

ORDINANCE NO: 2**AN ORDINANCE REGULATING BURNING AND PREVENTION/SUPPRESSION**

The Town Board of the Town of Grand Rapids, Wisconsin, does ordain as follows with regard to its Town Ordinances:

2.1 Fire Department**A. General Authority:**

- 1) The Town Board shall provide fire protection for the Town by establishing a town fire department.
- 2) The Town of Grand Rapids Fire Department is hereby officially recognized.

B. Powers:

- 1) The Fire Chief, assistant chiefs and officers in command of the fire department are hereby vested with full and complete police authority at emergency situations. Any officer of the fire department may cause the arrest of any person failing to give the right-of-way to a fire department in responding to an emergency call.
- 2) The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting firefighters, law enforcement officers and those admitted by order, shall be permitted to enter.
- 3) The Fire Chief shall have the power to 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 the nearby real or personal property, and during the progress of any fire he or 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 extinguishing a fire.
- 4) Members of the fire department, when at the scene of a fire or other emergency, or when fire department vehicles are upon the street pursuant to an emergency call, shall have the authority of traffic officers to direct traffic as conditions require.
- 5) It shall be lawful for any firefighter while acting under the direction of the Fire Chief or any 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. In case any person shall hinder, resist or obstruct any firefighter in the discharge of his or her duty, the person so offending shall be deemed guilty of resisting a firefighter in the discharge of his or her duty.
- 6) Every person who shall be present at a fire shall be subject to the orders of the Fire Chief and may be required to render assistance in fighting the fire or in removing or guarding property. The Fire Chief shall have the power to cause the arrest of any person or persons refusing to obey said orders.

C. Damaging Fire Hose Prohibited; Parking by Hydrants; Blocking Fire Lanes:

- 1) No person shall willfully damage in any manner any hose, hydrant or fire apparatus belonging to the fire department, and no vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway or other place without the consent of the Fire Chief or officer in command.
- 2) It shall be unlawful for any person to park any vehicle or leave any object within twenty (20) feet of any fire hydrant at any time.
- 3) It shall be unlawful for any person, in case of a fire or other emergency, to drive or park any vehicle within one block from the place of the fire or other emergency without the consent and authority of the Fire Chief or officer in command.

D. Fire Inspection Duties:

1. While acting as fire inspector pursuant to Sec. 101.14(2), Wis. Stats., the Fire Chief, or any member 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 service area of the fire department at all reasonable hours for the purpose of making inspections or investigations which, under this Ordinance, he or she may deem necessary. If access is denied, the Fire Chief or designee may pursue a special inspection warrant pursuant to Sec. 66.0119 Wis. Stats.
2. The Fire Chief or designee shall endeavor 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 likely to cause fire and any violations of any law or ordinance relating to fire hazard and to the prevention of fires; and to enforce compliance in all places of assembly with all laws, regulations, and orders dealing with use of decorative materials, maintenance of exit ways, maintenance of fire alarm, fire detecting, and fire extinguishing systems, and appliances. Unless an exemption is granted pursuant to Wis. Adm. Code Ch. SPS 314, the Fire Chief shall endeavor to ensure that such inspections shall be made at least once every six months in all the territory served by the fire department. Each six-month period shall begin on January 1 and July 1, respectively, of each year. The Fire Chief may inspect facilities where hazardous chemicals are stored.
3. Written reports of inspections shall be made and kept on file in the office of the Fire Chief or Fire Inspector in the manner and form required by the Department of Safety and Professional Services.
4. The Fire Chief or an inspector thereof, upon the complaint of any person or whenever he or she shall deem it necessary, shall inspect any buildings and premises within their jurisdiction.

E. Orders to Eliminate Fire Hazards: Whenever the Fire Chief or designee shall find in or upon any building or premises dangerous or hazardous conditions as follows, he or she shall order such dangerous conditions or materials to be removed or remedied in such manner as may be specified in said order. These dangerous or hazardous conditions are enumerated, but not limited to, as follows:

1. Dangerous or unlawful amounts of combustible or explosive matter.

2. Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive matter.
3. Dangerous accumulations of rubbish, wastepaper, boxes, shavings, or other highly flammable materials.
4. Accumulations of dust or waste material in air conditioning systems or of grease in kitchen exhaust ducts.
5. Obstructions to or on fire escapes, stairs, passageways, doors, or windows likely to interfere with the operation of the fire department or egress of occupants in case of fire.
6. 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.

F. Service of Orders:

1. The service of such orders as mentioned in this Ordinance may be made upon the owner, occupant, or upon any 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. If the owner is absent from the jurisdiction of the officer making the order, a copy of such order shall also be mailed to the owner's last known post office address.
2. If buildings or other premises are owned by one person and occupied by another under lease or otherwise, the orders issued in connection with the enforcing of the Ordinance shall apply to the owner and occupant thereof, except where the rules or orders require the alteration of real property. 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.

G. Emergency Authority to Abate Hazard: The Fire Chief or designee shall have the authority to order the immediate abatement of any hazard deemed by the Fire Chief or designee to be an imminent hazard to the life, safety and well-being of any individual.

1. Whenever the owner shall refuse or neglect to abate said hazard, the Fire Chief or designee may cause the same to be abated and the Town shall recover the expenses incurred thereby from the owner. The Fire Chief shall keep an accurate account of all unpaid expenses incurred by the Town for hazard abatement rendered and report the same to the Town Treasurer, who shall annually prepare a statement of these special charges at each lot or parcel of land and report the same to the Town Clerk, and the amount therein charged to each lot or parcel of land shall be collected in all respects like other special charges upon real estate as provided in Wis. Stat. § 66.0703.
2. The Fire Chief or designee shall have the authority to issue an order to vacate any property deemed by the Fire Chief or designee to be necessary due to an imminent hazard to the life safety and well-being of the occupants.

- H. Exceptions: Nothing contained in this Ordinance shall be construed as applying to the transportation of any article or thing shipped in conformity with the regulations prescribed by federal law or as applying to the military forces of the United States.
- I. False Alarms: The owner of any property for which two false alarms have occurred within any 12-month period shall be subject to a penalty, as set forth in Ordinance 39, for the third and subsequent false alarms within such period.

2.2 Fire Prevention and Safety Codes

- A. Intent of Code: It is the intent of this Ordinance 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.
- B. Adoption of State Codes:
 - 1) The following orders, rule, and regulations of the Department of Safety and Professional Services, 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 Ordinance.

Wis. Adm. Code Ch. SPS 307; Explosives and Fireworks

Wis. Adm. Code Ch. ATCP 93; Flammable, Combustible and Hazardous Liquids.

Wis. Adm. Code Ch. SPS 314; Fire Prevention.

Wis. Adm. Code Ch. SPS 316; Electrical.

Wis. Adm. Code Ch. SPS 320; Administration and Enforcement.

Wis. Adm. Code Ch. SPS 326; Manufactured Home Communities.

Wis. Adm. Code Ch. SPS 328; Smoke Detectors and Carbon Monoxide Detectors.

Wis. Adm. Code Ch. SPS 330; Fire Department Safety and Health Standards.

Wis. Adm. Code Ch. SPS 332; Public Employee Safety and Health.

Wis. Adm. Code Ch. SPS 340; Gas Systems.

Wis. Adm. Code Ch. SPS 341; Boilers and Pressure Vessels.

Wis. Adm. Code Ch. SPS 343; Anhydrous Ammonia.

Wis. Adm. Code Ch. ATCP 94; Petroleum and Other Liquid Fuel Products.

Wis. Adm. Code Ch. SPS 365; Fuel Gas Appliances.

Wis. Adm. Code Ch. SPS 375; Definitions and General Requirements.

Wis. Adm. Code Ch. SPS 376; Factories, Office and Mercantile Buildings.

Wis. Adm. Code Ch. SPS 377; Theaters and Assembly Halls.

Wis. Adm. Code Ch. SPS 378; Schools and Other Places of Instruction.

Wis. Adm. Code Ch. SPS 379; Apartment Houses, Hotels and Places of Detention.

- 2) The following codes of the National Fire Protection Association (NFPA) are hereby adopted by reference and made part of this Ordinance.

Volume I –Uniform Fire Codes and Volume 101 –Life Safety Codes
Volume IV – Extinguishing Equipment

- 3) Whenever the provisions of the aforementioned codes conflict, the stricter interpretation shall apply.

- C. Application to New and Existing Conditions: The provisions of this Ordinance shall apply equally to new and existing conditions except that conditions existing prior to the adoption of the regulations herein may be permitted to continue.

2.3 **Burning Prohibition**

Unless specific written approval has been obtained from the Department of Natural Resources, the following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove, or any other indoor or outdoor incineration or heating device. A permit will not be issued for burning any of the following materials without air pollution control devices and a written copy of approval by the Department of Natural Resources.

- A. Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
- B. Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 590, Wisconsin Administrative Code.
- C. Asphalt and products containing asphalt.
- D. Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
- E. Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
- F. Rubber including tires and synthetic rubber-like products.
- G. Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the recycling ordinance, except as provided under Section 2.3.
- H. It shall be unlawful for any person, firm or corporation to burn leaves, pine needles, or grass clippings within any part of the Town of Grand Rapids.

2.4 **Permits**

It shall be unlawful to burn brush, rubbish or any other debris within any part of the Town of Grand Rapids without a burning permit; unless there is complete ground cover of snow that is more than one inch (1").

The burning of brush, rubbish or any other debris in any part of the Town of Grand Rapids shall only take place in accordance with permit guidelines.

Permits for control burning in the Town of Grand Rapids can be obtained from the Municipal Building, authorized Fire Wardens for the Town of Grand Rapids, or the Department of Natural Resources (DNR) Service Center.

All Town residents must adhere to all sections, rules, and regulations of this Ordinance.

2.5 **Open Burning**

All allowed open burning shall be conducted in a safe, nuisance-free manner. Burning shall occur when wind and weather conditions minimize adverse effects. Burning may not create a health hazard or a visibility hazard on roadways, railroads or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations. Open burning shall be conducted only on the property on which the materials were generated or at a facility approved by and in accordance with provisions established by the Department of Natural Resources and the Fire Chief.

- A. Open burning shall only be conducted at a location at least 250 feet from the nearest building which is not on the same property.
- B. Except for barbecue, gas and charcoal grills, no burning shall be undertaken within 25 feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief.
- C. Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire. The size of the burning pile shall be no more than six feet in length, height and width unless the authority having jurisdiction (AHJ) has issued a special permit.
- D. No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or any other water body.
- E. Notwithstanding of this ordinance, paper and cardboard products may be used as a starter fuel for a fire that is allowed under this ordinance.
- F. Small quantities of confidential papers from a residence may be burned if necessary to prevent the theft of financial records, identification or other confidential information. Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than open burning.

- G. Outdoor campfires for cooking, ceremonies or recreation are allowed without a permit provided that the fire is confined by a control device or structure such as a barrel, fire ring or fire pit. Bonfires are allowed only if approved by and in accordance with provisions established by the Fire Chief.
- H. The use of airborne, free-floating “sky lanterns,” “air paper lanterns,” and similar devices containing a candle, fuel cell composed of waxy flammable material or other open flame shall be prohibited.
- I. Burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of right-of-ways is allowed if approved by the Fire Chief and in accordance with other provisions of this ordinance.
- J. In emergency situations, such as natural disasters, burning that would otherwise be prohibited is allowed if specifically approved by the Department of Natural Resources, and/or Fire Chief.

2.6 **Burn Barrel**

The use of burn barrels is prohibited.

2.7 **Burning Ban**

Whenever the Fire Chief or the Department of Natural Resources shall deem it imprudent for burning, because of extreme dryness, shortage of water, high wind, particular hazardous location or any other reason, either may forbid by order, the setting of any such fires at any time, refuse to issue a permit where one is requested, or temporarily suspend previously issued burning permits for open burning.

Except for barbecue or gas grills and charcoal grills used in the immediate vicinity of a residential dwelling on a non-combustible surface, no open burning shall be undertaken during periods when either the Fire Chief or the Wisconsin Department of Natural Resources has issued a burning ban applicable to the area.

2.8 **Forest Protection District**

Any burning within the Town of Grand Rapids shall also be governed by the rules and regulations of the State of Wisconsin Department of Natural Resources and nothing herein is intended to alter such rules and regulations, except when the provisions of this ordinance are more restrictive.

2.9 **Enforcement**

The Fire Chief or any authorized officer, agent, employee or representative of the Town of Grand Rapids who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance. If the owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with 66.0119 Wis. Stats.

2.10 **Penalties and Fees**

Any person or persons who shall violate any of the provisions of this ordinance, or who shall fail to comply with any order made hereunder, shall, be subjected to the forfeitures per Ordinance 39 “Schedule of Fees and Forfeitures” together with the

costs of prosecution. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues.

Any person or persons who shall fail to extinguish authorized or non-authorized fire(s) shall be responsible for all costs associated with the extinguishment of the fire, including reimbursement for use of any specialized equipment employed to extinguish, confine, neutralize, or contain the fire.

This ordinance shall take effect from and after the date of its passage and publication as provided by law.

HISTORY

Declaration/Ordinance/Resolution No	Dated
RESOLUTION NO: ORD	1-June-1995
	13-September-2005
2006-07	23-May-2006
2008-15	27-May-2008
2012-11	10-April-2012
2013-16	14-May-2013
2017-23	11-July-2017
2018-09	13-March-2018
2020-26	8-September-2020