

CHAPTER 5
FIRE PROTECTION

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5.01 OPEN BURNING. (1) No person shall kindle or start a rubbish fire in the open, or on a windy day or within 100' of any building, lumber, wood or pile of any combustible material or wooden fence.

(2) No person shall kindle or start a grass fire during a high wind or at any time or in any manner that will create a hazard to any property, his own or that of others. Before kindling any grass fire a person shall have on hand and in readiness either:

(a) A garden hose of adequate length attached to a source of water under pressure; or

(b) A tank or pails filled with water with brooms or burlap sacks; or

(c) Portable fire extinguishing equipment of suitable type and capacity.

(3) Persons starting grass fires or any fire for the disposal of leaves or rubbish shall remain in constant attendance of such fire and must be ready and able to check such fire and keep it under control at all times.

5.02 RUBBISH. Rubbish may be burned in controlled receptacles of substantial construction, constructed of metal, concrete or brick or a combination of these materials with vents or openings adequately covered or screened to prevent the escape of sparks or burning embers. Minimum standards for such burners may be specified by the Town Board from time to time and such burners may be inspected by the Police Department to insure compliance with all regulations. No fire shall be started in any rubbish burner or incinerator unless the same is at least 20' from the nearest building or pile of combustible material and such fires shall remain under reasonable supervision and control until they are extinguished.

5.03 ASHES. No person shall place or store ashes in any wooden box or barrel, paper carton or other combustible container, upon any wooden floor or surface or against any wooden wall, partition, fence, post or in contact with any other woodwork or combustible material.

5.04 SMOKING. Any person who by smoking, attempting to light or lighting cigarettes, cigars, pipes or tobacco in any manner in which lighters or matches are employed who

shall in a careless, reckless or negligent manner, set fire to any item of clothing, household furnishings, building, or any other property whatsoever so as to endanger life or property in any way shall be deemed guilty of violating this section and shall be subject to the penalties of this chapter.

5.05 BURNING PERMIT. No fire shall be started, except in an approved burner with holes no larger than ½ inch, without first obtaining a burning permit from the Town Chairman, Town Clerk or any one of the supervisors of the Town.

5.06 BURNING ON PUBLIC PROPERTY. No person shall burn trash, rubbish, litter, leaves or other combustible materials on any street, alley or public ground in the Town of Ottawa.

5.07 BURNING ON PRIVATE PROPERTY.

(1) RESIDENTIAL AND AGRICULTURAL BURNING.

Residential property owners and property owners engaged directly in farming may have fires on their property subject to the following conditions:

- (a) Fires must be attended at all times by personnel with sufficient fire fighting implements to maintain control over the fire.
- (b) Wind velocity at the time of fire may not be more than 9 miles per hour as recorded by the U.S. Weather Bureau in Milwaukee, Wisconsin and the wind direction at the time of any burning must be away from buildings or other combustible materials and structures.
- (c) Fires may not be started after dark unless specifically authorized in writing by the Town Board.
- (d) Leaves, branches and brush may be burned provided that the items being burned are located at least 30 feet away from any building. The leaves, branches and brush being burned must have been accumulated from the property on which the burning is being conducted
- (e) Wood and wood products resulting from razing of a building may be burned provided that all wood material to be burned is piled in one location at least 30 feet from any building, fence, utility

poles, overhead branches or wires. Materials proposed for burning must have been inspected and approved by the appropriate fire department prior to burning.

- (f) Trash, rubbish and litter may be burned provided that the material to be burned is in an enclosed container of metal, concrete or brick construction which is provided with a top cover of wire screening or other non-combustible meshed material which has opening not more than 1 inch square.
 - (g) The burning of any materials not specifically provided for above, is hereby prohibited.
- (2) **COMMERCIAL, BUSINESS AND OTHER BURNING.** All burning on any commercial, business or other property within the Town of Ottawa, except for residential and farming property as provided above, is hereby prohibited.

5.08 FALSE ALARM FIRE SERVICE CALL FEE.

(1) **FEES FOR FALSE ALARM FIRE SERVICES CHARGED.** To compensate the Town for false alarm fire services, as defined as follows, a false alarm fire service call fee shall be charged in the manner and in the amount as set forth below to any real property for which fire service call has been erroneously requested for the real property itself or requested for or provided to any resident, tenant, visitor, or occupier of the real property. Said false alarm fire service call fee charged against the real property shall be a lien upon the tax key number of the real property and shall be assessed and collected as a special charge pursuant to the provisions of §66.0627, Wis. Stats. whether or not the real property is taxed by the Town.

(2) **FALSE ALARM FIRE SERVICE CALL DEFINED.** A call for service requested in any manner for any reason if any fire service equipment leaves any fire station property, if there is no existing condition that reasonably warrants a fire department response.

(3) **AMOUNT OF THE FALSE ALARM FIRE SERVICE CALL FEE DETERMINED.** The Town Board shall on a yearly basis determine the amount of the false alarm fire service call fee to be imposed in the next calendar year. The false alarm fire service call fee shall be no larger than the total annual cost to the Town of Ottawa for its participation in the Dousman Fire District plus the administrative cost of processing the fire service call program divided by the estimated total number of false alarm fire calls for the year.

(4) **FEE WAIVER.** The first three false alarm fire services call fees to a real property in any calendar year are waived but notice shall still be given to the real property owner of every false alarm fire service call.

(5) **REAL PROPERTY DEFINED.** Real property shall be defined as any property with a tax key number whether the real property is taxed or not by the Town, and whether the real property is vacant, institutional, agricultural, commercial, single-family, multi-family, or in any other use.

(6) PROPERTY OWNER ALLOWED TIME TO PAY. The Town Clerk shall give each property owner billed for a fire service call, as proved for herein, notice that they shall have a specified period of time not less than 30 days to pay. Said notice shall also state that within 15 days of the date of the notice, the property owner may request a hearing before the Town Board regarding the fire service call fee. Said notice shall also include a statement of the fire service call fee to be charged. Thereafter, if the property owner requests a hearing within the proper time period, the matter shall proceed as described in subsection (7) below. If a hearing is not requested within the required time period and if that fire service call fee charge remains unpaid, the Town Clerk shall automatically charge that delinquent fire service call fee bill against the current or next tax roll as a delinquent special charge against the real property as provided by law. In the event the statement rendered to the real property owner or the time given for the property owner to pay or following a hearing if the Town Board approves all or part of the charge, it is too late in the current year for the charge, when it becomes delinquent, to be extended on that year's tax roll, then the delinquent special charge shall be extended to the following year's tax roll.

(7) APPEAL TO TOWN BOARD. Upon receipt of a timely request for hearing, the Town Board shall hold a hearing regarding the fire service call fee charges at its next scheduled meeting or as soon as feasible. Such hearing shall be preceded by posted public notice and reasonable notice, via first class mail, to the property owner. In the event a hearing is requested, the fire service call fee shall not be placed on the tax roll unless and until such hearing has been held and a decision has been rendered by the Town Board to approve fire service call fee and place the same on the tax roll in whole or in part. If approved only in part, only that part of the fire service call fee that are approved may be charged against the tax roll. The only issue to be determined by the Town Board on appeal is whether or not a fire service call, as defined herein, occurred.

5.09 FIRE DEPARTMENT FEES

- A. *Establishment of Fire Department Fees.* The Town Board shall establish Fire Department fees, from time to time, by resolution, upon careful consideration of the fees recommended by the Fire District Board, to compensate the Western Lakes Fire District for fire inspection, plan review, field inspection work, and other Fire Department services. Such fees shall not exceed the limits established by Wisconsin Statutes Section 66.0628 and other applicable laws. Fees are subject to change. No fees shall be charged to the owner-member municipalities of the Western Lakes Fire District, for work conducted in relation to their municipal property.
- B. *Administration of Fire Department Fees.* Fire inspection fees shall be invoiced to property owners, as a special charge, as soon as practicable following the Fire Department service, and payment shall be due within 30 days. The Western Lakes Fire District shall invoice property owners and collect fees pursuant to this Section, as agent of the municipality. All invoices shall specify that this is a fee imposed by the municipality and collected pursuant to this ordinance and shall give notice of appeal rights. If a special charge is not paid within the time required by the invoice, the special charge is delinquent, and the Western Lakes Fire District shall notify the municipal clerk no later than October 1 of all delinquencies existing on that date. A delinquent special charge becomes a lien on the property against which it is imposed as of the date of delinquency. The municipal clerk shall include the delinquent special charge in the current or next tax roll for collection and settlement under ch. 74, Wisconsin Statutes, per Section 66.0627, Wisconsin Statutes. The Western Lakes Fire District shall retain all fees collected as compensation from the municipality for their services provided, except in the case of delinquency. When a special charge is delinquent and is recovered by the municipality through tax collection and settlement procedures, the municipality shall retain \$15 to compensate for administrative costs and shall pay the Western Lakes Fire District the remaining amount collected.
- C. *Appeal.* Special charges imposed pursuant to this Section may be appealed within 30 days of the original invoice, pursuant to Section 3.11 of this Code.

- 5.10 PENALTY. Except as otherwise provided, any person found to be in violation of any provision of this chapter or any rule or order promulgated hereunder shall be subject to a penalty as provided in §25.04 of this General Code.