

## Chapter 34

### **FIRE PREVENTION AND PROTECTION\***

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\* **Cross References**--Buildings and building regulations, ch. 14; emergency alarm systems, § 18.115 et seq.; civil emergencies, ch. 22.

**State Law References**--Authority and obligations regarding fire protection generally, Wis. Stats. § 61.65(2).

## ARTICLE I. IN GENERAL

### Sec. 34.100. Board of fire commissioners.

(a) *Established.* Pursuant to the authority granted by Wis. Stats. § 61.65, there is established a board of fire commissioners. The board of fire commissioners shall be organized in the same manner as boards of police and fire commissioners under Wis. Stats. § 62.13(1). The board of fire commissioners shall be subject to all of the provisions of Wis. Stats. §§ 62.13(2)--(5), and (7)--(12) to the extent that those provisions apply to second and third class cities. In applying Wis. Stats. § 62.13 to this section, the village board president has the powers and duties specified for a mayor, the village board has the powers and duties specified for a common council, and the village has the powers and duties specified for a city.

(b) *Officers and duties.* The commissioners shall select from their number a chairman, vice-chairman and secretary. The chairman shall preside at all meetings of the board of fire commissioners and shall be responsible for advising and informing the village board of its activities. The vice-chairman shall act in the chairman's absence. The secretary shall keep a full and complete record of all proceedings of the commission and provide at the village board's request a summary of all such proceedings and shall annually prior to April 1 of each year submit a summary of the year's activities.

(c) *Qualifications.* All members of the board of fire commissioners shall be adults and shall be residents of the village or become such residents within six months after any probationary period has been served.

(d) *Rules, regulations, policies and procedures in the operation of the fire department.* The board of fire commissioners is authorized to exercise only those functions permitted by Wis. Stats. § 62.13. The chief of the fire department and all members of the fire department shall be governed by and shall carry out all of the rules and regulations, together with the policies and procedures which have been approved by the village board. The chief of the fire department may make such further rules and regulations for the government of the department as he may deem necessary, provided such rules and regulations shall not be inconsistent with this section and the laws of the state and shall, before they take effect, be approved by the village board.

(e) *Authority to enter premises.* The chief of the fire department or any designated subordinate may at all reasonable hours enter any building or premises for the purpose of making any inspections or investigations that under the provisions of this chapter are deemed necessary to be made. Private dwellings shall not be entered without the consent or permission of an adult occupant.

(Ord. of 2-27-1989, § 1(5); Ord. of 1-28-1991, § 1(2.10))

**Cross References--Administration, ch. 2.**

**State Law References**--Fire departments generally, Wis. Stats. § 61.65(2).

**Sec. 34.101. Inspection of buildings and premises.**

(a) *Public places.* It shall be the duty of the chief of the fire department to inspect, or cause to be inspected by the fire department officers or designees all buildings and premises except the interiors of private dwellings, as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or any violations of the provisions or intent of this chapter and of any other ordinance affecting fire hazards, and to ensure compliance in all places of assembly with all laws, regulations and orders dealing with overcrowding, use of decorative materials, maintenance of exitways and maintenance of fire alarm and fire detecting systems, and fire extinguishing systems and appliances.

(b) *Inspection upon complaint.* The chief of the fire department or an inspector, upon the complaint of any person or whenever deemed necessary, shall inspect any buildings and premises within the jurisdiction.

(Ord. of 1-28-1991, § 1(2.10(6)))

**Sec. 34.102. Fireworks and explosives.**

(a) *State law adopted.* Wis. Stats. § 167.10, regulating the sale and use of fireworks, exclusive of penalties, is adopted by reference as part of this Code.

(b) *Wholesale sales.* Nothing in Wis. Stats. § 167.10, shall be construed to prohibit any resident wholesaler, dealer or jobber from selling fireworks at wholesale, provided the same are shipped or delivered directly outside the limits of the village subject to the following:

- (1) Fire extinguishers, approved by the chief of the fire department, shall be provided where fireworks are stored or handled.
- (2) Smoking shall be prohibited where fireworks are stored or handled.
- (3) It is hereby made the duty of every wholesaler, dealer or jobber keeping or exposing for sale, within the village, fireworks of any description to immediately notify the chief of the fire department of the receipt of such stock of fireworks, or upon removal from one location to another, and the location where the stock of such fireworks is stored. No such fireworks shall be stored in any building or portion thereof used for dwelling purposes or in any building situated within 50 feet of any building used for dwelling purposes or places of public assemblage.

(c) *Use or storage of dangerous materials.* No person shall use dangerous materials or devices such as Class 1 Explosives as defined by the United States Department of Transportation or unattended gas (propane, natural gas, butane, white gasoline, or fuel oil) heaters in construction projects, or store Class 1 Explosives or similar explosive materials, including initiators, in the village without first notifying the police and fire departments. In accordance with applicable State Comm. Codes.

(d) *Penalties.* Any person violating this section shall, upon conviction, forfeit not less than \$30.00, or not more than \$500.00.

(Code 1982, § 4.156(f); Ord. of 7-16-2001, § 1)

### **Sec. 34.103. Unobstructed aisles and exits.**

(a) No chair, seat or other obstruction shall be placed in the aisle of any public hall, theater, opera house, schoolhouse, church, place of assemblage or place of public resort during a performance, program, service or entertainment in such building or place of assemblage; and no person other than an employe or person assisting at such performance or entertainment shall be allowed to stand or sit in an aisle.

(b) During such times, no persons shall be allowed to congregate in or about any exit to a public hall, theater, opera house, schoolhouse, church, place of assemblage or place of public resort so as in any way to interfere with the free use of such exit in case of dismissal of the audience in attendance.

(Code 1982, § 4.02(3))

## **ARTICLE II. FIRE PREVENTION**

### **Sec. 34.104. Intent.**

It is the intent of this article to prescribe regulations consistent with recognized standard practices for the safeguarding of life and property from the hazards of fire and explosion arising from the storage, handling and the use of substances, materials and devices and from conditions that pose a hazard to life and property and the use or occupancy of buildings or premises.

(Ord. of 1-28-1991, § 1(2.10(1)))

### **Sec. 34.105. Application to new and existing conditions.**

The provisions of this article shall apply to new as well as existing conditions, except that existing conditions not in strict compliance with the terms of this article shall be permitted to continue where the exceptions do not constitute a distinct danger to life or adjoining property.

(Ord. of 1-28-1991, § 1(2.10(2)))

**Sec. 34.106. Adoption of Wisconsin Administrative Code.**

The following chapters and provisions of the Wisconsin Administrative Code are made by reference a part of this article and are adopted and shall be enforced by the village:

ILHR	ch. 10	Flammable and Combustible Liquids
ILHR	ch. 12	Liquefied Natural Gas
ILHR	ch. 13	Compressed Natural Gas
ILHR	ch. 15	Cleaning and Dyeing
ILHR	ch. 28	Smoke Detectors
ILHR	ch. 30	Fire Department Safety and Health Standards
ILHR	ch. 50	Administration and Enforcement
ILHR	ch. 51	Definitions and Standards
ILHR	ch. 52	General Requirements
ILHR	ch. 53	Structural Requirements
ILHR	ch. 54	Factories, Office and Mercantile Buildings
ILHR	ch. 55	Theaters and Assembly Halls

ILHR	ch. 56	Schools and Other Places of Assembly
ILHR	ch. 57	Residential Occupancies
ILHR	ch. 58	Health Care, Detention and Correction Facilities
ILHR	ch. 59	Hazardous Occupancies
ILHR	ch. 60	Child Day Care Facilities
ILHR	ch. 61	Community-Based Residential Facilities
ILHR	ch. 62	Specialty Occupancies
ILHR	ch. 63	Energy Conservation
ILHR	ch. 64	Heating, Ventilating and Air Conditioning
ILHR	ch. 221	Spray Coating

Also adopted prospectively are any and all amendments that shall from time to time be made to any of the foregoing provisions of the administrative code, and these amendments shall be made a part of this Code as if each and every one of these amendments were separately incorporated in this section by reference.

(Ord. of 1-28-1991, § 1(2.10(3)))

**Sec. 34.107. Copies filed.**

Official copies of each of the codes and documents adopted in section 34.106 are now on file in the office of the village clerk/treasurer and the chief of the fire department and shall remain so filed and be at all reasonable times open to inspection by the public and by any interested person or persons.

(Ord. of 1-28-1991, § 1(2.10(4)))

**Sec. 34.108 Open burning.**

(1) *Definitions.*

- (a) *Agricultural* means an area zoned as Wetland Protection District and Agricultural.
- (b) *Clean dry wood* means wood which has not been painted, stained, coated or treated. This shall include trees or parts of trees which are at least 2" in diameter not including stumps.
- (c) *Commercial* means retail, wholesale, industrial, institutional, service provider, educational, governmental, or land contractor
- (d) *Container board* means corrugated paperboard used in the manufacture of shipping containers and related products.
- (e) *Fiber board* means non-corrugated paperboard used in the manufacture of product containers.
- (f) *Foam polystyrene* means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
  - 1. Is designed for serving food or beverages.
  - 2. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
  - 3. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- (g) *Glossy paper* means the paper used in the printing of magazines, catalogs and glossy inserts.
- (h) *HDPE* means high density polyethylene, labeled by the SPI code #2.
- (i) *LDPE* means low density polyethylene, labeled by the SPI code #4.

- (j) *Newspaper* means newspaper and other materials printed on newsprint.
- (k) *Office paper* means high grade printing and writing paper, envelopes, carbonless paper, stamps and labels from homes and offices.
- (l) *Other resins or multiple resins* means plastic resins labeled by the SPI code #7
- (m) *PETE* means polyethylene terephthalate, labeled by the SPI code #1.
- (n) *Petroleum or petroleum-like products* means any product or byproduct of petroleum, such as gasoline, fuel oil, kerosene, naphtha, turpentine, glues, paint, tires, motor oil, grease, asphalt, creosote, pesticides, herbicides, fertilizers, tar, tar paper, all plastics (not specifically listed) plywood, oriented strand board, pressure treated lumber.
- (o) *PP* means polypropylene, labeled by the SPI code #5.
- (p) *PS* means polystyrene, labeled by the SPI code #6.
- (q) *PVC* means polyvinyl chloride, labeled by the SPI code #3.
- (r) *Residential* means single or multi-family dwelling.
- (s) *Yard waste* means leaves, grass clippings, yard and garden debris, brush including clean woody vegetative material no greater than 6 inches in diameter taken from existing developed properties. This term does not include stumps, roots or shrubs with intact root balls nor brush from construction sites, utility line cleaning or from contract tree trimming.

(2) *Burning prohibited.* No person, shall at any time or under any circumstances, burn any items defined in subsections (1) (d) through (q) and (s).

(3) *Allowed burning.* No person may burn items defined in (1) (b) except on Friday, Saturday, Sunday and Holidays 12:00 pm to midnight. During the hours herein provided for the burning of permitted material(s), the owner or occupant of the premises upon which the burning is conducted shall at all times keep the same under observation and control and enclosed within the "fire pit", cooking grill, outdoor barbecue or commercially available outdoor fireplace and shall be responsible for any damage caused to other property through said fire escaping to other premises. In addition thereto, such owner or occupant shall be liable to the Village of Weston for all reasonable and necessary costs incurred by the Village as a result of such fire, including but not limited to, the expenses paid by the Village for sending fire-fighting equipment, apparatus and personnel to the scene of the fire.

(4) *Exceptions:* The following exceptions to the requirements of this section may be allowed upon the condition that the burning permit holders as defined herein in

subsection (a) and (b) and the owners and/or occupants of the premises where burning takes place under subsection (c) shall be responsible for any damage caused to other property through said fire escaping to other premises. In addition thereto, such owner or occupant shall be liable to the Village of Weston for all reasonable and necessary costs incurred by the village for sending fire fighting equipment and apparatus and personnel to the scene of any fire caused by such burning.

- (a) Commercial contractors may burn brush, including tree parts less than 2" in diameter that has accumulated from the clearing of lots and roadways provided prior application has been made. Applications shall be restricted to three consecutive days, no holidays or Sundays and from 6 pm to midnight. Such application must be in writing signed by the applicant. The application shall contain such information as might be required from time to time by the Fire Chief including a description of the material to be burned, the date of burning and the reasons why an exception ought to be granted. The Fire Chief or his/her designee shall approve or disapprove any such application. All approvals shall be in writing signed by the Fire Chief and no burning shall take place without such written approval. No materials which are listed in (1) (b) through (p) shall be burned. All such applications shall become null and void upon issuance of a "Burning Ban" or "Fire Emergency" by the Fire Chief, Everest Metro Police Chief or the Department of Natural Resources.
  
- (b) Agricultural burning of brush, crop residue, and land clearing shall be allowed provided prior application has been made. Applications shall be restricted to three consecutive days, no holidays or Sundays and from 6 pm to midnight. Such application must be in writing signed by the applicant. The application shall contain such information as might be required from time to time by the Fire Chief including a description of the material to be burned, the date of burning and the reasons why an exception ought to be granted. The Fire Chief or his/her designee shall approve or disapprove any such application. All approvals shall be in writing signed by the Fire Chief and no burning shall take place without such written approval. No materials which are listed in (1) (b) through (p) shall be burned. All such applications shall become null and void upon issuance of a "Burning Ban" or "Fire Emergency" by the Fire Chief, Everest Metro Police Chief or the Department of Natural Resources.
  
- (c) Recreational burning of clean dry wood may be allowed on Friday Saturday, Sundays and holidays from 12:00 pm to midnight. Cooking during which burning commercially prepared charcoal briquettes and/or commercially prepared wood chips may be allowed at any time. No materials which are listed in (1) (d) through (q) and (s) shall be burned. Commercially prepared accelerants are allowed in order to accomplish ignition of these materials i.e. charcoal starter. The burning shall take place in a "fire pit" no larger in diameter than 4 feet, cooking grill, outdoor barbecue or commercially available outdoor fireplace and must be under observation and control.

(5) Penalties. Any person violating this ordinance shall, upon conviction, forfeit not less than thirty dollars (\$30), or not more than five hundred dollars (\$500).

(Ord. of 5-19-1997, § 1; Ord. of 2-15-99, Ord. Of 12-2-02 § 1 (4.155))

### **ARTICLE III. PROTECTION SERVICE**

#### **Sec. 34.109. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Municipal fire protection service* means connections for automatic sprinkler systems, stand pipes (where connected permanently or continuously to the mains), and private hydrant systems.

(Ord. of 9-11-1989, § 1(2))

**Cross References**--Definitions generally, § 1.101.

#### **Sec. 34.110. Private fire protection rules.**

(a) *Policy and purpose.* Fire protection service, whether from public hydrants or private connections, is a demand-related service. Since very little water is used annually in the village for fire protection, the major costs associated with this service are the costs of providing the capacity in the wells, pumps, storage tanks and water mains to be able to supply the required fire flow when needed. Since only a small portion of the cost of providing such capacity is directly related to the volume of water actually used, the charge for private fire protection covers a portion of the fixed costs of depreciation taxes and return on net investment rate base attributable to the facilities available to supply fire protection. The purpose of this article is to establish rules for the connections of private fire protection systems to the municipal water supply and to establish a basis for private fire protection charges.

(b) *Basis for charge.* Quarterly demand charges for private fire protection service shall be based upon the cost of providing the service as determined by the public service commission. The schedule of current charges shall be on file with the water utility clerk. The size of connection to the utilities water main shall be used as a basis for the private fire protection charge.

(c) *Lateral reduction.* Where a private fire protection service lateral is reduced at a point before its interconnection with any fire protection appurtenances or general service branches, the utility may charge for private fire protection service at the rate applicable for the reduced service lateral. Any adjusted fire protection rate must be approved in advance by the village water utility. No person shall make any plumbing modifications to a private fire protection system without prior written notification and approval from the water utility.

(Ord. of 9-11-1989, § 1)