

Chapter 2

Fire Protection

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Sec. 5-2-1 Fire Department Organization, Mission Statement, and Goals.

- (a) **Organization.** The Onalaska Fire Department shall continually develop an efficient and effective fire protection program based upon the strength of Fire Prevention, Public Education, and Emergency Response. The department shall consist of a Fire Chief and such other officers and firefighters as from time to time may be appointed pursuant to the provisions of national standards, Wisconsin Statutes and regulations, City ordinances and resolutions of the Common Council, and rules and regulations of the Board of Police and Fire Commissioners.
- (b) **Mission Statement.** The Onalaska Fire Department's mission is to protect and enhance the quality of life for its residents, employees, visitors and businesses with responsive and comprehensive programs focused on fire prevention, public education and emergency response while providing the highest quality of emergency management for medical, fire, rescue, hazardous material and other disaster type emergencies.
- (c) **Goals.**
 - (1) Creating a safer community in which to live and work.
 - (2) Providing the best fire and first responder protection possible.
 - (3) Educating children, adults and businesses on the dangers of fire.
 - (4) Developing fire and fall prevention programs for senior citizen communities.
 - (5) Being leaders and role models within the community.

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Sec. 5-2-2 Impeding Fire Equipment Prohibited.

No person shall impede the progress of a fire engine, fire truck or other fire apparatus of the Onalaska Fire Department along the streets or alleys of the City at the time of an emergency or when the Fire Department is using such streets or alleys in response to an emergency or for training.

Sec. 5-2-3 Police Power of the Department; Investigation of Emergencies.

(a) **Police Authority at Fires.**

- (1) The Chief, assistants and officers in command at any emergency are hereby vested with full and complete police authority at emergencies. Any officer of the Department may cause the arrest of any person failing to give the right-of-way to the Fire Department in responding to an emergency.
- (2) The Fire Chief may prescribe certain limits in the vicinity of any emergency within which no persons, excepting firefighters and police officers and those admitted by order of any officer of the Department, shall be permitted to come.
- (3) The Chief shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of such property from an emergency or to prevent the spreading of fire or to protect the adjoining property, and during the progress of any fire he/she shall 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 impedes the work of the Department during the progress of an emergency.

(b) **Fire Inspection Duties.**

- (1) The Fire Chief shall be the Chief Fire Inspector of the City of Onalaska and shall have the power to appoint one or more Fire Inspectors each of whom shall perform all duties required of the Fire Inspectors by the laws of the State and rules of the Department of Commerce, particularly Section 101.14, Wis. Stats.
- (2) While acting as Fire Inspector pursuant to Sec. 101.14(2), Wis. Stats., the Fire Chief, or any firefighter of the Fire Department designated by the Fire Chief, shall have the right and authority to enter any building or upon any premises in the City of Onalaska at all reasonable hours for the purpose of making inspections or investigations which, under the provisions of this Code of Ordinances, he/she may deem necessary. Should the Fire Inspector find that any provisions of this Code relating to fire hazards and prevention of fires are being violated, or that a fire hazard exists which should be eliminated, it shall be his/her duty to give such directions for the abatement of such conditions as he/she shall deem necessary and, if such directions be not complied with, to report such noncompliance to the Fire Chief for further action.

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- (3) The Chief of the Fire Department is required, by himself/herself or by members of the Fire Department designated by him/her as fire inspectors, to inspect all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of any law or ordinance relating to the fire hazard or to the prevention of fires. Such inspections shall be made at least once in six (6) months in all of the territory served by the Fire Department. Each six (6) month period shall begin on January 1 and July 1 of each year.
- (4) Written reports of inspections shall be made and kept on file in the office of the Chief of the Fire Department in the manner and form required by the Department of Commerce. A copy of such reports shall be filed with the Fire Chief.

State Law Reference: Section 101.14(2), Wis. Stats.

Sec. 5-2-4 Damaging Fire Hose Prohibited; Parking by Hydrants; Blocking Fire Lanes.

- (a) **Driving Over Fire Hose.** No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the City, 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 emergency, without the consent of the Fire Department official in command.
- (b) **Parking Vehicles Near Hydrants.** It shall be unlawful for any person to park any vehicle or leave any object within ten (10) feet of any fire hydrant at any time.
- (c) **No Parking Near Fire.** It shall be unlawful for any person, in case of fire, to drive or park any vehicle within one block from the place of fire without the consent and authority of the Fire Chief or any police officer.
- (d) **Utilities Near Hydrants.** It shall be unlawful for any person, firm, business or corporation to install any above ground utilities or any portion of said utilities within eight (8) feet of any fire hydrant.
- (e) **Plantings, Mailboxes and Other Items Near Hydrants.** It shall be unlawful for any person, firm, business, or corporation to place any planting, mailboxes or other items within eight (8) feet of any fire hydrant at any time.

Sec. 5-2-5 Firefighters May Enter Adjacent Property.

- (a) **Entering Adjacent Property.** It shall be lawful for any firefighter while acting under the direction of the Fire Chief or any other officer in command to enter upon the premises adjacent to or in the vicinity of a 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 firefighter in the discharge of his/her duty as is herein before provided, the person so offending shall be deemed guilty of resisting firefighters in the discharge of their duty.

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- (b) **Destruction of Property to Prevent the Spread of Fire.** During the progress of any fire, the Fire Chief or his/her assistant shall have the power to order the removal or destruction of any property necessary to prevent the further spread of fire; provided that it is inevitable that, unless such property is removed, other property is in danger of being destroyed by fire.

Sec. 5-2-6 Duty of Bystanders to Assist.

Every person who shall be present at an emergency shall be subject to the orders of the Fire Chief or officer in command and may be required to render assistance 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.

Sec. 5-2-7 Vehicles to Yield Right-of-Way.

Whenever there shall be a response to an emergency or the Fire Department shall be out for training, every person driving or riding in a motorized 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.

Sec. 5-2-8 Interference with Use of Hydrants Prohibited.

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

Sec. 5-2-9 Open Burning.

- (a) **Open Burning Prohibited.** No person, firm or corporation shall build any outdoor fire within the corporate limits of the City of Onalaska 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 is permissible;
 - (2) Controlled burning of grass or similar vegetation for environmental management purposes, with the prior written approval of the Fire Chief, may be permitted;
 - (3) Ceremonial campfire or bonfires, with prior written approval of the Fire Chief, may be permitted.
 - (4) 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 (2) and (3) above.

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- (5) Whenever approval and special permit are granted by the Fire Chief under subsections (b)(2), (3) and (4) of this Section, the permit may specify and be conditioned on observance of safety restrictions and insurance requirements set forth therein.

- (c) Recreational Fire Permit and Use Requirements. A recreational fire is defined as any small fire in an approved, self-enclosing portable device or non-combustible structure located at a residence for the purposes of recreation and personal enjoyment. With the exception of fires used in approved outdoor cooking devices that are fueled by natural gas, propane, or charcoal, a City Permit must be obtained prior to having a recreational fire. Each City Permit shall be effective for two (2) seasons. An informational safety brochure shall be issued with each permit.

- (1) Recreational Fire Season and Cost. The recreational fire season shall be from January 1 to December 31 of each year. The rate for a Two Season Permit and Renewal Permit shall be as set forth on the City of Onalaska Fee Schedule.

- (2) Burning Times:

2.1 7:00 a.m. – 11:00 p.m.

- (3) Minimum Safety Procedures to be followed:

- 3.1 Recreational fires shall be no closer than 15 feet from any building, structure, property line, or any other combustible materials. Nor shall a person maintain a fire for more than four continuous hours per day.
- 3.2 Only portable devices or non-combustible structures that are listed and approved and have lids and ember arresting screens shall be used.
- 3.3 Portable devices (Defined as *devices commercially designed and intended to contain and control outdoor wood fires*) shall be used IAW the manufacturer's recommendations and must be employed upon a non-combustible surface.
- 3.4 The width of the non-combustible surface must be twice the height of the approved portable device or non-combustible structure.
- 3.5 All recreational fires shall have a diameter of no more than 3 feet and may not extend more than two feet high. No person shall maintain a recreational fire in an approved portable device or non-

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- combustible structure so that flames extend beyond the fire chamber.
- 3.6 All lids and ember arresting screens shall be properly employed and in tact during recreational fires.
 - 3.7 No recreational fire shall be started or allowed to continue burning when the wind direction or wind speed will cause smoke, embers, or other burning materials to be carried by the wind toward any other combustible and/or flammable materials. *Wind speeds MAY NOT be in excess of 10 mph.*
 - 3.8 Smoke from any recreational fire shall not create a nuisance for neighboring property owners. Persons with permits are encouraged to speak with surrounding neighbors regarding recreational fire usage to reduce the possibility of nuisance complaints. The fire shall be extinguished immediately upon the complaint of a neighboring property owner in regard to nuisance smoke.
 - 3.9 Material for 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.
 - 3.10 Only clean, dry, and untreated wood shall be burned, provided that the wood does not extend outside of the fireplace. **NO CONSTRUCTION MATERIALS.**
 - 3.11 Either a charged water hose, or a 5-gallon water bucket, or a 5-lb ABC fire extinguisher must be available in a safe location near the recreational fire.
 - 3.12 All recreational fires shall be attended by at least one responsible person of age 18 or older from the ignition of the fire until the fire is completely extinguished.
 - 3.13 No person may use approved portable devices or non-combustible structures above the ground floor on premises occupied as a multi-family dwelling, (more than two attached units) hotel, motel, boarding house, dormitory, bed and breakfast establishment, commercial or industrial building.
 - 3.14 The renter/lessee of any leased property must provide written documentation from the owner, giving permission to have a recreational fire on that property.
 - 3.15 The property owner and/or person who has started any recreational fire shall hold the city harmless from any and all such liability for any damages caused by a recreational fire.
 - 3.16 Any party who has started or maintained a recreational fire shall pay any and all costs incurred by the city for any service related call as a result of a recreational fire not in compliance with the requirements of this chapter.

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3.17 Citations shall be issued by the police department for failure to comply with the above requirements and the property owner, any lessee and any licensee shall be held jointly and severally liable for any damages caused by any recreational fire, including the cost of the citation. The fine for violations of the Open Burning Ordinance shall be:

- (a) No Burning Permit. Fine: \$71.00
- (b) Violation of ordinance restrictions/conditions

- * 1st Offense: \$102.00
- * 2nd Offense: \$151.60
- * 3rd or More: \$257.00

(4) Fire Department Training:

4.1 Approved OFD training shall be exempt from the prohibition of this section.

(5) Emergency Power of Fire Chief:

When the Fire Chief or his/her representative determines there are environmental conditions likely to produce a serious threat of fire to life and property, he/she may impose a burning ban and burning restrictions and require that no person shall:

- 5.1 Set, build, or maintain any recreational fire, except the use of cooking devices such as propane, natural gas, or charcoal grills when in the immediate vicinity of a residential dwelling and when placed on a noncombustible surface.
- 5.2 Throw, discard or drop matches, ashes or other burning material while outdoors in the immediate vicinity of combustible natural vegetation.
- 5.3 Light or use any fireworks, as defined per state statutes, or caps, toy snakes, sparklers, smoke bombs, or cylindrical or cone fountains that emit sparks and smoke except in displays or use authorized by the fire department where adequate fire prevention measures have been taken.

Such a ban shall be lifted when the environmental conditions change so that a serious threat of fire is no longer present.

- (d) Chief May Prohibit. The Fire Chief is permitted to prohibit any or all open burning including, without limitation, bonfires and burning leaves, garbage or refuse; when atmospheric conditions or local circumstances make such fire hazardous.

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- (e) Burning on Streets. No materials may be burned upon any street, curb, gutter or sidewalk.
- (f) Liability. Persons utilizing and maintaining outdoor fires shall be responsible for any liability resulting from damage caused by fire.

Sec. 5-2-10 Fire District Limit.

- (a) **Districts Designated.**
 - (1) **City of Onalaska.**
 - (2) **Town of Onalaska, South of County Highway OT.**
 - (3) **Town of Medary.**
- (b) **Code Requirements.** All buildings erected within the fire district limits shall comply with the State Building Codes/Standards.