

## Chapter 176

### FIRE PREVENTION

**[HISTORY: Adopted by the Village Board of the Village of Hustisford 3-28-1994 as §§ 5-2-2, 5-2-4 to 5-2-9 and 5-3-1 of the 1994 Code. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Fire Department — See Ch. 40, Art. II.  
Alarm systems — See Ch. 114.  
Building construction — See Ch. 140.  
Fireworks — See Ch. 179.  
Hazardous materials — See Ch. 189.  
Housing standards — See Ch. 193.  
Nuisances — See Ch. 229.  
Property maintenance — See Ch. 245.

#### **§ 176-1. Adoption of state codes.**

The following orders, rules and regulations of the Department of Commerce, 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 chapter:

- A. Chapter COMM 7, Explosive Materials.
- B. Chapter COMM 10, Flammable and Combustible Liquids.
- C. Chapter COMM 14, Fire Prevention.
- D. Chapter COMM 32, Public Employee Safety and Health.
- E. Chapter COMM 40, Gas Systems.
- F. Chapter COMM 43, Anhydrous Ammonia.
- G. Chapters COMM 61 to 65, Commercial Building Code.
- H. Wisconsin Electrical Code.

#### **§ 176-2. Impeding fire equipment.**

No person shall impede the progress of a fire engine, fire truck or other fire apparatus of the Hustisford Fire Department along the streets or alleys of such Village at the time of a fire or when the Fire Department of the Village is using such streets or alleys in response to a fire alarm or for practice.

#### **§ 176-3. Damaging fire equipment; obstructing hydrants; parking near fire.**

- A. Driving over fire hose. No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the Hustisford Fire Department, 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 fire or alarm of fire, 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 10 feet of any fire hydrant at any time.
- C. Parking near fire. It shall be unlawful for any person, in case of fire, to drive or park any vehicle within one block of the place of the fire without the consent and authority of the Fire Chief or any police officer.

**§ 176-4. Right of entry; removal or destruction of property.**

- A. Entering adjacent property. It shall be lawful for any fireman 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 fireman in the discharge of his duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firemen in the discharge of their duty.
- B. Destruction of property to prevent the spread of fire. During the progress of any fire, the Fire Chief or his 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.

**§ 176-5. Duty of bystanders to assist.**

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

**§ 176-6. Vehicles to yield right-of-way.**

Whenever there shall be a fire or fire alarm or the Fire Department shall be out for practice, 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.

**§ 176-7. Interference with use of hydrants.**

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 and any hydrant to which a fire hose may be, or may be about to be, attached.

**§ 176-8. Open burning.**

- A. Open burning prohibited. No person, firm or corporation shall build any outdoor

fire within the corporate limits of the Village of Hustisford except as set forth below in this section. This prohibition on burning includes the burning of construction waste and debris at construction sites.

B. Exceptions. [Amended 7-7-2005]

(1) Recreational fires.

- (a) Recreational fires are allowed any time except when high fire hazard conditions exist.
- (b) No recreational fire shall be closer than 10 feet to any building, structure, shed, garage, trees, shrubs, bushes, fence, or any other combustible material.
- (c) All recreational fires shall be in a below-ground fire pit with a maximum depth of 10 inches and a diameter of three feet, and the fire may not extend more than four feet above the pit. The fire pit shall be surrounded on the outside, above ground, by a noncombustible material such as concrete blocks or rocks.
- (d) Portable fire pits may be used within the requirement of Subsection B(1)(b) above and must be located on a permanent, fixed site with a noncombustible surface (i.e., dirt without vegetation, stone, gravel, concrete, brick, etc.) with area twice the diameter of the portable fire pit device.
- (e) 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 building or other combustible materials. Smoke from any recreational fire shall not create a nuisance for neighboring property owners. The fire shall be extinguished immediately upon the complaint of the neighboring property owner of any smoke nuisance.
- (f) Material for recreational 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. Only untreated and unpainted wood may be burned.
- (g) Adequate fire-suppression equipment shall be immediately available to extinguish or control the recreational fire. Adequate fire-suppression equipment, such as shovels, fire extinguishers, water hoses, or other like equipment sufficient to extinguish the fire if necessary, shall be within 10 feet of the recreational fire.
- (h) All recreational fires shall be attended at all times by at least one responsible person of age 18 or older from the ignition of the fire until the fire is completely extinguished.

- (i) The renter/lessee of any rented/leased property must provide signed documentation from the legal property owner giving permission to have a recreational fire on that property.
  - (j) The property owner and/or person who has started any recreational fire shall hold the Village of Hustisford harmless from any and all such liability for any damage caused by a recreational fire.
  - (k) Any party who has started or maintains a recreational fire as defined herein shall pay any and all costs incurred by the Fire Department for any service-related call as a result of a recreational fire not in compliance with the requirements in this section.
- (2) Controlled burning of grass or similar vegetation for environmental management purposes, with the prior written approval of the Fire Chief or his designee, may be permitted. This exception is not to be used for the burning of grass, leaves or other lawn debris.
  - (3) Ceremonial campfire or bonfires, with prior written approval of the Fire Chief or his designee, may be permitted.
  - (4) Other occasions of desirable outdoor burning not specified by this Subsection B, but not as an alternative to refuse removal or disposal for which other methods are available, may be granted single occasion approval by the Fire Chief or his designee.
  - (5) Open burning is authorized when a permit is issued.

C. Application for permit.

- (1) Procedure for issuance of burning permit. Before the setting or starting of any open burning permitted under this section, a permit authorizing the burn shall first be obtained by the owner, operator, or agent from the Fire Chief or from such other person as may be authorized or designated by the Fire Chief to issue such permits. Application for a burning permit shall be made in writing upon a form furnished by the Fire Chief. The Fire Chief may also establish from time to time special rules or restrictions relating to open burning by permit. Such rules may govern conditions including, but not necessarily limited to, the following:
  - (a) Hours when burning is allowed.
  - (b) Day(s) when burning is allowed.
  - (c) Material which may or may not be burned.
  - (d) Whether open burning is allowed or whether burning is only allowed with an approved incinerator or burning device.
  - (e) The length of time the permit is valid.
  - (f) What constitutes an approved burning device or incinerator.

- (g) The size of the material pile burned by open burning.
  - (h) The distance or distances to be maintained between the material being burned and other flammable material.
  - (i) Supervision required for burning, including minimum age of supervisors and type of fire-extinguishing equipment which must be present at the burn site.
  - (j) The manner in which ashes created by the burning under the permit are to be disposed of.
- (2) Issuance of permit. If the Fire Chief, or other person authorized or designated by the Fire Chief to issue such permits, finds that the proposed burning complies with all Village ordinances and the regulations contained in Ch. COMM 14, Wis. Adm. Code, he shall approve the application, and a burning permit shall be subsequently issued to the applicant. A copy of any burning permit, and the application therefor, shall be kept on file with the Fire Chief. No burning permit issued shall be valid for more than 30 days from the date when issued.
- D. Open burning regulations. The following regulations shall be applicable when an open burning permit has been issued:
- (1) All open burning conducted pursuant to a permit shall be performed in a safe, pollution-free manner, when wind and weather conditions are such as to minimize adverse affects, and in conformance with local and state fire-protection regulations. Open burning permits shall not be used to covertly burn plastic, construction debris or other prohibited materials.
  - (2) The size of the pile of material to be burned shall not exceed four feet in any direction measured horizontally or three feet measured vertically.
  - (3) The pile of material being burned shall be at least 50 feet away from any structure, wood or lumber pile, wooden fence, trees, or bushes. Provisions shall be made to prevent the fire from spreading to within 50 feet of such items, or the fire shall otherwise be contained in an approved incinerator or burner device which is located at least 15 feet from any structure, wood or lumber pile, wooden fence, trees, or bushes.
  - (4) Any ashes created by burning such material as is lawful under this section are to be disposed of in a manner authorized by law.
  - (5) Open burning shall be constantly attended and supervised by a competent person of at least 18 years of age until such fire is extinguished. This person shall have readily available for use such fire-extinguishing equipment as may be necessary for the total control of the fire while burning and/or extinguishing such fire.<sup>1</sup>

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (6) No materials may be burned upon any street, curb, gutter, or sidewalk.
- (7) Permits shall not be issued for burning barrels.