

# **TITLE 5**

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## **Public Safety**

**Chapter 1**  
**Chapter 2**

**Fire and Ambulance Protection**  
**Fire Prevention and Safety Codes**

Town of Big Bend

## Title 5 ► Chapter 1

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### Fire Protection

- 5-1-1 Fire Protection; Fire Department
- 5-1-2 Ambulance Service
- 5-1-3 Fire Protection Charges

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

(a) **General Authority.**

- (1) The Town Board shall provide for fire protection for the Town of Big Bend. 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.

(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.
- (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.
- (5) Negotiate contracts with other local governments and nations, to be adjusted annually.
- (6) The Fire Department may also raise monies independently.

(c) **Appropriations.** The Town Board shall appropriate funds for Fire Department operations

and for such apparatus and equipment for the use of the Fire Department(s) as the Board may deem expedient and necessary to maintain efficiency and properly protect life and property from fire.

*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. The Town may offer financial support to the local rescue service on an annual basis.

*State Law Reference:* Sec. 60.565, Wis. Stats.

### **Sec. 5-1-3 Fire Protection Charges.**

- (a) **State Authority.** Pursuant to Secs. 60.55, 60.555, and 60.557, Wis. Stats., the Town of Big Bend hereby establishes a policy and procedure for payment of fire costs incurred by the Town of Big Bend as set forth in the Town Fee Schedule.
- (b) **Liability for Fire Protection Costs.** Each owner of real estate located within the Town of Big Bend is provided with fire protection by the Town of Big Bend through its contracted fire department. However, in the event that extra equipment, such as a backhoe, ambulance standby service or any other cost to be incurred beyond "normal or customary fire department procedure" must be called in at the discretion of the Fire Department Chief or other person in charge, the owner of the real estate is responsible for the actual costs of the extra equipment or supplementary essentials which is necessary.
- (c) **Liability for Fire Calls When Fire Departments Other Than Authorized Fire Departments.** Any owner of real estate located within the Town of Big Bend who shall request fire protection for such property directly from any fire department other than the Town of Big Bend's designated Fire Department(s), or from any other contractor, shall be responsible for the full costs billed to the Town for the fire call from such fire department. This Section shall not apply to the costs of any other fire department responding to the request of a Fire Department under a mutual aid agreement.
- (d) **Invoice and Payment Procedure; Special Charge and Lien.** Costs of fire calls chargeable under this Section shall first be submitted to the property owner's insurance carrier for possible payment. In the event the insurance carrier denies payment, the costs of fire calls chargeable under this Section shall be invoiced by the Town Clerk-Treasurer to the property owner(s) and shall be paid to the Town Clerk-Treasurer within ninety (90) days of the date of the bill. Invoices which are unpaid ninety (90) days after their dates which are outstanding for more than ninety (90) days and are unpaid as of November 1, of any year, shall become a lien against the real estate for which fire protection was provided and this amount, including interest, shall be placed on the tax role as a delinquent special charge against such real estate pursuant to Sec. 66.0627, Wis. Stats.

## Title 5 ► Chapter 2

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# Fire Prevention and Safety Codes

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### Sec. 5-2-1 Intent of Code.

It is the intent of this Chapter to prescribe regulations consistent with recognized standard practice for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling, and use of hazardous substances, materials, and devices, and from conditions hazardous to life and property in the use or occupancy of buildings or premises.

### Sec. 5-2-2 Adoption of State Codes.

- (a) The following orders, rules, and regulations of the Wisconsin Department of Commerce (formerly 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:
- (1) Ch. SPS 307, Explosives and Fireworks
  - (2) Ch. SPS 310, Flammable, Combustible and Hazardous Liquids
  - (3) Ch. SPS 314, Fire Prevention
  - (4) Ch. SPS 316, Electrical
  - (5) Chs. SPS 320 to 325, Uniform Dwelling Code
  - (6) Ch. SPS 328, Smoke Detectors and Carbon Monoxide Detectors

- (7) Ch. SPS 330, Fire Department Safety and Health
  - (8) Ch. SPS 343, Anhydrous Ammonia
  - (9) Chs. SPS 361 to 366, Wisconsin Commercial Building Code
  - (10) Chs. SPS 375 to 379, Buildings Constructed Prior to 1914
  - (11) Wisconsin Electrical Code
- (b) The following codes of the National Fire Protection Association (NFPA) are hereby adopted by reference and made a part of the Town of Big Bend Fire Prevention Code:
- (1) Volume IV — Extinguishing Equipment.
- (c) Whenever the provisions of the aforementioned codes conflict, the stricter interpretation shall apply.

### **Sec. 5-2-3 Application to New and Existing Conditions.**

The provisions of this Chapter shall apply equally to new and existing conditions except that existing conditions not in strict compliance with the terms of this Chapter shall be permitted to continue where the exceptions do not constitute a distinct hazard to life or adjoining property.

### **Sec. 5-2-4 Orders to Eliminate Fire Hazards.**

Whenever any of the officers, members, or inspectors of the Fire Department shall find any building or upon any premises dangerous or hazardous conditions as follows, he or they shall order such dangerous conditions or materials to be removed or remedied in such manner as may be specified in said order:

- (a) Dangerous or unlawful amounts of combustible or explosive matter.
- (b) Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive matter.
- (c) Dangerous accumulations of rubbish, wastepaper, boxes, shavings, or other highly flammable materials.
- (d) Accumulations of dust or waste material in air conditioning systems or of grease in kitchen exhaust ducts.
- (e) Obstructions to or on fire escapes, stairs, passageways, door, or windows liable to interfere with the operation of the Fire Department or egress of occupants in case of fire.
- (f) Any building or other structure which, for want of repairs, lack of sufficient fire escapes or other exit facilities, automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause, creates a fire hazard or a threat to life and safety.

### **Sec. 5-2-5 Service of Orders.**

- (a) The service of such orders as mentioned in Section 5-2-4 may be made upon the owner, occupant, or other person responsible for the conditions, either by delivering a copy of the same personally or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the said premises. Whenever it may be necessary to serve such an order upon the owner of premises, such order may be served either by delivering to and leaving with the said person a copy of the said order or, if the owner is absent from the jurisdiction of the officer making the order, by mailing such copy to the owner's last-known post office address.
- (b) If buildings or other premises are owned by one (1) person and occupied by another under lease or otherwise, the orders issued in connection with the enforcing of the Chapter shall apply to the occupant thereof, except where the rules or orders require the making of such additions to or changes in the premises themselves, such as would immediately become real estate and be the property of the owner of the premises; in such cases the rules or orders shall affect the owner and not the occupant unless it is otherwise agreed between the owner and the occupant.

### **Sec. 5-2-6 Investigation of Fires.**

- (a) The Fire Department serving the Town of Big Bend shall investigate the cause, origin, and circumstances of every fire occurring in the Town which is of suspicious nature or which involves loss of life or injury to persons or by which property has been destroyed or substantially damaged. Such investigations shall be begun immediately upon the occurrence of such a fire by the fire officer in whose district the fire occurs, and if it appears that such fire is of suspicious origin, the Chief of the Fire Department shall take charge immediately of the physical evidence, shall notify the proper authorities designated by law to pursue the investigation of such matters and shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case.
- (b) Appropriate law enforcement agencies, upon request of the Chief of the Fire Department, may assist in the investigation of any fire which, in the opinion of the Chief of the Fire Department, is of suspicious origin.

### **Sec. 5-2-7 Burning Permits**

Wisconsin Department of Natural Resources burning permits are required in the Town of Big Bend for burning on the ground and in barrels when the ground is not completely snow covered.

**Sec. 5-2-8 Banning and/or Regulating the Use of Fire, Burning Materials, and Fireworks During Existence of Extreme Fire Danger.**

- (a) **Declarations of Emergency.** When there occurs a lack of precipitation, there may exist an extreme danger of fire within the Town of Big Bend. This extreme danger of fire affects the health, safety, and general welfare of the residents of the Town of Big Bend and constitutes a state of emergency. It is hereby found that the regulation of fires, burning materials, and fireworks is necessary and expedient for the health, safety, welfare and good order of the Town during said emergency.
- (b) **Regulation of Fires, Burning Materials, and Fireworks.** When a burning state of emergency is declared, it may be ordered that a person may not:
- (1) Set, build, or maintain any open fire, except:
    - a. Charcoal grills using charcoal briquets, gas grills, or camp stoves on private property; or
    - b. Charcoal grills using charcoal briquets, gas grills, or camp stoves in Town parks placed at least twenty (20) feet away from any combustible vegetation.
  - (2) Throw, discard, or drop matches, cigarettes, cigars, ashes, charcoal briquets or other burning materials while outdoors except into a noncombustible container that does not contain combustible materials.
  - (3) Light or ignite a flare, except upon a roadway in an emergency.
  - (4) Light, ignite, or use anything manufactured, processed, or packaged solely for the purpose of exploding, emitting sparks or combustion for amusement purposes, including fireworks, firecrackers, bottle rockets, caps, toy snakes, sparklers, smoke bombs, or cylindrical or cone fountains that emit sparks and smoke, except in displays authorized by the Town where adequate fire prevention measures have been taken.
- (b) **Period of Emergency.** Burning emergencies shall become effective upon the time and date of the Town Chairperson or Rusk County Board declaring a state of emergency and shall remain in effect until the period of emergency ceases to exist or until the ratification, alteration, modification, or repeal of the burning state of emergency by the Town Board, or when applicable, the Rusk County Board.

Town of Big Bend