

Chapter 11 - FIRE DEPARTMENT AND FIRE PROTECTION

Section 11.01 FIRE DEPARTMENT.

(a) **Authority.** The Fire Department of the Town of Turtle is established by the Town Board of the Town of Turtle pursuant to authority granted by the Wisconsin Statutes.

(b) **Personnel of Department.** The Fire Department shall consist of a Chief, Assistant Chief, Captains, and such other fire fighters and employees as may be appointed by the Town Board.

(c) **Chief of Fire Department.** The Chief shall have those duties set forth in section 5.17 of the Code of Ordinances.

(d) **Other Officers and Employees.** All subordinate officers and employees who are employed by the First Department shall be subject to such rules and regulations and shall perform such duties as shall be required of them by the Chief and the Town Board.

(e) **Fire Equipment.** All fire equipment shall be kept in such places as the Town Board shall designate and the persons having charge of such equipment shall keep the same in the best condition for immediate use.

(f) **Powers and Duties of Officers at Fires.**

(1) All officers shall perform such duties as shall be prescribed and required by the Chief.

(2) The Chief or commanding officer at the scene of a fire may cause the removal of any person or property whenever it shall become necessary for the preservation of that person or property from the danger of fire, or to prevent the spreading of fire, or to protect adjoining property. The Chief or commanding officer may also cause the removal of all wires and turning off electricity where it interferes with the work of the Fire Department during a fire.

(3) Every person present at a fire shall be subject to the orders of the Chief or commanding officer and any person refusing to obey such orders may be convicted of a violation of this ordinance and shall pay a forfeiture. In addition, the Chief or commanding officer shall have the power to arrest any person refusing to obey such orders and to hold the person in custody until the fire is extinguished.

(g) **Entry of Adjacent Property.**

(1) Any fire fighter, while acting under the order or direction of the Chief or commanding officer, may enter upon premises adjacent to or in the vicinity of any building or other property then on fire for the purpose of extinguishing such fire.

(2) If any person shall hinder, obstruct, or resist any fire fighter in the discharge of the fire fighter's duty as set forth in subsection (f)(1), the person may be subject to a forfeiture.

(h) **Use of Additional Equipment at Fires.**

(1) Additional equipment is defined as equipment, vehicles, labor and services which:

a. The fire department does not have available on a regular basis;
and

b. The fire department must pay rent or a fee for the use of such equipment, vehicle, labor or services.

(2) The use of additional equipment at a fire or emergency shall be at the discretion of the highest ranking officer in attendance at the fire or emergency.

(3) All fees or charges for additional equipment shall be billed to the property owner in the amount incurred by the Town. Any such charges not paid within 30 days of billing by the Town Clerk shall be added to the next property tax bill as a special assessment against the property.

(i) **Removal of Fire Hazards.**

(1) The Fire Chief shall have the authority to inspect, during reasonable hours, all buildings, structures, and premises within the Town of Turtle to determine whether they are in such a condition to expose anyone to danger from fire.

(2) If the Chief finds such exposure to a danger from fire, the Chief shall notify in writing the owner, occupant or person in charge of the building, structure or premises of such condition and direct the owner, occupant or person in charge to correct the condition. Any owner, occupant or person in charge who fails to correct such condition within 5 days of receiving the notice shall be subject to a forfeiture. Each day thereafter that the condition is not corrected shall be considered a separate offense.

Section 11.02 AUTHORIZATION FOR FIRE DEPARTMENT TO HOLD VOLUNTEER FUNDS

(a) **Purpose and Authority.** This ordinance is enacted pursuant to the authority of Wisconsin Statute Section 66.0608 for the purpose of authorizing “volunteer funds” to be held in the name of the fire department. This ordinance is to be interpreted in conformance with that section as it may be amended from time to time.

(b) **Authorization.** The Town Board of the Town of Turtle does hereby authorize the Town Fire Chief to deposit volunteer funds of the department in an account in the name of the fire department in any public depository in which other town funds are being held by the Town Treasurer.

(c) **Control of Funds.** The fire department, through its Fire Chief, is granted exclusive control over the expenditure of funds of the department.

(d) **Limitations and Requirements.** The following limitations and requirements shall apply to the handling and disbursement of funds from the account:

(1) **Expenditures.** Expenditures withdrawn from the account may be made only upon majority vote of fire department members present at a duly noticed meeting of the department. Such withdrawals and expenditures may be made for any purpose that promotes the ability of the fire department to provide services for which it is organized.

(2) **Accountings.** The Fire Chief shall provide the Town Board with quarterly statements at the end of March, June, September and December of each calendar year. The statements shall be provided within thirty days of the end of the calendar quarter. The statements shall include a detailed itemization of all receipts, expenditures, and the balance on hand at the end of the quarter. The source of all funds and the identity of the payee for each disbursement shall be set forth.

(3) **Audit.** Fire department accounts shall be included in the annual audit of town funds. They shall be audited in the same manner as other town funds.

(e) **Ownership of Funds.** Volunteer funds shall remain the property of the Town until the funds are disbursed.

(f) **Severability.** If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstance is invalid or unconstitutional, the invalidity or unconstitutionality shall not affect the provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

State Law Reference: Section 66.0608, Wis. Stats.

Section 11.03 MUTUAL AID ALARM BOX SYSTEM

Preamble

WHEREAS, the Constitution of the State of Illinois, 1970, Article VII, Section 10, authorizes units of local government to contract or otherwise associate among themselves in any manner not prohibited by law or ordinance; and,

WHEREAS, the Intergovernmental Cooperation Act, 5 ILCS 220/1 et seq., provides that any power or powers, privileges or authority exercised or which may be exercised by a unit of local government may be exercised and enjoyed jointly with any other unit of local government including a unit of local government from another state; and,

WHEREAS, Section 5 of the Intergovernmental Cooperation Act, 5 ILCS 220/5, provides that any one or more public agencies may contract with any one or more public agencies to perform any governmental service, activity or undertaking which any of the public agencies entering into the contract is authorized by law to perform, provided that such contract shall be authorized by the governing body of each party to the contract; and,

WHEREAS, the parties hereto are units of local government as defined by the constitution of the State of Illinois and the Intergovernmental Cooperation Act and the Town of Turtle is a municipality as defined in Section 66.0301(1)(a) of the Wisconsin Statutes; and,

WHEREAS, the Board of Supervisors of the Town of Turtle has determined that it is in the best interest of the Town and its residents to enter into an intergovernmental agreement to secure to each the benefits of mutual aid in fire protection, firefighting and the protection of life and property from an emergency or disaster and to provide for communications procedures, training and other necessary functions to further the provision of said protection of life and property from an emergency or disaster.

Ordinance

(a) The Town Chairperson and the Town Clerk are authorized to execute an Agreement for participation in the Mutual Aid Box Alarm System.

(b) This Agreement shall take effect upon approval of the Agreement by the Wisconsin Attorney General pursuant to section 66.0303(3) of the Wisconsin Statutes.

State Law Reference: Section 66.0303, Wis. Stats.

Section 11.04 FIRE PREVENTION

(a) **Purpose.** The purpose of this ordinance is to protect the public, employees, firefighters and property from the hazards of fire and explosion by establishing minimum standards for the use, operation, maintenance and inspection of buildings, structures and premises in the Town of Turtle.

(b) **Adoption of Fire Prevention Code.** The State of Wisconsin Fire Prevention Code contained in Chapter Comm. 14 of the Wisconsin Administrative Code including any subsequent amendments thereto is adopted by reference and incorporated herein as if fully set forth and made a part hereof.

Section 11.05 FEES FOR FIRE DEPARTMENT RESPONSES

(a) **Purpose.** The purpose of this ordinance is to provide for fees and reimbursements for the Fire Department emergency responses to transportation accidents, vehicle fires, and other incidents occurring within the jurisdiction of Town of Turtle Fire Department involving nonresidents of the Town of Turtle.

(b) **Definitions.** The following words and phrases shall have the meanings set forth next to them:

(1) “Engine Responses” means those responses requiring suppression or fire related activities.

(2) “Rescue Responses” means those responses required such as, but not limited to, ambulance assists, vehicle extrications, high angle rescue, confined space rescue, or trench rescue, where no fire suppression is involved.

(3) “Other Vehicles” means responses from other fire department vehicles, either to supply water or additional emergency equipment, or to transport additional personnel.

(c) **Emergency Service Response.** Emergency responses include, but are not limited to, engines, rescue vehicles, and additional fire department personnel. More complex incidents may require additional resources and personnel. The Incident Commander shall determine the number of apparatus and personnel required to operate safely at an incident.

(d) **Reimbursement.** Any person, sole proprietorship, partnership, corporation, limited liability company and also any responsible officer of responsible managing agent of a sale proprietorship, partnership, corporation or limited liability company involved in any of the incidents described in this ordinance shall be responsible for all fees and expenses incurred as a result of the incident.

(e) **Fee Assessments.**

(1) Fee assessment will be as follows:

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|--|---------------------------|
| a. Engine per hour | Established by Town Board |
| b. Rescue per hour | Established by Town Board |
| c. Other Vehicles per hour | Established by Town Board |
| d. Additional Personnel
per hour per person | Established by Town Board |

(2) The “per person” fee shall cover personnel in addition to the three-person engine or rescue company.

(3) Any expenses incurred for one-time use of supplies or equipment that is damaged shall be billed at the Town of Turtle’s cost.

Section 11.06 HAZARDOUS MATERIAL INCIDENT RESPONSE REIMBURSEMENT

(a) **Prohibited Discharges.** No person, firm or corporation shall discharge or cause to be discharged, leaked, leached or spilled upon any public or private street, alley, public or private property, or unto the ground, surface waters, subsurface waters, or aquifer, or within the Town of Turtle, except those areas specifically licensed for waste disposal or landfill activities and to receive such materials, any explosive, flammable or combustible solid, liquid, or gas, any radioactive material at or above Nuclear Regulatory Restriction levels, etiologic agents, or any solid, liquid, or gas creating a hazard, potential hazard, or public nuisance or any solid, liquid, or gas having a deleterious effect on the environment.

(b) **Emergency Services Response.** Emergency Services Response includes, but is not limited to, Fire Service, Emergency Medical Service, and Law Enforcement. A person, firm or corporation who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall be responsible for reimbursement to the responding agencies for actual and necessary expenses incurred in carrying out their duties under this Ordinance. Actual and necessary expenses may include but shall not be limited to: replacement of equipment damaged by the hazardous material; cleaning, decontamination and maintenance of the equipment specific to the

incident; specific laboratory expenses incurred in the recognition and identification of hazardous substances in the evaluation of the response; decontamination; costs incurred in the procurement and use of specialized equipment specific to the incident; clean up and medical surveillance; and costs incurred in future medical surveillance of response personnel as required by the responding agencies' medical advisor.

(c) **Site Access.** Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to emergency government officers and staff and to the Town of Turtle Police and Fire Department personnel for the purpose of evaluating the threat to the public and monitoring containment, cleanup and restoration activities.

(d) **Public Protection.** Should any prohibited discharge occur that threatens the life, safety or health of the public at, near, or around the site of a prohibited discharge, and the situation is serious enough that immediate steps must be taken to protect the public, the Fire Chief, Police Chief, or Town Chairperson may order an evacuation of the area or take appropriate steps for a period of time until the Town Board can take appropriate action.

(e) **Enforcement.** The Fire Chief and the Police Chief shall have authority to issue citations under this section for violations of the Ordinance.

(f) **Civil Liability.** Any person, firm or corporation in violation of this Ordinance shall be liable to the Town of Turtle for any expenses incurred by the Town or loss or damage sustained by the Town by reason of such violation.

Section 11.07 OUTDOOR AND REFUSE BURNING

(a) **Purpose.** This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Town of Turtle due to air pollution and fire hazards of open burning, outdoor burning and refuse burning.

(b) **Applicability.** This ordinance applies to all outdoor burning and refuse burning within the Town of Turtle.

(1) This ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.

(2) This ordinance does not apply to burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation unless the material being burned includes refuse as defined in subsection (d)(10) of this ordinance.

(3) This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

(c) **Severability.** Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(d) **Definitions.**

(1) “Campfire” means a small outdoor fire intended for recreation or cooking not including a fire intended for disposal of waste wood or refuse.

(2) “Clean Wood” means natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

(3) “Confidential papers” means printed material containing personal identification or financial information that the owner wishes to destroy.

(4) “Exclusive Agricultural District One (A-1)” means property within an Exclusive Agricultural District One zoning district as set forth in the Town of Turtle Zoning Ordinance.

(5) “Fire Chief” means the Chief of the Town of Turtle Fire Department or other person authorized by the Fire Chief.

(6) “General Agricultural District Two (A-2)” means property within a General Agricultural District Two zoning district as set forth in the Town of Turtle Zoning Ordinance.

(7) “Outdoor Burning” means open burning or burning in an outdoor wood-fired furnace.

(8) “Open Burning” means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney.

(9) “Outdoor Furnace” means a wood-fired or corn-fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.

(10) “Refuse” means any waste material except clean wood.

(11) “Rural Residential” zoning means property within a Rural Residential District (R-R) as set forth in the Town of Turtle Zoning Ordinance.

(12) “Small Scale Agricultural District Three (A-3)” means property within a Small Scale Agricultural District Three zoning district as set forth in the Town of Turtle Zoning Ordinance.

(13) “Subdivision” means a lot, parcel, or tract of land which has been divided into five (5) or more parcels or building sites for the purpose of sale or building development.

(e) **General Prohibition on Outdoor Burning and Refuse Burning.** Open burning, outdoor burning and refuse burning are prohibited in the Town of Turtle unless the burning is specifically permitted by this ordinance.

(f) **Materials That May Not Be Burned.** Unless a 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:

(1) 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.

(2) 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.

(3) Asphalt and products containing asphalt.

(4) 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.

(5) Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.

(6) Rubber including tires and synthetic rubber-like products.

(7) Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the recycling ordinance except as provided in subsection (i) of this ordinance.

(g) **Burning Leaves, Brush, Clean Wood and Other Vegetative Debris.** Open burning of leaves, weeds, brush, stumps, clean wood, or other vegetative debris is allowed only in accordance with the following provisions:

(1) All allowed open burning shall be conducted in a safe nuisance free manner, when wind and weather conditions are such as to minimize adverse effects and 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.

(2) Except for barbecue, gas and charcoal grills, 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.

(3) 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.

(4) Unless explicitly allowed elsewhere in this ordinance, a commercial enterprise other than an agricultural or silvicultural operation may open burn only at a facility approved by and in accordance with provisions established by the Department of Natural Resources.

(5) Open burning of weeds or brush on agricultural lands is allowed if conducted in accordance with other applicable provisions of this ordinance.

(6) Fires set for forest, prairie or wildlife habitat management are allowed with the approval of the Department of Natural Resources.

(7) Outdoor campfires and small bonfires for cooking, ceremonies or recreation are allowed provided that the fire is confined by a control device or structure such as a barrel, fire ring, or fire pit. All such outdoor campfires and small bonfires shall be conducted in a safe nuisance free manner, when wind and weather conditions are such as to minimize effects and not create a health hazard or a visibility hazard. Bonfires are allowed only if approved by and in accordance with provisions established by the Fire Chief.

(8) Burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of rights-of-way is allowed if approved by the Fire Chief and if in accordance with other provisions of this ordinance.

(9) In emergency situations such natural disasters burning that would otherwise be prohibited is allowed if specifically approved by the Department of Natural Resources.

(10) Except for campfires and permitted bonfires, open burning on land in subdivisions and in areas containing three (3) or more contiguous parcels zoned Rural Residential (R-R) shall only be conducted during the months of April, October and

November. The Fire Chief has the authority to extend the time for open burning in these areas.

(11) 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.

(12) No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or body of water.

(13) 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.

(14) No open burning may be conducted on days when the Department of Natural Resources has declared an ozone action day applicable to the Town of Turtle.

(h) **Outdoor Furnaces.** Outdoor furnaces that are wood-fired or corn-fired are permitted in the Town of Turtle. Outdoor furnaces that burn other materials are not permitted in the Town of Turtle. An outdoor furnace may be installed and used in the Town of Turtle only in accordance with the following provisions:

(1) The outdoor furnace shall be installed and used only in an area zoned for Exclusive Agricultural District One (A-1), General Agricultural District Two (A-2), and Small Scale Agricultural District Three (A-3), provided the parcel of land is a minimum of 3 acres in size. This provision shall not apply to outdoor furnaces installed prior to the effective date of this ordinance.

(2) The outdoor furnace shall not be used to burn any of the prohibited materials listed in Subsection (f) of this ordinance.

(3) The outdoor furnace shall be located at least 500 feet from the nearest building which is not on the same property as the outdoor furnace. This provision shall not apply to outdoor furnaces installed prior to the effective date of this ordinance.

(4) The outdoor furnace shall have a chimney that extends at least 15 feet above the ground surface. If there are any residences within 500 feet, the chimney shall also extend at least as high above the ground surface as the height of the roofs of all such residences. The Fire Chief may approve a lesser height on a case-by-case basis if necessary to comply with manufacturer's recommendations and if the smoke from the lower chimney height does not create a nuisance to neighbors.

(5) The owner of the outdoor furnace shall obtain a permit from the Fire Chief in accordance with Subsection (k) of this ordinance when the furnace is first

installed. This provision shall not apply to outdoor furnaces installed prior to the effective date of this ordinance.

(i) **Fire Department Practice Burns.** Notwithstanding Subsections (e) and (f) of this ordinance, the Town of Turtle Fire Department may burn a standing building if necessary for fire fighting practice and if the practice burn complies with the requirements of the Department of Natural Resources, including WISCONSIN ADMINISTRATIVE CODE sections NR 447.02(11), NR 447.06(1), NR 447.07(1), NR 447.08(10) and NR 502.11(2)(c), and by removing all asbestos prior to any practice burn.

(j) **Exemption For Burning Certain Papers.**

(1) Notwithstanding Subsection (f)(7) of this ordinance, paper and cardboard products may be used as a starter fuel for a fire that is allowed under this ordinance.

(2) Small quantities of confidential papers from a residence may be burned if necessary to prevent theft of financial records, identification or other confidential information.

(3) Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.

(4) A fire set for burning of a small quantity of confidential papers shall be subject to and comply with Subsections (g)(1) to (g)(3) and (g)(6) and (g)(11) to (g)(13) of this ordinance.

(k) **Outdoor Furnace Permits.** The owner or occupant of the property shall obtain a permit for an outdoor furnace when the furnace is first installed. No outdoor furnace may be installed without obtaining a permit from the Town of Turtle and paying the permit fee established by the Turtle Town Board. This section, except for Subsection (k)(4), shall not apply to outdoor furnaces installed prior to the effective date of this ordinance.

(1) A permit issued under this section shall require compliance with all applicable provisions of this ordinance.

(2) Installation of an outdoor furnace without first obtaining a permit shall be a violation of this ordinance.

(3) Any violation of this ordinance shall void the permit.

(4) An electrical permit and a plumbing permit must also be obtained, if required, before the outdoor furnace can be installed. This provision shall apply to outdoor furnaces installed prior to the effective date of this ordinance.

(l) **Liability.** A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability from damage caused by the fire.

(m) **Right of Entry and Inspection.** The Fire Chief or any authorized officer, agent, employee or representative of the Town of Turtle 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 section 66.0119 of the Wisconsin Statutes.

(n) **Enforcement and Penalties.**

(1) The Fire Chief, Police Chief, and Building Inspector are authorized to enforce the provisions of this ordinance.

(2) The penalty for violation of any portion of this ordinance shall be a forfeiture.

Section 11.08 CHARGES FOR FALSE FIRE ALARMS

(a) **Repeated False Alarms.** If a privately owned fire alarm system malfunctions because of faulty equipment, improper installation, or improper operation, and a false alarm is generated requiring the Fire Department response, there shall be a charge for repeated false alarms.

(b) **Violation.** For any 3 responses to a premises where a false alarm has occurred within each calendar year, no charge will be made. Thereafter, \$100.00 shall be charged for each false alarm.

(c) **Exception.** The charge shall not be imposed when the false alarm is caused by fire, electrical system failure, or weather conditions as determined by the Fire Chief.

(d) **Liability.** The owner of the property shall be liable for these charges regardless of whether the owner was the occupant of the property at the time the false alarm was generated.

(e) **Payment of Charges.** All charges for false alarms shall be payable 30 days from the date of billing by the Town Treasurer.