manner, any hose, hydrant or fire apparatus belonging to the Fire Department or Village, 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.

§ 163-3. Firemen may enter adjacent property.

It shall be lawful for any fireman, while acting under the direction of the Fire Chief or other 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 in case any person shall hinder, resist or obstruct any fireman in the discharge of his duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firemen in the discharge of their duty.

§ 163-4. 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.

§ 163-5. 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 motor 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, provided such Fire Department vehicles are operating the proper emergency signals prescribed by state statutes.

§ 163-6. 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.

§ 163-7. Fire Department equipment.

- A. The Fire Chief shall have control of all apparatus used by the Department and shall be responsible for its proper maintenance. Emergency repairs may be authorized by the Chief.
- B. No apparatus shall be used for any purpose except for firefighting within the Village limits, or in training therefor, except pursuant to an agreement approved by the Village Board after the Chief has given his recommendations on such use. With the approval of the Chief, such apparatus may be used for emergency purposes other than firefighting within the Village limits.

§ 163-8. Open burning.

- A. Open burning prohibited. No person, firm or corporation shall build any outdoor fire within the corporate limits of the Village excepting as set forth in Subsection B of this section.
- B. Exceptions.
 - (1) Outdoor cooking over a fire contained in a device or structure designed for such use.
 - (2) Controlled burning of grass or similar vegetation for environmental management purposes, with the prior written approval of the Fire Chief.
 - (3) Ceremonial campfires or bonfires, with prior written approval of the Fire Chief.

- (4) Controlled burning of dry leaves and other nonoffensive, dry yard debris during specific periods designated by resolution of the Village Board; provided, however, that such burning is:
 - (a) Monitored by a responsible person until the fire has extinguished itself completely;
 - (b) Conducted on days when excessive wind or atmospheric conditions will not result in danger to public health or safety;
 - (c) Located off the public street pavement or street gutter;
 - (d) Located at least 30 feet from any neighboring residence;
 - (e) Not used for covert incineration of offensive substances or materials.
 - (5) 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 Subsection B(2) and (3) above. In addition, the Village Board, by resolution adopted and posted in the Village, may modify the date for restricted open burning allowed under Subsection B(4).
 - (6) Whenever approval and special permits are granted by the Fire Chief under Subsection B(2), (3) and (5) of this section, the permit may specify and be conditioned on observance of safety restrictions set forth therein.
- C. Chief may prohibit. The Fire Chief is permitted to prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous.
- D. Burning on streets. No materials may be burned upon any street, curb, gutter or sidewalk.
- E. Liability. Any person utilizing and maintaining an outdoor fire shall be responsible for any liability resulting from damage caused by his fire.

§ 163-9. Outdoor solid-fuel heating devices. [Added 1-11-2010]

- A. Outdoor solid-fuel heating devices. An outdoor device, structure, building or apparatus which supplies direct or indirect heat from the burning of solid fuel, including but not limited to wood, to another building.
- B. Use prohibited. Outdoor solid-fuel heating devices are prohibited and shall not be installed or operated within the Village of Black Creek.

§ 163-10. Cost of fire service. [Added 2-14-2011]

- A. Purpose. The Village Board for the Village of Black Creek does hereby ordain to create this section.

- B. Charges of service. The Fire Department will invoice for the following incidents: auto accidents, vehicle fires, fuel leaks of improperly maintained vehicles, hazardous material spills or leaks, unpermitted open burning and unattended fires, special requested apparatus, structure fires and any other miscellaneous alarms as deemed necessary. The Fire Department reserves the right to waive fees for false alarms. See attached for rural fire rates.

Rural Fire Rates Charges for Service
\$250 per call
\$10 per hour for each personnel
\$15 per bag of oil dry
\$0.02 per gallon of water used
Any other miscellaneous charges as deemed necessary.

§ 163-11. Recreational fire pits; burning of trash, grass and refuse restricted. [Added 6-25-2012]

A recreational fire, such as any small fire contained in a self-enclosing portable device or noncombustible structure located at a residence for the purposes of recreation and personal enjoyment, shall comply with the following requirements:

- A. Recreational fire devices shall be at ground level and shall be no closer than 15 feet to any structure or any other combustible material.
- B. Fires shall be contained in a portable device that is placed upon a secured, noncombustible surface, or constructed of a noncombustible material and placed on a noncombustible surface or in an approved firepit. No person shall maintain a recreational fire in an approved portable device or noncombustible structure so that the flames extend beyond the fire chamber.
- C. Definitions. As used in this section, the following terms shall have the meanings indicated:

COMMERCIAL FIRE APPLIANCE — An "outdoor appliance" is any commercially available appliance designed to contain a wood fire when operated according to manufacturer's instructions with all lids, screens and spark-arresting devices in place; or a permanent structure built entirely of noncombustible materials, designed with spark arrestors and screens to contain a wood fire.

FIREPIT — An approved firepit is any below-ground dug pit not greater than 24 inches inside diameter (inside edge of the pit to inside edge); lined with noncombustible material, soil, metal or stone; a minimum of six inches deep; and ringed on the outer diameter with stone, brick or concrete.

- D. Fires shall not be started at a time or maintained when the wind speeds exceed 15 miles per hour, and smoke from recreational fires shall not create a nuisance for the neighboring property owners. No recreational fires shall be started when the wind will cause smoke, combustibles or other materials to be carried by the wind toward any

building or other combustible or flammable materials. Fire shall be completely extinguished when Police or Fire Department investigation determines a nuisance is present.

- E. Materials for recreational fires shall not include rubbish, garbage, recyclable items, trash, yard waste or any materials made of or coated with rubber, plastic, leather or petroleum-based materials made of or coated with rubber, plastic, leather or petroleum-based materials and shall not contain any combustible or flammable liquids. No construction materials.
- F. Adequate fire-suppression equipment, such as shovels, an ABC rated fire extinguisher of at least 10 lbs. capacity or water hoses or containers shall be present to extinguish or control fires at all times.
- G. Fires shall be attended at all times by at least one responsible person of age 16 or older.
- H. It is the duty of any renter or lessee at a dwelling to notify and obtain written permission from the property owner prior to initiating any recreational fire.
- I. Citations may be issued for failure to comply with the above regulations, and the property owner, renter or lessee shall be held liable for any damage caused by any recreational fire, including the cost of citations. The property owner and/or person who has started any recreational fire shall hold the Village harmless from any and all such liability for any damages caused by a recreational fire. The property owner or person who started the fire shall be held liable for any costs associated with extinguishing improper fires.
- J. Only clean and untreated wood or manufactured fire log material may be burned. No leaves, rubbish, garbage, trash or construction material may be burned.
- K. Recreational fires shall not be permitted from 12:00 a.m. to 7:00 a.m.
- L. Authorized campgrounds and Village parks shall be exempt from the provisions of this section. However, the same shall be subject to any applicable regulations or permit requirements.
- M. Only the provisions of Subsections A and D above apply to propane and natural gas fireplaces.
- N. A permit, the cost of which is set forth in the General Fee Schedule, on file in the Village offices, is required annually from the Village. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

§ 163-12. Adoption of state standards.

The following orders, rules and regulations of the Department of Industry, Labor and Human Relations, all of which are set forth in the Wisconsin Administrative Code, as from time to time amended, are incorporated herein by reference and adopted as part of this fire prevention chapter:

- A. Chapter SPS 332, Public Employee Safety and Health.

- B. Chapter SPS 307, Explosives and Fireworks.¹
- C. Chapter SPS 310, Flammable, Combustible and Hazardous Liquids.
- D. Chapter SPS 340, Gas Systems.²
- E. Ch. IND 35, Safety in Construction.
- F. Chapter SPS 343, Anhydrous Ammonia.
- G. Chapters SPS 361 to 365, Commercial Building Code.
- H. Chapter SPS 314, Fire Prevention.
- I. Wisconsin Electrical Code.

1. Editor's Note: Original Sec. 3-3-1(c) of the 1987 Village Code, Ch. IND 7, Cleaning and Dyeing, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

2. Editor's Note: Original § 3-3-1(f) and (g) of the 1987 Village Code, Ch. IND 20, Dusts, Fumes, Vapors and Gases, and Ch. IND 21, Spray Coating, respectively, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).