

CHAPTER 6 FIRE DEPARTMENT

6.01 ORGANIZATION OF FIRE DEPARTMENT. (1) Personnel. The Volunteer Fire Department of the City shall consist of one Fire Chief, one Assistant Fire Chief and such other officers and active members as may be authorized from time to time by the by-laws of the department.

(2) Rules and By-Laws. The Volunteer Fire Department shall be organized and governed pursuant to the rules and regulations adopted by its membership as amended from time to time.

6.02 FIRE CHIEF. (1) Appointment. The Fire Chief shall be appointed by the Police and Fire Commission subject to the approval of the Council.

(2) Supervision of Department. The Fire Chief shall have command and supervision over the personnel, apparatus and operations of the Fire Department, subject to the rules and regulations which may be prescribed by the Common Council. He shall be responsible for the proper care and maintenance of the Fire Department apparatus and equipment and shall have authority to authorize emergency repairs for the same.

6.03 ASSISTANT CHIEF. (1) Appointment. The Assistant Fire Chief shall be elected and confirmed in the same manner as the Fire Chief.

(2) Duties. The Assistant Chief shall aid the Fire Chief in the supervision and operation of the department; and in the absence of the Chief shall assume command and supervision of the department.

6.04 USE AND CARE OF EQUIPMENT. (1) Use of Apparatus. No apparatus shall be used for any purpose except for firefighting or for training and instruction purposes, unless otherwise authorized by the Common Council upon recommendation of the Chief. With the approval of the Chief, the apparatus may be used for emergency purposes.

(2) Removal or Damage of Equipment. No person unless duly authorized by the Chief or other officer in charge, shall take or remove from the fire station any of the property or equipment of the Fire Department; and no person shall willfully or maliciously injure or destroy any hose, fire engine or any other property of the department. No part of the fire equipment shall be taken outside the limits of the City without proper authorization, except for the purpose of extinguishing fires in the immediate vicinity thereof.

6.05 COMMAND AT FIRES. (1) Authority. The Chief or officer in command at a fire shall have complete charge of all activities and procedures involved in fighting the fire and may cause the removal of any property or structure, either for its preservation, or to prevent the spreading of fire or to protect adjoining property.

(2) Preserving Order. The Chief and other executive officers of the department, when on duty at a fire or in response to an alarm for a fire, shall have authority to suppress any tumult or disorder and to order all individuals or companies to leave the neighborhood of any fire.

(3) Fire Lines. The Fire Chief shall have authority to prescribe certain limits in the vicinity of any fire, and no person or persons shall be permitted within said prescribed limits except firemen, policemen, and those admitted by order of any officer of the Fire Department.

(4) Use of Adjacent Property. Any fireman, while acting under the order or direction of the Chief or other officer in command, may enter upon the premises adjacent to or in the vicinity of any burning building or other burning property for the purpose of extinguishing such fire; and any person who shall hinder, resist or obstruct any fireman in the discharge of his duty shall be subject to the penalty as provided in this code.

(5) Emergency Destruction of Property. During the progress of any fire, the Chief, or in absence or disability the subordinate officer in charge, may order the removal or destruction of any property necessary to prevent the further spread of fire.

(6) Duty of Bystanders. Every person who may be present at a fire shall be subject to the order of the Fire Chief or other officer in command, and it shall be the duty of such person to render such assistance as may be ordered by the officer in charge.

(7) Resistance to Firemen. No person shall willfully offer any hindrance or resistance to a fireman in the discharge of his duty.

6.06 STORAGE OF EXPLOSIVES. No person shall keep or store within the limits of the City of Hartford any nitroglycerine, dynamite, giant powder or other explosives more violent than gun powder.

6.07 FALSE ALARMS. No person shall knowingly give or cause to be given any false alarm of fire by means of the telegraph boxes connected with the fire alarm telegraph or otherwise. No person excepting the Fire Chief and those acting under his express authority in writing shall make or cause to be made any key of any fire alarm telegraph box, or use, or attempt to use, or cause to be used, any such key.

6.08 FIRES BEYOND CITY LIMITS. (1) Contracts with Townships. The Fire Department may enter into contracts with surrounding townships for fire service and protection of said townships subject to approval of the Common Council.

(2) Liability Insurance. The Mayor and City Clerk shall enter into contracts for insurance to protect the City and its Fire Department from damages arising out of answering calls in surrounding townships which have a contract with the Fire Department approved by the Common Council, and to protect the City and its Fire Department from damages arising out of answering emergency calls in surrounding cities at the request of the Fire Department of said cities.

(3) Payment of Funds to Department. The City shall return to the Hartford Volunteer Fire Department all sums paid into the City treasury by any township which has a contract with the Fire Department for fire service and protection.

6.09 FIRE INSPECTION. (1) Fire Inspector; Deputies. The Chief of the Fire Department shall by virtue of his office be Fire Inspector for the City. He shall have the power to appoint one or more Deputy Fire Inspectors who shall perform the same duties and have the same powers as the Fire Inspector.

(2) Access to Premises. The Fire Inspector and his duly authorized Deputies may enter and inspect any building in the City, except the interior of private dwellings, at any reasonable hour in the performance of their duties under this section.

(3) Duties Generally. The Fire Inspector or his Deputies shall inspect the premises and buildings designated in this section, and shall perform such other duties as are required by this section and by the Common Council.

(4) Inspections of Buildings.

(a) Business Buildings Defined. The term "business buildings" as mentioned herein shall be taken to include hotels, lodging houses, stores, office buildings, warehouses, mills, factories, oil filling stations and public buildings.

(b) Inspection Period. Inspections shall be made at least once in six months in all territory served by the Fire Department and not less than once in three months in the territory designated as within the fire limits, or oftener if the Chief of the Fire Department shall so order. Each six months period shall begin on the first days of January and July and each three months period on the first day of January, April, July and October in each year.

(c) Inspections. 1. Fire Hazards in Buildings. The Fire Chief or his authorized Deputies shall inspect all buildings, except the interior of private dwellings, in the City to determine the disposition of debris, rubbish, waste paper, rags, oils, waste, explosives, and all kinds of inflammable materials, and to determine the means of access from any one part of a building to another. The Chief or his Deputies may inspect any business building in the City for defective chimneys, flues, stoves, ovens, furnaces, boilers, electric wiring, ash houses, and receptacles.

2. Storage of Inflammable Material. All parts of business buildings shall be cleaned daily and kept free from all inflammable material, except that combustible material not in actual use may be neatly arranged in a manner to provide passageways and aisle ways for the convenient movement of the members of the Fire Department.

There shall be no rubbish, waste paper or other inflammable materials left in any part of business buildings over one day, except that such materials may be stored within a fireproof room with standard fire doors, and all material of such character shall be destroyed, removed or placed within such fireproof room at the close of each day.

3. Doors and Openings. All doors and openings, external and internal in all business buildings, shall be kept free from goods of any kind, and means of access and free movement should be provided for convenient work of members of the Fire Department.
- (d) Removal of Fire Hazards; Notice. Should the Fire Chief or his Deputies discover that any provisions of this section are being violated or that any danger from fire exists by reason of any other cause, they shall give notice in writing to the owner or occupants of any such defects, requiring them to make reasonable changes and repairs within a specified time to render the premises or buildings as safe as possible from fire.
- (e) Reports. Written reports of inspection shall be made on appropriate forms and kept on file in the office of the Fire Chief in the manner and form required by the State Department of Industry, Labor and Human Relations.

6.10 STORAGE OF EXPLOSIVES. No person shall keep, permit to be kept or stores at any time within the fire limits of the City any dynamite, blasting powder, and/or percussion caps to be used in connection with said dynamite and blasting powder.

No gun powder shall be kept or stored within other parts of the City unless it is carefully kept in a tin canister with a tin cap or cover and properly labeled.

6.11 FLAMMABLE AND EXPLOSIVE LIQUIDS. (1) Authority. The Wisconsin Administrative Code IHLR Chapter 10, Flammable and Combustible Liquids, is hereby adopted as if set forth herein. The State of Wisconsin Department of Commerce shall be designated as the authorized inspection authority for the flammable and combustible liquid storage tank inspections for both installation and removal of said tanks.

(2) Storage of Gasoline or Any Other Volatile Liquid. The storage of gasoline or any other volatile liquid shall be prohibited in any residential district in the City of Hartford except in the area of an outbuilding or garage which is constructed with the proper fire protection material and in the manner prescribed by the "Wisconsin Uniform Building Code".

(a) Storage of gasoline or any other volatile liquid in excess of ten (10) U.S. gallons shall be prohibited in any residential district of the City of Hartford unless such gasoline or volatile liquid is stored in the tank of power driven machines such as, but not limited to, automobile, motorcycle, lawnmower, rotor tiller, truck, snowmobile, garden tractor, motor bike or snow blower, and such storage tank is manufacturer's original equipment and is built into and is a permanent part of such power driven machines.

(3) Negligent Storage. No person shall keep any inflammable or explosive liquids or other explosive substance in any quantity in such a careless or negligent manner as to be a danger to the safety of lives or property of persons in the City.

(4) Penalty. (a) Any person, firm, association or corporation who shall violate any of the provisions of Chapter 6 shall, upon conviction of such violation, be subject to a penalty as follows:

- (i) First Offense Penalty - A stop work order shall be issued until compliance has occurred, and a forfeiture in an amount within a range as shown in Chapter 42 of the Municipal Code, together with the costs of prosecution, and in default of such payment of said forfeiture and costs of prosecution, imprisonment in the county jail until such forfeiture and costs are paid, but not exceeding 60 days. (AMENDED 6/11/96--ORDINANCE NO. E-335)
- (ii) Second Offense Penalty - Same as for a First Offense Penalty; however, the forfeiture shall be in an amount within a range as shown in Chapter 42 of the Municipal Code. (AMENDED 6/11/96-- ORDINANCE NO. E-335)
- (iii) Each violation, and each day a violation continues or occurs, shall constitute a separate offense. Nothing in this ordinance shall preclude the City of Hartford from maintaining any appropriate action to prevent or remove a violation of this ordinance.

(SECTION 6.11 REPEALED AND RECREATED 2/28/95--ORDINANCE NO. E-286; AMENDED 6/10/97--ORDINANCE NO. E-364)

6.12 OUTDOOR BURNING. (1) This ordinance is intended to promote the public health, safety and welfare of the citizens of the City of Hartford due to the air pollution and fire hazards of open burning, outdoor burning, and refuse burning.

(2) Definitions.

- (a) "**Open Burning**" shall mean the setting, ignition or maintenance of a fire at an outdoor location whether placed or contained in an Outdoor Permanent or Portable Firepit or otherwise.
- (b) "**Outdoor Permanent Firepit**" shall mean a permanent device used primarily or exclusively for recreational burning or cooking, constructed of masonry or stone.
- (c) "**Outdoor Portable Firepit**" shall mean a portable device used primarily or exclusively for recreational burning or cooking, constructed copper, steel, clay, cast iron, aluminum, or other material intended to contain a fire within its fire bowl.
- (d) "**Confidential Papers**" means printed material containing personal identification or financial information that the owner wishes to destroy,
- (e) "**Fire Chief**" means the Chief of the Hartford Fire Department, as defined in Chapter 6 of the Municipal Code, or other persons authorized by the Fire Chief to perform these functions.
- (f) "**Approved Fuel**" shall mean propane, natural gas, charcoal, or seasoned logs. Approved Fuel shall be of a size which can fit inside of the width and under the cover of a Permanent or Portable Fireplace.
- (g) "**Prohibited Fuel**" (Prohibited Fuels may not be burned in any indoor or outdoor Permanent or Portable Firepit. The City of Hartford will not issue a permit for burning any Prohibited Fuels without air pollution control devices and a written copy of an approval by the

Department of Natural Resources from the person requesting such a permit.) Prohibited Fuel shall mean any of the following:

- 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 Chapter 23 of the Hartford Municipal Code except as provided in this ordinance.
- 8) Leaves, weeds, grass clippings, brush, stumps, trees and other vegetative debris.

(3) General Prohibition of Burning. Open Burning, Outdoor Burning, and Prohibited Fuel Burning are prohibited within the City of Hartford unless the burning is specifically permitted by this ordinance, or the Fire Chief has issued a permit prior to such burning.

(4) Burn Barrels. No person shall use or maintain a burn barrel for Open Burning for any purpose within the City of Hartford.

(5) Burning Permits.

- (a) A burning permit issued under this section shall require compliance with all applicable provisions of this ordinance and any additional special restrictions deemed necessary to protect public health and safety by the Fire Chief.
- (b) When weather conditions warrant, the Fire Chief or the Department of Natural Resources may declare a burning moratorium on all open burning and temporarily suspend previously issued burning permits for open burning.
- (c) Upon issuance of a control burn permit, the applicant shall advise the Police Department Dispatcher of the time the fire shall be set. Should the Fire Department be required to respond in a manner not authorized under the terms of the permit, the applicant shall be responsible to pay the City the cost of the apparatus and fire personnel responding. Application for a control burn permit must be applied for at least five days prior to the scheduled burn.

(6) Requirements for Outdoor Permanent/Portable Fire Pits.

(a) Location Requirements:

- 1) No provision of this Section shall prohibit or require a permit for the use of outdoor permanent or portable firepits, charcoal, propane, or natural gas grills, burners or like devices when used for cooking of food or for recreational purposes. For other than one-

and-two family dwellings, no hibachi, grill, or other similar devices used for cooking, heating, or any other purpose shall be used or kindled on any balcony, under any overhanging portion, or within 10 feet of any structure. (a) These devices shall be stored at least 10 feet from any structure and any property line, (b) these devices may not be used or stored on a balcony above the ground level of any structure, (c) and listed equipment permanently installed in accordance with its listing, applicable codes, and manufacturer's instructions may be permitted.

- 2) Outdoor permanent or Portable Firepits shall be used and located only in an area separated from any structure, utility pole, overhead wires, or other combustible materials by not less than 10 feet. No burning shall take place on lakeshores, roadside ditches, streams or adjacent to other watercourses in the City.
- 3) An Outdoor Permanent or Portable Firepit using propane or natural gas can be located not less than 10 feet away from any structure. At no time shall solid fuels be used in a firepit that was designed and intended to be operated with propane or natural gas.

(b) Containment Requirements:

- 1) The perimeter of any Open Burn must be physically contained within a non-flammable enclosure to prevent fire from spreading beyond the fire box/fire area.
- 2) The sides and top of any Open Burn of solid fuel must be physically contained within a non-flammable cover, made of solid metal or heavy mesh metallic screening material designed to contain the fire box/fire area, and prevent the spread of embers from the fire. This restriction does not prohibit the removal of the cover to add fuel or tend the fire.
- 3) No Open Burn will (1) contain fuel of such size that it does not completely fit within the confines of the fire box/fire area, (2) nor will any Open Burn be allowed to reach a size where flames extend beyond the outer perimeter of the fire box/fire area horizontally, or more than 1 foot vertically above the highest point of a screened cover.
- 4) As per manufacturer's recommendation, a cover may not be required for a commercially manufactured portable firepit using exclusively propane or natural gas that does not emit embers from the fire.

(c) Safety Requirements:

- 1) An Outdoor Permanent or Portable Firepit shall be constantly tended by a person over the age of 17 years when in use until the fire and all smoldering fuel within the firepit is completely extinguished.
- 2) A portable fire extinguisher having a minimum rating of 4-A or other approved extinguishing agent such as sand, dirt or water in sufficient quantity shall be available for immediate use at the location of any Open Burn, and must be presented for inspection upon the request of a police officer.
- 3) An Outdoor Permanent or Portable Firepit shall be used only with an Approved Fuel; Observed violations where a citation may be issued include: (a) an officer observes a subject placing Prohibited Fuel into any Open Burn, (b) an officer observes recognizable debris from Prohibited Fuel having been placed into the Open Burn, or (c) upon receiving the written statement of a witness detailing their observation of Prohibited Fuels being placed into an Open Burn.

(d) Exemptions:

- 1) **Fire Department Practice Burns.** The Hartford Fire Department may burn a standing building if necessary for firefighting practice and if the practice burn complies with the requirements of the Department of Natural Resources.
- 2) **Use of Paper.** Paper may be used as a starter fuel for a fire that is allowed under this ordinance, but paper may not be added to an Open Burn that has already ignited, with the exception of confidential papers from a residence 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 burning.
- 3) **Indoor Heating Devices.** 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 Prohibited Fuel as defined in this ordinance.
- 4) **Authorized Uses.** 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.
- 5) **Kettle Moraine State Forest-Pike Lake Unit Campgrounds.** Open burning of campfires at temporary campsites located on state park lands within the city limits will be subject to the regulations of the Wisconsin Department of Natural Resources.

(7) Fees. The fee for a control burning permit shall be as determined in Chapter 42 of the Municipal Code.

(8) Penalty. Any person violating this section shall, upon conviction, be subject to a forfeiture in an amount within a range as shown in Chapter 42 of the Municipal Code together with the costs of prosecution as provided in Chapter 42.

(9) 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.

(SECTION 6.12 REPEALED AND REPLACED 8/13/2019--ORDINANCE NO. 1406)

6.13 SALE, POSSESSION AND USE OF FIREWORKS. (1) Definitions. As used in this Section, "fireworks" means anything manufactured, processed, or packaged for exploding, emitting sparks or combustion which does not have another common use.

(i) This definition does not include any of the following:

- a. Fuel or lubricant.
- b. A firearm cartridge or shotgun shell.
- c. A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft, or motor vehicle.
- d. A match, cigarette lighter, stove, furnace, lantern or space heater.
- e. A model rocket engine.
- f. Tobacco and tobacco products.

- (ii) This definition does include the following:
- a. A cap containing not more than $\frac{1}{4}$ grain of explosive mixture. If the cap is used or possessed or sold for use in a device, which prevents direct bodily contact with the cap when it is in place for explosion.
 - b. A toy snake which contains no mercury.
 - c. A sparkler on a wire or wood stock not exceeding 36 inches in length that is designed to produce audible or visible effects or to produce audible and visible effects.
 - d. A device designed to spray out paper confetti or streamers in which contains less than a $\frac{1}{4}$ grain of explosive mixture.
 - e. A fuseless device that is designed to produce audible or visible effects or audible and visible effects and that contains less than $\frac{1}{4}$ grain of explosive mixture.
 - f. A device that is designed merely to burn pyrotechnic smoke producing mixtures at a controlled rate and that produces audible or visible effects, or audible and visible effects.
 - g. A cylindrical fountain that consists of one or more tubes and that is classified by the Federal Department of Transportation as a division 1.4 explosive, as defined in 49 CFR173.50
 - h. A cone fountain that is classified by the Federal Department of Transportation as a division 1.4 explosive, as defined in 49 CFR173.50

(2) Sale and Possession of Fireworks Regulations. No person shall sell or possess with intent to sell fireworks within the City unless they have a Fireworks Seller's Permit issued by the City. The permit shall be limited to those items identified in (1)(i) above.

- (i) This Section does not apply to:
- a. The use of fireworks used for pyrotechnic displays given by public authorities, fair associations, amusement parks, park boards, civic organizations or groups of individuals that have been granted permit for just such display by the fire chief as provided in (6) below.
 - b. The use or sale of blank cartridges for circus or theatrical purposes or signal purposes in athletic contests or sports events, or used by militia police or military organizations.
 - c. The possession of fireworks while transporting fireworks to City, Town, Village or County where the possession of the fireworks is authorized by permit or ordinance, unless the person doing the transporting remains in the City for at least 12 hours.
 - d. Resident wholesalers, jobbers or dealers selling fireworks at wholesale if the wholesaler, jobber, or dealership delivers the fireworks outside the state in sealed opaque containers by common motor carrier, contract motor carrier or private motor carrier as defined in Wis. Stats. Section 194.01(1),(2), and (11) engaged in the business of shipping or delivering property, or to a person or group granted a permit under this Section.
 - e. A fireworks device for which a retail or wholesale permit has been issued.

(3) Fees. The fee for seller's permit shall be \$50 and this fee shall be incorporated in Chapter 42 of the municipal code by the City Clerk and shall be in addition to any transient merchant license fee. The fee for fireworks user shall be \$200.

(4) Seizure of Fireworks. The police or fire department shall seize, at the expense of the owner, all fireworks stored, handled, sold, possessed, or used by any person who violates this Section. Such seized fireworks shall be destroyed after conviction for a violation or if no conviction occurs, shall be returned to the owner.

(5) Use Regulated. Except as provided in Section 167.10(3), Wis. Stats., no person shall possess or use fireworks without a user's permit issued pursuant to (6) below. No users permit is required for those items in (1)(ii) above.

(6) User's Permit. As provided in Section 167.10(3), Wis. Stats., fireworks user's permits may be issued by the Mayor or other City Official designated by the Mayor. The Official issuing the permit shall require a Certificate of Liability Insurance or similar proof of coverage where fireworks liability coverage in the combined single limit of \$1,000,000. A copy of the permit and proof of insurance shall be filed with the City Clerk and copies of the permit shall be given to the Fire Chief and the Chief of Police at least two days before the authorized use.

(7) Obligation for Clean Up. Any person who has obtained a fireworks usage permit shall be required to remove all packaging material, spent fireworks debris, and all litter from the area of the fireworks sale or display which are under the control of the permittee.

(8) Use of Certain Devices Regulated. No person may use firework devices listed in Sections 167.10(1)(e) to (g) and (i)2(n), Wis. Stats., including, but not limited to caps, toy snakes, model rocket engines, sparklers or cone fountains at fireworks displays for which a permit has been issued if the display is open to the general public.

(9) Parental Liability. A parent, foster parent, treatment foster parent, family-operated group home parent, or legal guardian of a minor who consents to the use of fireworks by the minor is liable for damages caused by the minor's use of the fireworks.

(10) Severability. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is unconstitutional, such invalidity or unconstitutionality shall not affect the above provisions and applications of this ordinance which can be given effect without the invalid of constitutional provisions or its application.

(11) Penalty. The penalty for violation of Section 6.13(2) shall upon conviction be a forfeiture of not less than \$300 nor more than \$1,000. The penalty for a violation of Section 6.13(5) and (6) upon conviction shall be a forfeiture of not less than \$75. A parent or legal guardian of a minor who consents to the use of fireworks by the minor shall forfeit a penalty upon conviction of not less than \$75 nor more than \$1,000.

(SECTION 6.13 REPEALED AND RECREATED IN ITS ENTIRETY 6/11/02-ORDINANCE NO. E-485)

6.14 SEVERABILITY. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances invalid is unconstitutional, such invalidity of unconstitutionality shall not effect the above provisions or applications of this

ordinance which can be given effect without the invalid or unconstitutional provision or its application.