

## CHAPTER 6

### FIRE PREVENTION AND PROTECTION

6.01	FIRE PROTECTION AGREEMENTS.....	2
6.02	FIRE CHIEF, POWERS AND DUTIES.....	2
6.03	FIRE INSPECTORS.....	2
6.04	SAFETY REGULATIONS.....	2
6.05	DUTY OF BYSTANDERS.....	2
6.06	DAMAGE TO EQUIPMENT AND INTERFERENCE.....	3
6.07	DRIVING OVER FIRE HOSE PROHIBITED.....	3
6.08	COMBUSTIBLE MATERIALS PROHIBITED.....	3
6.09	CARELESS SMOKING PROHIBITED.....	3
6.10	HAZARDOUS MATERIAL SPILLS.....	3
6.11	HAZARDOUS MATERIALS FIRES.....	3
6.12	BURNING REGULATIONS.....	4
6.13	TOWN FIRE PROTECTION CODE; ADOPTION OF CODES.....	5
6.14	PENALTY.....	5
6.15 thru 6.99	RESERVED.....	5

**6.01 FIRE PROTECTION AGREEMENTS.** As authorized in §60.55, Wis. Stats., fire protection for the Town is provided pursuant to an agreement between the Town and Erv's Sparta Area Fire Protection District.

**6.02 FIRE CHIEF, POWERS AND DUTIES.** The Fire Chief of the Fire Department shall direct the operation of the Fire Department at fires, subject to the rules and regulations which may be adopted by the Town Board and shall issue and enforce such orders as in the Fire Chief's judgment may be best calculated for the protection of property and the extinguishing of fires; and shall enforce all applicable ordinances and rules and regulations of the Town Board.

**6.03 FIRE INSPECTORS.**

- 1) **APPOINTMENT.** The Fire Chief or his designee shall be the Town Fire Inspectors.
- 2) **POWERS AND DUTIES.** The Fire Inspectors shall make such inspections as may be necessary to ascertain the compliance of the owners or occupants of private premises with the provisions of the applicable State law and the administrative rules of the Department of Commerce, and this chapter, and he may enter any building or upon any premises at any reasonable hour for the purpose of such inspection. Should an inspector find a fire hazard within the Town, he may serve a notice in writing on the owner of the property, giving the owner 48 hours in which to remove the hazard. If the fire hazard is not removed within that time, it is deemed a nuisance and the Fire Inspectors may have the same removed by the Town and the cost of removal shall be recovered by the Town as a special charge pursuant to §66.0627, Wis. Stats.
- 3) **INVESTIGATION AND RECORD OF FIRES.** The Fire Chief or his designated representative shall investigate the cause of all fires occurring within the Town as soon as possible after their occurrence and shall keep a record thereof, and of the evidence in each case, on file in their offices as public record. The Fire Chief shall notify the Town Clerk of all property fires, including vehicle fires.

**6.04 SAFETY REGULATIONS.** The Fire Chief or his designated agents may prescribe certain limits in the vicinity of any fire within the Town within which any persons or vehicles shall not be permitted. He may 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 adjoining property. He may likewise cause the shut-off of electrical and natural gas services where the same creates a dangerous hazard or interferes with the work of the Fire Department during the progress of the fire.

**6.05 DUTY OF BYSTANDERS.** Every person who may be present at a fire shall be subject to orders of the Fire Chief or other officers in command and every such person shall render assistance as may be ordered by the officer in charge. Any person who shall refuse to obey such order after the official status of the officer in charge shall be made known to him shall be subject to a penalty as provided in sec. 6.14 of this Chapter.

**6.06 DAMAGE TO EQUIPMENT AND INTERFERENCE.** No person shall willfully hinder a fireman in the discharge of his duties, nor shall any person willfully injure in any manner any hose, fire engine or other fire apparatus belonging to the Fire Company.

**6.07 DRIVING OVER FIRE HOSE PROHIBITED.** No road vehicle shall be driven over any fire hose unless otherwise directed by a Fire Chief.

**6.08 COMBUSTIBLE MATERIALS PROHIBITED.** No person shall permit on premises he controls any empty boxes, waste paper, excelsior, rags or other combustible materials in such quantities or manner as to create a fire hazard.

**6.09 CARELESS SMOKING PROHIBITED**

- 1) No person shall, by careless or willful smoking or use of lighters or matches in smoking, whether intentional or unintentional, set fire to personal property or any building.
- 2) The Fire Chief shall post or cause to be posted "No Smoking" signs on any premises or in any building or any section of such premises or building within the Town where, by the presence of highly combustible materials, in his opinion, the act of smoking presents a fire hazard.

**6.10 HAZARDOUS MATERIAL SPILLS.**

- 1) Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illicit discharges or pollutants discharging into or onto land and waters within the Town of Sparta, he or she shall take all necessary steps to ensure the discovery, containment, and cleanup of such release and the costs thereof.
- 2) In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services.

**6.11 HAZARDOUS MATERIALS FIRES.**

- 1) Every person using, storing, handling or transporting flammable or combustible liquids, chemicals, gasses or other hazardous materials shall comply with the requirements of Wis. Adm. Code ATCP 93 as the same is now in force and may hereafter from time to time be amended.
- 2) Every person using, storing, handling or transporting (whether by rail or on the highways) flammable or combustible liquids, chemicals, gasses or other hazardous materials shall be liable to the Town for the actual cost of labor and materials associated with the use of any specialized extinguishing agent, chemical, neutralizer or similar materials or equipment employed to extinguish, confine, neutralize, contain or clean up any such hazardous material which is involved in any fire or accidental spill or in the threat of any fire or accidental spill.

## 6.12 BURNING REGULATIONS.

- 1) RESIDENTIAL DISTRICTS. The following regulations shall be applicable in all Residential Districts of the Monroe County Zoning Code:
  - a) Trash Burning. No person shall kindle or cause to be kindled any fire in or upon any street, alley, public way, park or any public or private ground within the Town within twenty-five (25) feet of any building unless the same is confined within an outside fireplace or grill, metal or concrete incinerator, a wire refuse burner, basket or metal enclosure with a cover attached to prevent the escape of sparks and burning material. No garbage, wet paper, rubber, rags or other materials producing a foul smell shall be burned.
  - b) Leaf Burning. Leaves may be burned in the rear yard only while attended continuously by an adult.
  - c) Controlled Burning by the Fire Department. Controlled burning by the Fire Department is permitted.
- 2) NONRESIDENTIAL DISTRICTS. In addition to burning permitted in residential districts, as provided in sub. (1) above, burning is permitted in nonresidential districts on properties located 300 feet or more from a residential district, subject to the following:
  - a) No person may kindle a large brush fire or other fire without first notifying the Monroe County Sherriff's Dispatch. In the event that such notice is not given and the Fire Department is called, the property owner or person responsible shall be subject to the provisions of sec. 6.14 of this Code.
  - b) All fires shall be continuously attended by a responsible person until extinguished.
  - c) During periods of dry weather, the Town Chairperson may declare a burning ban and, until such burning ban is terminated, it shall be unlawful to kindle any large brush fire or other fire permitted in this section.
  - d) No fire shall be kindled on right-of-way normally maintained by the Town, the County or the State or any roadway in the Town.
  - e) No burning of garbage; rubber; materials emitting toxic fumes or substances, noxious odors or creating a health hazard; building materials; or waste materials and rubbish resulting from building construction, demolition or site clearing shall be allowed, except all-wood products.
- 3) PENALTY. Any person who is convicted of violating any of the terms and provisions of this section shall be liable to the Town for all costs and expenses incurred in fighting or extinguishing such fire and, in addition thereto, shall be subject to a forfeiture, as provided in sec. 1.07 of this Code.

**6.13 TOWN FIRE PROTECTION CODE; ADOPTION OF CODES.** The following chapters of the Wisconsin Administrative Code are hereby adopted by reference and made a part of this Code:

- |                                |                                                     |
|--------------------------------|-----------------------------------------------------|
| 1) Chapter SPS 307             | Explosives and Fireworks                            |
| 2) Chapter ATCP 93             | Flammable, Combustible and Hazardous Liquids        |
| 3) Chapter SPS 340.60 & 340.61 | Liquified Petroleum Gases                           |
| 4) Chapter SPS 340.50-340.52   | Liquified Natural Gas                               |
| 5) Chapter SPS 340.70 & 340.71 | Compressed Natural Gas                              |
| 6) Chapter SPS 314             | Fire Prevention                                     |
| 7) Chapter SPS 332             | Safety                                              |
| 8) Chapter SPS 364             | Building, Heating, Ventilating and Air Conditioning |
| 9) Chapter SPS 369             | Fee Structure                                       |

Copies of the above codes are on file in the office of the Fire Chief or available on the Internet.

**6.14 PENALTY.** Any person who shall violate any provision of this Chapter or any order, rule or regulation made hereunder, and any fireman who shall neglect or refuse to perform any duty required hereunder shall be subject to a penalty as prescribed in sec. 1.07 of this Code.

**6.15 thru 6.99 RESERVED.**