

## CHAPTER 3

### FIRE PROTECTION

#### SECTION 1 ORGANIZATION

##### **1-1 Organization.**

(1) Recognition of Department. The volunteer fire company organized under chapter 213 of the Wisconsin statutes under the title of Freedom Volunteer Fire Company, Inc., and the members of such fire organization, are hereby officially recognized as the Fire Department of the Town of Freedom, and the duty of fire fighting and the prevention of fires in the Town of Freedom is delegated to such department. Its organization and internal regulation shall be governed by the provisions of this ordinance and by such bylaws adopted by the department as are approved by the board of directors, and the department members, except as is provided by law and ordinance.

(2) Contract. The Town of Freedom has entered into a contract with the Freedom Volunteer Fire Department, Inc. for the purposes of providing fire protection and prevention services to the Town of Freedom. Said contract shall be negotiated annually for a period of three years (rolling term).

#### SECTION 2 MEMBERSHIP

##### **2-1 Membership.**

(1) The fire department shall be organized as consistent with the bylaws of the organization.

#### SECTION 3 POWERS AND DUTIES

##### **3-1 Duties of Chief.**

(1) Enforcement. The Chief of the department shall enforce all fire prevention ordinances of the Town of Freedom and the state laws and regulations pertaining to fire prevention, and shall keep citizens informed on fire prevention methods and on activities of the department. For additional information on inspection and enforcement see *Sub-section 4-1 Fire Inspection*

(2) Authority. In matters of fire prevention and protection, the Fire Chief or authorized designees retain the authority to rescind, deny or have removed any permits issued by the Town of Freedom for cause if in their opinion the continuance of the permitted operations constitutes an undue hazard to the safety, health and well being of the citizens and visitors of the Town of Freedom.

##### **3-2 Police Power of Department.**

(1) Police Authority. The Fire Chief, Assistant Chiefs or officers in command at any fire are hereby vested with full and complete police authority at fires. Any officer of the department may cause the arrest of any person failing to give the right-of-way to the fire department in responding to a fire.

(2) Fireground Authority. The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting firefighters and law enforcement personnel and those admitted by order of any officer of the department, shall be permitted to come. The 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 adjoining property, and during the progress of any fire, the Chief shall have the power to order the removal or destruction of any property necessary to prevent the further spread of the fire. The Chief shall also 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 the fire.

(3) Firefighters may Enter Adjacent Property. It shall be lawful for any firefighters while acting under the direction of the Fire Chief or other officer in command to enter upon the premises adjacent to or in vicinity of any building or other property then on fire for the purpose of extinguishing such fire and in case any person shall hinder, resist or obstruct and firefighter in the discharge of their duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firefighters in the discharge of their duty.

## SECTION 4 FIRE PREVENTION AND INSPECTION

### **4-1 Fire Inspection.**

#### (1) Authority of Fire Chief.

(a) As prescribed in s. 101.14 (2) (a), Wisconsin Statutes, and Wisconsin Administrative Code COMM 14.02 (1) the Fire Chief of the department is constituted as a duly authorized deputy of the Department of Commerce, with full authority to administer the code for the purposes of fire prevention and inspection. By this ordinance the town recognizes this authority and duly constitutes the same authority.

(b) The Chief of the department shall provide for the inspection of every public building and place of employment within their respective district, to determine and cause to be eliminated any conditions liable to cause fire, or any, violations of any law relating to fire hazards or to the prevention of fires.

(c) The Chief of the department shall provide that the inspections provided in subsection (b) shall be made at least once in each non-overlapping 6-month period per calendar year. The Chief may require more frequent inspections than required under this subdivision.

(d) The Chief of the department shall have the right to designate a sufficient number of inspectors to make the inspections under subsections (b) and (c).

### **4-2 Right to Enter.**

#### (1) Access.

(a) No person shall deny the Fire Chief or duly authorized representatives of the Fire Department free access to any public assembly, industrial, institutional, multifamily (public spaces), office, or mercantile properties within the Town of Freedom at any reasonable time for the purpose of making fire inspections. No person shall hinder or obstruct the fire inspector in the performance of their duty or refuse to observe any lawful direction given by them.

- (b) If the owner or occupant denies entry, the Fire Chief or authorized representatives shall obtain a proper inspection warrant or other remedy provided by law to secure entry. No owner or occupant or person having charge, care or control of any building or premises shall fail or neglect, after proper request is made as provided above, to promptly permit entry for purpose of inspection or examination as detailed in this chapter.

#### **4-25 Fire Hazards.**

(1) Removal of Hazard. Whenever or wherever in the Town of Freedom any inspection by the Fire Chief or by duly authorized representatives of the Fire Department reveal a fire hazard, the Chief or their representative shall serve a notice in writing upon the owner of the property giving said owner a reasonable time in which to remove or abate the hazard. In the event that the fire hazard is not corrected within the time allowed, it shall be deemed a nuisance as referenced in Section 10.02 of the Town of Freedom Ordinances. The Fire Chief or duly authorized representatives are hereby approved to have the same removed, abated or resolved by the town. The cost of such removal, abatement or mitigation shall be recovered in an action by the town against the owner of the property.

(2) Correction of Life and Safety Hazards. Whenever or wherever in the Town of Freedom any inspection by the Fire Chief or by duly authorized representatives of the Fire Department reveal an immediate threat to public life or safety, said hazard shall be immediately corrected under the direction of the Chief or their designees. Failure to resolve the hazard shall result in the immediate closing of the occupancy until such time as the hazard has been removed or abated. Reference *4-3 Vacation of Buildings. (1) Order to Close* and *(2) Closure for Public Safety.*

#### **4-3 Vacation of Buildings.**

(1) Order to Close. The Fire Chief or authorized designees are hereby empowered to close any building or structure, and order it vacated wherein violations of any regulations of this chapter are found and not abated within a reasonable time stipulated.

(2) Closure for Public Safety. Where the public is exposed to immediate danger, the Fire Chief or authorized designees are hereby empowered and directed to order the immediate closing and vacating of the building or structure.

#### **4-4 Occupancy Permit.**

(1) Occupancy Permit Required. No person shall occupy or change the occupancy of a building or structure covered under the Wisconsin Administrative Code, chapters COMM 50 through 64, or the International Building Code and National Fire Protection Association, Life Safety Codes that is or will be used for public assembly, industrial, institutional, multifamily (public spaces), office, or mercantile purposes until such building or structure has been inspected and approved by the building inspector (final building inspection if appropriate) and/or the Fire Department (initial fire inspection).

(2) Application. Owners/occupants of structures as designated in subsection (1) shall be required to give notice ten (10) business days before the anticipated occupancy date

to insure adequate time for the Fire Department to conduct an occupancy inspection and allow for the correction of any deficiencies, if noted.

(3) Notice. Notice shall be made through an application filed with the office of the Town Clerk. The Town Clerk or their designee shall then notify the Fire Department of the application. The Fire Department shall then contact the owner/occupant to arrange for suitable time for inspection.

(4) Issuance of Permit. Upon the resolution of any deficiencies observed during the Fire Department Occupancy Inspection, an Occupancy Permit will be issued to the owner/occupant by the Town of Freedom. The owner/occupant may not take occupancy of the property until all issues have been resolved and the Fire Department signs off and the Town has issued the Occupancy Permit. Failure to obtain an Occupancy Permit shall be deemed a violation of this Code.

(5) Fees. Reference of the Town of Freedom Fee and Forfeiture Schedule for a list of Permits and Fees.

(6) Penalties. Reference of the Town of Freedom Fee and Forfeiture Schedule for a schedule of Penalties for non-compliance.

#### **4-5 Installation Permits.**

(1) Required Permits. The following installation permits shall be required in the Town of Freedom jurisdiction:

- (a) Automatic fire-extinguishing systems. A permit is required for installation of or modification to an automatic fire-extinguishing system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.
- (b) Fire alarm and detection systems and related equipment. A permit is required for installation of or modification to fire alarm and detection systems and related equipment. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.
- (c) Fire pumps and related equipment. A permit is required for installation of or modification to fire pumps and related fuel tanks, jockey pumps, controllers, and generators. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.
- (d) Private fire hydrants. A permit is required for the installation or modification of private fire hydrants.
- (e) Spraying or dipping. A permit is required to install or modify a spray room, dip tank or booth.
- (f) Standpipe systems. A permit is required for the installation, modification, or removal from service of a standpipe system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

(2) Notice. Notice for installation permits shall be made through an application filed with the Town Clerk.

(3) Application. Application for installation permits for new construction shall be made to the Town Clerk and/or the Building Inspector. Three (3) copies of plans shall be submitted to the Town Clerk and/or Building Inspector at the time of application. One copy of the submitted plans shall be forwarded to the Fire Department for their review

and retention. No equipment shall be installed or altered in a commercial building as defined in the Wisconsin Administrative Code, chapters COMM 50 through 64, or the International Building Code and National Fire Protection Association, Life Safety Codes until plans have been submitted to the Town of Freedom.

(4) Sufficient Notice. Project proponents of structures as designated in subsection (1) shall be required to give sufficient notice prior to installation to insure adequate time for the review process and to allow for the correction of any deficiencies if so noted.

(5) Design and Installation. Approved equipment shall be designed and installed in accordance with the provisions and standards of the National Fire Protection Association. The Town of Freedom shall be notified of the installation and shall arrange for a suitable inspection process to insure compliance during the installation process.

(6) Inspection. All permitted installation projects are subject to a final inspection by the Town of Freedom Fire Department before issuance of the Certificate of Occupancy. Conditions of issuing a Certificate of Occupancy are compliance with all applicable codes and provisions of the permit including certification documentation and inspections.

(7) Fees. Reference of the Town of Freedom Fee and Forfeiture Schedule for a list of Permits and Fees.

(8) Penalties. Reference of the Town of Freedom Fee and Forfeiture Schedule for a schedule of Penalties for non-compliance.

(9) Compensation. Fire Department members involved with the final installation inspection process shall be compensated by the Town of Freedom in accordance with a schedule developed by the Town of Freedom.

## SECTION 5 FIRE PROTECTION

### **5-1 Open Burning**

(1) Intent and Purpose. This ordinance is intended to promote the public health, safety and welfare of the citizens of the Town of Freedom due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning. It is the intent and purpose of this sub-section and the following sub-sections to provide reasonable rules and recommendations for public health and safety to wit:

- (a) It is recognized and found that wood smoke and other products of combustion generated through open burning are hazardous to an individual's health and may affect the health of the general public when they are involuntarily exposed to the presence of these products of combustion.
- (b) Reliable scientific studies, including studies conducted by the Environmental Protection Agency (EPA) have shown that breathing wood smoke is a significant health hazard particularly to children, elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory functions, including asthmatics and those with obstructive airway disease.

(2) Applicability. This ordinance applies to all outdoor burning and refuse burning within the Town of Freedom except,

- (a) This ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances except as provided in *Sub-section 5-3 (2)*.

- (b) 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 this ordinance.
- (c) 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
- (d) This ordinance does not apply to bonfires, camp fires, cooking fires or other fires conducted for recreational or ceremonial purposes.

(3) General. Open burning, outdoor burning and refuse burning are prohibited in the Town of Freedom unless the burning is specifically permitted, conducted and approved in accordance with this ordinance.

(4) Definitions. The following definitions shall apply to this section:

- (a) **Accelerant** – Any flammable or combustible liquid that will increase the rate of burning of a material.
- (b) ~~**Agricultural** – Any land whose use is primarily for the growing of crops, timber, shrubs or trees for agricultural or commercial purposes including those lands placed in land bank or similar programs, or inactive and fallow land.~~  
**Agricultural** — Any land located outside the boundaries of Freedom Sanitary District No. 2, who use is primarily for the growing of crops, timber, scrubs or trees for agricultural or commercial purposes including those lands placed in land bank or similar programs, or inactive and fallow land. [Ord. 16-02]
- (c) **Approved Container** – An approved container shall be a container that has all openings on the sides and top covered with wire screening, the wire of which shall not be smaller than #8 wire or the meshes of which shall not be more than one (1) inch across.
- (d) **Bonfire** – An outdoor fire used for ceremonial purposes. With permission of the Fire Chief a bonfire may be greater than three (3) feet across and two (2) feet in height.
- (e) **Campfire** – A small outdoor fire intended for recreation or cooking not including a fire intended for disposal of waste wood or refuse.
- (f) **Chamber** – For the purposes of this section, a chamber shall be regarded as enclosed when, during the time of combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gases are open.
- (g) **Clean Wood** – 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.
- (h) **Fuel** – Fuel for any fire identified shall only consist of dry natural wood materials, leaves or charcoal.
- (i) **Open Burning or Open Fire** – The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudge pots or similar devices associated with safety or occupational uses typically considered open flames or recreational fires

- (j) **Outdoor Recreational Fires** - Any fire ignited for recreational or ceremonial purposes located in a defined area expressly designed for such purposes such as a below ground fire pit, fire ring or outdoor fireplace.
- (k) **Recreational Fire/Barbecue Pit** – A below ground pit with a minimum depth of ten (10) inches. The fire pit shall be surrounded on the outside, above ground, by a non-combustible material such as concrete block or rock.
- (l) **Refuse** – Any waste material except clean wood.
- (m) ~~**Residential** – For purposes of this subsection, residential is defined as a group of buildings generally recognized as within the sewer district of the Town of Freedom, but shall also include any development, group of houses, plat, housing tract, subdivision, neighborhood, block, district, territory, region or zone of 1 or 2 family houses or where multiple houses, apartments, town houses or condominiums are congregated together.~~  
**Residential** — For purposes of this subsection, "residential" is defined as any lands located within the boundaries of Freedom Sanitary District No. 1, and is further defined as land outside of the Sanitary District boundaries that contain a group of buildings, including but not limited to any development, group of houses, plat, housing tract, subdivision, neighborhood, block, district, territory, region or zone of one of two family houses or where multiple houses, apartments, townhouses or condominiums are congregated together. [Ord. 16-02]
- (n) **Single-Use Permit** – A permit issued for a unique single event and based on the conditions and requirements placed upon it.

(5) Materials that may not be burned.

- (a) 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. The Town of Freedom will not issue a permit for burning any of the following materials without air pollution control devices and a written copy of an approval by the Department of Natural Resources.
- (b) 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.
- (c) 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.
- (d) Asphalt and products containing asphalt.
- (e) 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.
- (f) Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
- (g) Rubber including tires and synthetic rubber-like products.
- (h) Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the State or local regulations.

(6) Authority to Prohibit Burning. The Fire Chief or their designee shall have the authority to prohibit any and all open burning when atmospheric conditions or local circumstances make such fire hazardous. No burning will be allowed if wind conditions will cause smoke, embers or other burning materials to be carried towards any building or other combustible material, nor anytime the wind is in excess of ten miles per hour (10 mph) as measured by the National Weather Service.

(7) Authority to Order Burning Discontinued. The Fire Chief or their designee is authorized to require any fire to be immediately discontinued if determined that the smoke emissions are offensive to occupants of the surrounding properties or if the fire is determined to constitute a hazardous condition.

(8) Burning in a Public Right-of-way. No permit shall be granted for open burning in a public right-of-way, alley or other public thoroughfare.

(9) Exempt Fires.

- (a) Fires for the purpose of training of the Freedom Volunteer Fire Department shall be exempted from the requirements described within this section.
- (b) Fires for the purposes of wildlife rehabilitation shall be exempted from the requirements described within this section subject to any terms or conditions deemed appropriate by the Fire Chief. Notification must be given to the Fire Department prior to initiating such fires.
- (c) The Fire Chief and the Freedom Volunteer Fire Department retains sole authority to determine approval of any and all such fires.

## **5-2 Burning of Trash, Rubbish or Garbage.**

(1) Burning of Garbage. No person shall burn trash, rubbish, garbage, rubber or rubber products, asphaltic type materials, construction debris, cardboard or any other related materials which create, by such burning, a smoke or odor nuisance within the town.

(2) Operation of Burners Prohibited. No person shall build, maintain or allow to be operated or maintained on premises controlled by them any outside incinerator, waste burner, refuse burner, trash burner or other similar appliance unless permitted by the Town of Freedom and approved by the Fire Chief or a duly authorized representative.

(3) Permits. Application for permits shall be made to the Town Clerk with conditional approval by the Fire Department if such burners or incinerators meet established guidelines for safety, emissions and use.

(4) Fees. Reference the Town of Freedom Fee and Forfeiture Schedule for a list of Permits and Fees.

(5) Penalties. Reference the Town of Freedom Fee and Forfeiture Schedule for a schedule of Penalties for non-compliance.

(6) Recovery of Expenses. In addition, the Town of Freedom may charge for fire suppression activities as herein provided under Town of Freedom Municipal Ordinance plus the cost of removal of such materials or products including reasonable attorney fees.

## **5-3 Open Burning – camp fires, fire-pits, bonfires and ceremonial fires for Recreation.**

(1) Prohibited Burning.



- (a) The burning of trash, garbage, straw, hay, grass or grass clippings, leaves, treated or painted lumber, pyrotechnic or explosive materials, pine boughs, Christmas trees, or other offensive, flammable, combustible or explosive materials is strictly prohibited.
- (b) Fuels for open burning shall consist of dry materials only and shall not be ignited with flammable or combustible liquids or other forms of accelerants.

(2) Prohibited Use. The use or operation of a camp fire, bonfire or other open fire intended for recreational or ceremonial purposes in lieu of a residential burning permit shall be deemed a violation of this ordinance subject to penalties as set forth.

(3) Open Flame Cooking Devices and Charcoal Burners Banned on Balconies. No charcoal burners and other open-flamed cooking devices shall be kindled or maintained on combustible balconies or within ten (10) feet of combustible patios on ground floors with the exception of single family dwellings.

(4) Penalties. Reference the Town of Freedom Fee and Forfeiture Schedule for a schedule of Penalties for non-compliance.

(5) Recovery of Expenses. In addition, the Town of Freedom may charge for fire suppression activities as herein provided under Town of Freedom Municipal Ordinance plus the cost of removal of such materials or products including the cost of prosecution and the recovery of reasonable attorney fees.

#### **5-4 Burning of Grass, Weeds, Crops, or other Vegetative Debris on Agricultural Lands.**

(1) Permitted Burning. No person shall set fire to any grass, weeds, crops, brush, tree tops or similar combustible material on agricultural lands within the Town of Freedom except as provided herein without first obtaining a permit from the Town Clerk. Such permit shall state the name and address of the person applying for the permit, the location of the requested burn, and shall set forth the terms and conditions of the permissible fire.

(2) Agricultural Defined. Any land whose use is primarily for the growing of crops for agricultural purposes as defined above and including those lands placed in land bank or similar programs, or inactive and fallow land.

(3) Single Use Permit. The permit shall be a single use permit limiting the owner, occupant or authorized agent to the burning of agricultural lands as defined within this subsection provided the permittee complies with all the requirements of the Fire Department with respect to the setting and control of the fire. Reference the Town of Freedom Fee and Forfeiture Schedule for a list of Permits and Fees.

(4) Permitted Uses. This ordinance does not permit multiple fires on the property or premises, nor does it permit burning on multiple days. Additional burning requires a unique and separate permit subject to the terms and conditions set forth.

(5) Requirements. The requirements for permitted agricultural burning are as follows

- (a) The single use permit issued under *Sub-section 5-4 (3)* shall authorize a one time open burning of agricultural land for the purposes of clearing the land of grasses, weeds, crops or other vegetation as defined in this Code. Burning shall only be permitted between the hours of 4:00 p.m. and 9:00 p.m. The fire must be attended to at all times. Burning is subject to conditional approval and requirements as imposed by the Fire Chief.

- (b) The permit shall be valid for the specific location designated and cannot be transferred to other lands or areas under the control of the owner, occupant or authorized agent.
- (c) No open burning of agricultural lands will be allowed within three hundred (300) feet of any established residential or commercial area within the town as defined in this Code
- (d) No open burning of agricultural lands will be allowed within fifty (50) feet of any building, structure or stored or piled combustible materials whether or not under the direct control of the owner, occupant or authorized agent.
- (e) Due regard will be given to wind direction so as to not create a hazardous condition whereby the products of combustion will substantially impair the vision of motorists or otherwise restrict the free movement of vehicles or traffic.
- (f) No fire shall be started unless there are favorable conditions for burning with regard to wind direction and speed. No fire shall be started at a time when the wind speed exceeds ten (10) mph as measured by the National Weather Service. Open burning shall be prohibited when such atmospheric conditions exist that would cause the smoke from open burning to stagnate such as an inversion or extremely high humidity.
- (g) Fuel for open burning shall consist of dry materials only and shall not be ignited with flammable or combustible liquids.
- (h) The burning of materials shall constantly be attended and supervised by a competent individual at least eighteen (18) years of age until such fire is extinguished. The attending person shall have the permit readily available and shall offer it for review to the Freedom Police Department, Outagamie Sheriff's Department or other authorized representatives of the Town of Freedom.
- (i) Reasonable accommodations shall be made for the safe control and extinguishment of the permitted fire including the establishment of fire breaks, fire lanes or other recognized methods used for the control of, or spreading of fire.
- (j) The permittee shall be required to notify the Office of the Town Clerk during normal business hours no more than two (2) days prior to the anticipated burning date and no less than one (1) day prior to the burn date.
- (k) The permittee shall be required to contact the Outagamie County Sheriff's Office Non-Emergency Number prior to the start of the burn and once again at the completion of the burn. The permittee should be prepared to give the street address where the burn shall take place or the approximate location including appropriate cross roads or streets.
- (l) If local conditions or circumstances dictate, burning may be temporarily banned until conditions are more favorable. Local conditions or circumstances include, but are not limited to, thermal inversions, ozone alerts and very dry or windy conditions. If local conditions or circumstances dictate that burning be temporarily banned, the single use permit will remain valid until such time that conditions improve. This does not release the permittee from notifying the Town Clerk of the next anticipated burning date.

(6) Failure to Extinguish. It is a violation of this Code to set a fire or assist in setting a fire, including a back fire, on any lands and failing to totally extinguish the fire before leaving it

(7) Allowing Fire to Escape. It is a violation of this Code to set a fire or assist in setting a fire, including a back fire, on your land or land under your control and to allow the fire to spread beyond that area under your control.

(8) Negligent Handling of Burning Material. It is a violation of this Code to handle burning material in a highly negligent manner that creates an unreasonable risk, high probability of death or bodily harm for another person, or serious damage to another's property.

(9) Authority to Order Burning Discontinued. The Fire Chief, duly authorized officers of the Fire Department, or members of the Freedom Police Department are authorized to require any fire to be immediately discontinued if determined that the smoke emissions are offensive to occupants of the surrounding properties or if the fire is determined to constitute a hazardous condition.

(10) Penalties. Reference the Town of Freedom Fee and Forfeiture Schedule for a schedule of Penalties for non-compliance.

(11) Recovery of Expenses. Any person, firm, or corporation who sets fire on any land and allows it to spread beyond the confines of the permitted area shall be liable for all expenses incurred in the suppression of the fire by the Town and the Fire Department in which the fire occurred. In addition, the Town of Freedom may charge for fire suppression activities as herein provided under Town of Freedom Municipal Ordinance plus the cost of removal of such materials or products including the cost of prosecution and the recovery of reasonable attorney fees.

(12) Civil Liability for Damages. Any person whose property is injured or destroyed by fires may recover, in a civil action, the value of buildings, structures, appurtenances, stored or stacked materials and equipment, timber, young forest growth, or any other damages suffered, from persons causing such fires.

## **5-5 Burning Leaves, Brush, Clean Wood and other Vegetative Debris in Residential Areas.**

~~(1) Permitted Burning. No person shall set fire to any grass, leaves, brush or similar combustible material within a residential area in the Town of Freedom except as provided herein without first obtaining a permit from the Town Clerk. Such permit shall state the name and address of the person applying for the permit and shall set forth the terms and conditions of the permissible fire. Burn piles shall be no larger than 3'x3'x4'.~~

~~(2) Residential Defined. For purposes of this subsection, residential is defined as a group of buildings generally recognized as within the sewer district of the Town of Freedom, but shall also include any development, plat, housing tract, subdivision, neighborhood, block, district, territory, region or zone of 1 or 2 family houses or where multiple houses, apartments, town houses, condominiums are congregated together.~~

~~(3) Single Use Permit. The permit shall be a single use permit limiting the owner or occupant to a one-time burning of the stated combustible materials provided the permittee complies with all the requirements of the Fire Department with respect to the setting, control and extinguishment of the fire. Reference the Town of Freedom Fee and Forfeiture Schedule for a list of Permits and Fees.~~

~~(4) Permitted Uses. This ordinance does not permit multiple fires on the property or premises, nor does it permit burning on multiple days. Additional burning requires a unique and separate permit subject to the terms and conditions set forth. Reference the~~

~~Town of Freedom Fee and Forfeiture Schedule for a schedule of Penalties for non-compliance.~~

~~(5) Requirements.~~ The requirements for permitted residential burning are as follows

- ~~(a) The single use permit issued under *Sub-section 5-5 (3)* shall authorize burning between the hours of 4:00 p.m. and 9:00 p.m. daily, subject to conditional approval and requirements as imposed by the Fire Chief.~~
- ~~(b) The size of the pile of materials to be burned shall not exceed three (3) feet by three (3) feet by four (4) feet high unless a larger size is authorized by the Fire Chief or their designee and shall only consist of dry leaves, grass, brush, and combustible garden debris.~~
- ~~(c) The pile of materials being burned shall be at least fifty (50) feet from any structure, wood or lumber pile, wooden fence, trees or bushes or other combustible materials, and provisions shall be made to prevent the fire from spreading to within fifty (50) feet of such items.~~
- ~~(d) Fuel for open burning shall consist of dry materials only and shall not be ignited with accelerants, flammable or combustible liquids.~~
- ~~(e) The burning of materials shall constantly be attended and supervised by a competent individual at least eighteen (18) years of age until such fire is extinguished. The attending person shall have the permit readily available and shall offer it for review to the Freedom Police Department, Outagamie Sheriff's Department or other authorized representatives of the Town of Freedom.~~
- ~~(f) Reasonable accommodations shall be made for the safe control and extinguishment of the permitted fire by establishing a water supply (typically a garden hose) with sufficient enough volume and reach to safely extinguish or control the fire.~~
- ~~(g) The permittee shall be required to notify the Office of the Town Clerk during normal business hours no more than two (2) days prior to the anticipated burning date and no less than one (1) day prior to the burn date.~~
- ~~(h) If local conditions or circumstances dictate, burning may be temporarily banned until conditions are more favorable. Local conditions or circumstances include, but are not limited to, thermal inversions, ozone alerts and very dry or windy conditions. If local conditions or circumstances dictate that burning be temporarily banned, the single use permit will remain valid until such time that conditions improve. This does not release the permittee from notifying the Town Clerk of the next anticipated burning date.~~

~~(6) Authority to Order Burning Discontinued.~~ The Fire Chief or Police Chief or their designees are authorized to require any fire to be immediately discontinued if determined that the smoke emissions are offensive to occupants of the surrounding properties or if the fire is determined to constitute a hazardous condition.

~~(7) Penalties.~~ Reference the Town of Freedom Fee and Forfeiture Schedule for a schedule of Penalties for non-compliance.

~~(8) Recovery of Expenses.~~ In addition, the Town of Freedom may charge for fire suppression activities as herein provided under Town of Freedom Municipal Ordinance plus the cost of removal of such materials or products including the cost of prosecution and the recovery of reasonable attorney fees.

- (1) Burning Prohibited. No person shall set fire to any grass, leaves, brush or similar combustible material within a residential area in the Town of Freedom.
- (2) Residential Defined. For purposes of this subsection, a "residential area" is defined consistent with the definition set forth in Section 5-1(4)(m) above.
- (3) Penalties. Reference the Town of Freedom Fee and Forfeiture Schedule for a schedule of Penalties for non-compliance.
- (4) Recovery of Expenses. In addition, the Town of Freedom may charge for fire suppression activities as herein provided under Town of Freedom Municipal Ordinance plus the cost of removal of such materials or products including the cost of prosecution and the recovery of reasonable actual attorney fees. [Ord. 16-02]

### **5-6 Hazardous Materials Response.**

(1) 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 aquifers, or within the Town, 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.

(2) Containment, Cleanup and Restoration. Any person, firm, or corporation in violation of the above section shall, upon direction of any Fire Department Officer, begin or shall contract to have the substance immediately contained, cleaned and removed to an approved depository the offending material(s) and restore the site to its original condition, with the offending person, firm or corporation being responsible for all expenses incurred. Should any person, firm, or corporation fail to engage the necessary personnel and equipment to comply or to complete the requirements of this section, the Director of Emergency Government or the Fire Chief may order that required actions to be taken by public or private sources, and allow the recovery of any and all costs incurred by the Town of Freedom as an action imposed by the Town of Freedom.

(3) Emergency Services Response. Includes, but is not limited to: Fire Service, Emergency Medical Services, 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 the reimbursement to the responding agencies for the actual and necessary expenses incurred in carrying out their duties under this ordinance. Actual and necessary equipment may include, but not be limited to: replacement of equipment damaged by the hazardous material, cleaning, decontamination and maintenance of the equipment specific to the incident, costs incurred in the procurement and use of specialized equipment specific to the incident, specific laboratory expenses incurred in the recognition and identification of hazardous substances in the evaluation of response, decontamination, clean up and medical surveillance, and incurred costs in future medical surveillance of response personnel as required by the responding agency's medical advisor.

(4) Site Access. Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to Fire Department officers and staff, and to the

Town of Freedom Police Department personnel for the purpose of evaluating the threat to the public and monitoring containment, cleanup, and restoration activities.

(5) Public Protection. Should any prohibited discharge occur which threatens the life, safety or health of the public at, near or around the site of a prohibited discharge, and that the situation is so critical that immediate steps must be taken to protect life and limb, the Fire Chief, Fire Department officers or any police official on the scene of the emergency may order an evacuation of the area or take appropriate steps for a period of time until the Town Board and Emergency Government can take appropriate action.

(6) Enforcement. The Fire Chief or their designees, as well as the Town of Freedom Police officers, shall have the authority to issue citations or complaints under this section.

(7) Civil Liability. Any person, firm, or corporation in violation of this Section shall be liable to the Town of Freedom for any expenses incurred by the Town or loss or damage sustained by the Town by reason of such violations.

(8) Recovery of Expense. In addition, the Town of Freedom may charge for reasonable expenses including fire suppression, stand-by, mitigation, containment, clean-up and decontamination activities as herein provided under Town of Freedom Municipal Ordinance plus the cost of removal of such materials or products including the cost of prosecution and the recovery of reasonable attorney fees.

(a) Hazardous Conditions, Extrication Activities and General Accident Clean-up on Town Roads.

1. For hazardous conditions, vehicle fires, extrication activities, general accident clean-up on town roads involving fluids and debris, which left alone would be constituted a hazard:

a. The individual or party found or determined to be at fault shall be assessed a fee by the Town of Freedom to recover the cost of response including such response as to preserve the safety of the emergency responders, victims, clean-up crews or any others involved in the mitigation of the incident. Reference the Town of Freedom Fee and Forfeiture Schedule for a list of Fees.

b. Furthermore, the Freedom Volunteer Fire Department shall be authorized to bill the Town of Freedom, by invoice, the costs of any equipment or materials used in the resolution or general clean-up of the incident.

(b) Hazardous Conditions and General Accident Clean-up on State or County Highways.

1. For hazardous conditions, vehicle fires, extrication activities and general accident clean-up on town roads involving fluids and debris, which left alone would be constituted a hazard:

a. The individual or party found or determined to be at fault shall be assessed a fee by the Freedom Fire Department as set forth in s. 60.557(1) Wisconsin State Statute to recover the cost of response including such response as to preserve the safety of the emergency responders, victims, clean-up crews or any others involved in the mitigation of the incident.

b. Furthermore, the Freedom Volunteer Fire Department shall be authorized to bill the individual or party found or determined to be at fault, by invoice,

the costs of any equipment or materials used in the resolution or general clean-up of the incident.

(9) Penalties. Reference the Town of Freedom Fee and Forfeiture Schedule for a schedule of Penalties.

## **5-8 Fire Equipment.**

### **(1) Fire Equipment, Appurtenances and Devices.**

(a) No person shall molest, tamper with, damage or otherwise disturb any apparatus, equipment, or appurtenance belonging to or under the supervision and control of the Fire Department without authority from the Chief or authorized representative.

(b) No person shall remove, tamper with or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provisions of this Code, except for the purpose of extinguishing fires, training purposes, recharging or making necessary repairs or when permitted by the Fire Department. Whenever a fire appliance is removed as permitted under the provisions of this code, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished.

(c) No person shall use or operate any hydrant or other valves installed on any water system intended for use by the Fire Department for fire suppression purposes, and which is accessible to any public highway, alley or private way open to or generally used by the public, unless such person first secures permission from the Fire Department. This section does not apply to the use of a hydrant or other valves by those specifically authorized with the care and maintenance of the water system which supplies water to such hydrants or other valves.

(d) No person shall place or keep any post, fence, vehicle, growth, trash, storage or other material near any fire hydrant, Fire Department connection or fire protection control valve that would prevent such equipment or hydrant from being immediately discernible or in any other manner deter or hinder the Fire Department from gaining immediate access to the equipment or hydrant. A minimum of three (3) foot clearance shall be maintained around the circumference of the fire hydrants except as otherwise required or approved by the Fire Chief.

(e) On-site fire hydrants are required on any commercial, mercantile, industrial, institutional property as defined by the Wisconsin Enrolled Building Code when any portion of the facility or building is more than four hundred (400) feet from any fire hydrant on a fire apparatus road, public thoroughfare or all-weather hard surface as measured by a fire department approved route around the exterior of the facility or building. The purpose of the on-site fire hydrant is to provide a minimum water supply for reactive fire operations and to support fire sprinkler systems, if installed. The water mains and hydrants become the property of the owners after installation.

(f) Where on-site hydrants are required on private property, it is the property owner's responsibility to flush and maintain the hydrants. All maintenance shall be done in accordance with National Fire Protection Association Standard 25, the

Town's standard operating procedures and American Water Works Standards for fire hydrant maintenance.

- (g) The property owner or agent shall keep and maintain records indicating when the hydrants are flushed, painted and maintained. These records shall be made available to the Town or authorized representatives of the Fire Department upon request.

### **5-9 False Alarms.**

(1) False Alarms. No person shall give a false alarm to any public official or employee, member of the Fire Department, whether by means of a fire alarm or otherwise, nor shall any person interfere with the proper functioning of a fire alarm system, nor shall any person interfere with the lawful efforts of firefighters to extinguish a fire.

(2) Response Fee Established. s 60.55(2)(b), Wisconsin Statutes, provides that the Town Board may charge the user of any private alarm system which upon activation elicits a response from the Fire Department shall be subject to the following answering fee for each alarm in a consecutive twelve (12) month period. The fee will be assessed to the owner of the property if it is determined that the alarm was discharged falsely, accidentally, or by negligence, including lack of maintenance.

(3) Fee Schedule. Reference the Town of Freedom Fee and Forfeiture Schedule for a list of Fees and Penalties.

### **5-10 Fire Apparatus Access Roads.**

(1) Access Roads. Fire apparatus, all weather hard surfaced access roads capable of supporting the load of fire apparatus, shall be provided for all buildings which are set back more than one hundred fifty (150) feet from a public road or exceed thirty (30) feet in height and are set back more than fifty (50) feet from a public road.

(2) Fire Lanes. Fire lanes shall be at least twenty (20) feet in width with the road edge closest to the building at least ten (10) feet from the building and have a minimum of thirteen (13) feet six (6) inch clearance. Any dead-end road more than three hundred (300) feet long shall be provided with a turnaround at the closed end.

(3) Use and Maintenance. The designation, use and maintenance of fire lanes on private property shall be accomplished as specified by the Fire Chief or his designees. It shall be unlawful for any person to park motor vehicles on or otherwise obstruct any fire lane.

(4) Marking of Fire Lanes. When required, fire apparatus access roads shall be marked with permanent NO PARKING FIRE LANE signs. Signs shall have a minimum dimension of twelve (12) inches wide by eighteen (18) inches high having red letters on a white background.

(5) Enforcement. The Fire Chief or their designee shall have the authority to issue complaints under this section. The Town of Freedom Police shall have the authority to issue citations and/or complaints under this section. Reference the Town of Freedom Fee and Forfeiture Schedule for a schedule of Fines and Forfeitures.

(6) Alternate Systems. When conditions prevent the installation of an approved fire apparatus access road, the Fire Chief may permit the installation of a fire protection system in lieu of a road, provided the system, or systems, is not required by any other aspect of the code.



(7) Exemption. This section shall not apply to private residences or garages unless a multifamily dwelling contains more than two living (2) units.

### **5-11 Fire Hydrant Color Coding.**

#### (1) Color Code.

- (a) Hydrants supplied by the town water system, will have the barrels of the fire hydrant painted yellow.
  - 1. Hydrants with a tested gallons per minute (GPM) of 500 or less shall have the hose caps painted red.
  - 2. Hydrants with a tested gallons per minute (GPM) of 501 - 1000 shall have the hose caps painted orange.
  - 3. Hydrants with a tested gallons per minute (GPM) of 1001 – 1500 shall have the hose caps painted green.
  - 4. Hydrants with a tested gallons per minute (GPM) of 1501 or more shall have the hose caps painted blue.
- (b) Private fire hydrants shall have the hydrant barrel painted red and the hose caps painted the corresponding gallons per minute rated capacity.
- (c) Private fire hydrants that are supplied by a fire protection system fire pump shall have the barrel and hose caps painted blue.
- (d) Exact paint brand and color name and number shall be coordinated through the Town water utility.

### **5-12 “Knox” Key Lock Boxes**

(1) Accessibility. When access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for life saving or fire fighting purposes, the Fire Chief may require a key lock box to be installed in an accessible location. The key lock box shall be a type approved by the Fire Chief and shall contain keys to gain necessary access as required by the Fire Chief.

(2) New Construction. Except as herein provided any new construction started after this ordinance becomes effective and whose intended use or purpose is for manufacturing, industrial, mercantile/commercial, assembly, educational, multifamily dwelling units, day care, storage facilities or any building or facility containing quantities of hazardous materials which would require compliance with Title III of SARA (Superfund Amendment Reauthorization Act) shall install a key lock box prior to the final inspection and granting of an occupancy permit.

(3) Exception. This section shall not apply to private residences or garages unless a multi-family dwelling contains more than two living (2) units.

(4) Existing Buildings. Where an existing building is expanded or remodeled, and the building as remodeled or expanded is of a size, a type, or a use which, were the building then to be constructed, would be subject to the provisions in *Sub-section 5-13 (2)*, the following subsections shall apply:

- (a) The building shall be made to conform to the requirements of *sub-section 5-13 (2)* if more than 50% of the gross interior area of the building is remodeled or added to the building.

- (b) The requirements of *Sub-section 5-13 (2)* need not be satisfied if less than 50% of the gross interior of the building is remodeled or added to the building, unless such remodeling, or expansion creates additional dwelling units.
- (c) In determining the foregoing percentages successive additions, expansions, or remodeling, if made within a period of two (2) years shall be considered aggregated and treated as a single expansion or addition.

(5) Sale or Transfer of Property. At any time any commercial property as described in *Sub-section 5-13 (2)*, located in the Town of Freedom is sold, transferred, or conveyed, the building shall be made to conform to the requirements of the subsection described hereinabove.

(6) Type Designate. The Fire Chief shall designate the type of key lock box system to be implemented within the town.

(7) Installation and Location.

- (a) All "Knox" key lock boxes and/or Knox Locking Vaults shall be recess mounted into the building or structure not less than six (6) feet above the surface grade level, and not more than eight (8) feet above the surface grade level for new construction.
- (b) For existing construction the key lock box may be surface mounted.
- (c) All key lock boxes shall be located in the vicinity of the main entrance to the building or structure, or at a location agreed to by the Fire Chief.

(8) Penalties. Reference the Town of Freedom Fee and Forfeiture Schedule for a list of Fees and Penalties.

## SECTION 6 ADOPTION OF CODES AND STANDARDS

### **6-1 Codes and Standards.**

(1) Adoption by Reference. The State codes listed in this section are hereby adopted by reference and made a part of the Town fire prevention code. For the purposes of this section, these provisions are adopted to enable the Fire Department to note any violations of such codes and to report those violations to the appropriate service inspectors. The fire inspectors shall have the authority to cite such violations on fire inspections.

- a) Wisconsin Administrative Code Chapter COMM 14 Fire Prevention,
- a) Wisconsin Administrative Code, Chapters COMM 160 to 164; General Orders on Existing Buildings,
- b) Wisconsin Administrative Code Chapter COMM 16, Wisconsin State Electrical Code, Volume 2
- c) Wisconsin Administrative Code Chapters, COMM 50 through 64, Building, Heating, Ventilation and Air Conditioning Code,
- d) Wisconsin Administrative Code Chapter COMM 10, Flammable and Combustible Liquids Code,
- e) Wisconsin Administrative Code Chapter COMM 69, Barrier Free Design
- f) Wisconsin Administrative Code Chapter COMM 70, Historic Building Code
- g) Wisconsin Administrative Code Chapter COMM 18, Elevator Code

(2) Enforcement.

- a) The building inspector and the fire inspector shall equally share overall enforcement responsibility for the provisions of (c) and (d) above. The building inspector has the primary responsibility during construction of the building while the fire inspector has primary responsibility in matters of fire protection and prevention after the building is completed.
- b) The Fire Chief shall issue the complaint while the Town of Freedom Police shall issue citations under this section.

(3) National Fire Prevention Association Code and Standards. The following editions of the National Fire Protection Codes and Standards are hereby adopted by reference and made part of the Town fire prevention code with the same force and effect as though set forth herein in full:

NFPA 11, Low Expansion Foam, 1998 Edition;  
NFPA 11A, Foam Systems, Medium and High Expansion, 1999 Edition;  
NFPA 12, Carbon Dioxide Extinguishing Systems, 1998 Edition;  
NFPA 12A, Halon Fire Extinguishing Systems, 1997 Edition;  
NFPA 13, Installation of Sprinkler Systems, 1996 Edition;  
NFPA 13D, Installation of Sprinkler Systems One and Two-family Dwellings, 1996 Edition;  
NFPA 13R, Sprinkler Systems, Residential Occupancies up to Four Stories in Height, 1996 Edition;  
NFPA 14, Standpipe and Hose Systems, 1996 Edition;  
NFPA 15, Water Spray Fixed Systems, 1996 Edition;  
NFPA 16, Installation of Deluge Foam-Water Sprinkler Systems and Foam-Water Spray Systems, 1999 Edition;  
NFPA 17, Dry Chemical Extinguishing Systems, 1998 Edition;  
NFPA 17A, Wet Chemical Extinguishing Systems, 1998 Edition.  
NFPA 24, Private Fire Service Main, 1995 Edition;  
NFPA 25, Inspection, Testing and Maintenance of Water Based Fire Protection Systems, 1998 Edition;  
NFPA 30, Flammable and Combustible Liquids Code, 1996 Edition;  
NFPA 30A, Automotive and Marine Service Station Code, 1996 Edition;  
NFPA 34, Dipping and Coating Processes Using Flammable or Combustible Liquids, 1995 Edition;  
NFPA 50, Oxygen Systems, Bulk, at Consumer Sites, 1996 Edition;  
NFPA 50A, Hydrogen Systems, Gaseous, at Consumer Sites, 1999 Edition;  
NFPA 50B, Liquefied Hydrogen Systems at Consumer Sites, 1999 Edition;  
NFPA 51B, Cutting and Welding Processes, 1999 Edition;  
NFPA 69, Explosion Prevention Systems, 1997 Edition;  
NFPA 72, National Fire Alarm Code, 1996 Edition;  
NFPA 80, Fire Doors and Windows, 1999 Edition;  
NFPA 92A, Smoke Control Systems, 1996 Edition;  
NFPA 96, Cooking Equipment, Vapor Removal, 1998 Edition;  
NFPA 105, Smoke-Control Door Assemblies, 1999 Edition;  
NFPA 204, Smoke and Heat Venting, 1998 Edition;  
NFPA 231D, Rubber Tires, Storage of, 1998 Edition;  
NFPA 231F, Roll Paper Storage, 1996 Edition;

NFPA 291, Hydrants, Testing and Marking, 1995 Edition;  
NFPA 329, Flammable and Combustible Liquids, Underground Leakage of, 1992 Edition;  
NFPA 385, Flammable and Combustible Liquids, Tank Vehicles for, 1990 Edition;  
NFPA 386, Flammable and Combustible Liquids, Portable Shipping Tanks, 1990 Edition;  
NFPA 654, Chemical, Dye, Pharmaceutical, and Plastic Industries, Prevention of Fire and Dust Explosions in, 1998 Edition;  
NFPA 1123, Outdoor Display of Fireworks, 1995 Edition;  
NFPA 1124, Fireworks, Manufacture, Transportation, and Storage of, 1998 Edition;  
NFPA 1221, Installation, Maintenance and Use of Public Service Communications Systems, 1994 Edition;  
NFPA 1231, Water Supplies, Suburban and Rural Fire Fighting, 1993 Edition;  
NFPA 1961, Fire Hose, 1997 Edition;  
NFPA 1962, Care, Use, and Service Testing of Fire Hose Including Couplings and Nozzles, 1998 Edition;  
NFPA 1963, Fire Hose Connections, 1998 Edition;

(4) Not Addressed by this Code. Any fire prevention problem not herein addressed by code or adopted standards will be addressed on the basis of current accepted National Fire Protection Association Standard.

(5) Recognition of Periodic Updates. It is recognized that NFPA codes and standards are periodically updated to reflect changing technology and operating conditions. The Town of Freedom hereby adopts the most recent code or standard as adopted by the State of Wisconsin.

(6) Conflicting Codes. In case of conflict between any provisions of the Wisconsin Administrative Code or the National Fire Code, the code containing the strictest provisions shall apply.

(7) Accessibility to Copies. A copy of the Codes incorporated by reference shall be kept at all times and available for inspection during reasonable hours in the office of the Chief.

## SECTION 7 PERMITS

### **7-1 Permits.**

(1) Purpose and Scope. The purpose of establishing permits is to provide for the safety, health and welfare of the citizens and visitors of the Town of Freedom through the application of specific standards and codes and through the regular inspection and certification of certain activities, operations, places of employment and the fire suppression and detection equipment used within these occupancies as regulated by the Wisconsin Building Code, Wisconsin Administrative Code and Wisconsin State Statutes.

(2) When Required. It shall be unlawful for any person to use a building or premises or engage in any activities for which a license or permit is required by this Code without first having obtained such a license or permit. Reference the Town of Freedom Fee and Forfeiture Schedule for a schedule of Penalties for non-compliance.

(3) List of Permits Required. Reference the Town of Freedom Fee and Forfeiture Schedule for a list of Permits and Fees.

### **7-2 Temporary Special Permits.**

(1) Temporary Permits. When a temporary hazardous situation is anticipated for conditions not otherwise regulated by this Code, the Fire Chief is authorized, based on applicable data, to advise the Town Clerk or their designee, to issue a temporary special permit for the duration of the hazard subject to any provisions as deemed necessary.

(2) Permit Fees. Reference the Town of Freedom Fee and Forfeiture Schedule for a list of Permits and Fees.

## SECTION 8 PENALTIES

### **8-1 Validity and Penalties.**

(1) Validity. The provisions of this Chapter are severable; and if any provision, sentence, clause, section, or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of the chapter or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this chapter would have been adopted if such illegal, invalid, unconstitutional, or inapplicable provision, sentences, clauses, sections, or parts thereof had been included therein or if the persons or circumstances to which the chapter or any part thereof is inapplicable had been specifically exempted there from. (2) Establishment of Penalty. The penalty for violation of any provision of this ordinance shall be a forfeiture as hereinafter provided together with the costs of prosecution imposed or as provided in s. 102.02 (13) (a), Wisconsin Statutes.

(3) Compliance. Any person who does not comply with any lawful order of the Fire Chief or duly authorized representatives of the Fire Department issued pursuant to the provisions of this chapter shall be in violation of this chapter, and every day or fraction

thereof during which such person fails or neglects to comply with such order shall constitute a separate offense.

(4) Penalties for Non-Compliance. Reference the Town of Freedom Fee and Forfeiture Schedule for a schedule of Penalties for non-compliance.

## SECTION 9 FIRE DETECTION AND SUPPRESSION SYSTEMS

(Reserved)

## SECTION 10 SPECIAL EVENTS

### **10-1 Special Indoor or Outdoor Events.**

(1) Purpose. The purpose of this ordinance is to provide for the general Life and Fire Safety during the assembly of unrelated individuals involved in Special Indoor and Outdoor events.

(2) Scope.

(a) The ordinance provides for the regulation of all picnics, festivals, fairs, carnivals, displays, trade shows, home and garden shows, building expos, concerts or music festivals, marathons, parades, street dances or similar.

(b) This ordinance applies to all special indoor and outdoor events unless regulated elsewhere within the code.

(c) The ordinance does not apply to assemblages of less than 50 unrelated individuals.

(3) Permit Required. Any person, organization, company or corporation who organizes a Special Public Event shall be required to obtain a permit from the Town Clerk.

(4) Application. Any person requiring a permit shall make an application in writing on a form provided by the Town Clerk two (2) weeks prior to the event. The application shall contain the names and addresses of the organization(s), a description of the event, the location and date(s) of the event, the number of any temporary structures that will be erected, the intended purpose of each separate structure and the dates and location where the structure(s) shall be erected, along with any other information pertinent to the granting of the permit.

(5) Site Plan. Any person, organization, company or corporation must submit a site plan prior to the event and the erection of any temporary structure(s) and shall comply with all required setbacks, clearances, exits, exit paths, emergency services access ways, parking and any other life safety considerations and requirements as deemed necessary by the Authority Having Jurisdiction and the Town of Freedom.

(6) Tents, Air Supported Structures and Membrane Structures. Any person, organization, company or corporation who erects any temporary structure, tent, air supported or membrane structure greater than two hundred (200) square feet shall be required to obtain a permit from the Town Clerk.

*Exception. Tents or other similar structures erected for recreational purposes on properties of one and two family dwellings are exempt from this Code.*

(7) Inspection and Occupancy Permit.

(a) Any person, organization, company or corporation who organizes a Special Public Event as defined in this Code shall contact the Fire Department for a Life and Fire Safety Inspection prior to the start of the event.

(b) The Special Event including the use of any temporary structures shall comply with the current edition of the National Fire Protection Association (NFPA), Life Safety Code.

(c) Sufficient notice shall be given to the Fire Department to conduct the occupancy inspection and allow for the correction of any deficiencies.

(d) Upon satisfactory completion of the inspection an Occupancy Permit shall be issued by the Town Clerk or their designee.

(e) Failure to comply with the requirements of the fire Department shall result in the denial of the Occupancy Permit.

(f) Use of any structures without an Occupancy Permit shall be deemed a violation of this Code.

**(8) Permit Fees.** Reference the Town of Freedom Fee and Forfeiture Schedule for a list of Permits and Fees.

**(9) Penalties.** Reference the Town of Freedom Fee and Forfeiture Schedule for a schedule of Penalties for noncompliance.

## SECTION 11 SOLID FUEL-FIRED OUTDOOR HEATING DEVICES, WOOD STOVES, FURNACES AND BOILERS

### **Section 1 Definitions.**

(a) Outdoor Solid Fuel-fired Heating Device. Any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for the interior space or water source.

(b) Stacks or Chimneys. Defined as any vertical structure enclosing a flue or flues that carry off smoke, exhaust or exhaust gases from a solid fuel-fired heating device; especially that part of such structure extending above a roof.

**Section 2 Operation of Outdoor Solid Fuel-Fired Heating Devices Prohibited.** No person shall build, maintain, or allow to be operated or maintained on a premises controlled by them any outdoor solid fuel-fired heating device or other similar appliance unless permitted and approved by the Town of Freedom or their duly authorized representatives.

### **Section 3 Required Permits.**

(a) Installation Permit. No person shall have installed after the effective date of this ordinance an outdoor solid fuel-fired heating device without first obtaining an installation permit from the Building Inspector. Such installation shall be subject to the requirements and provisions as set forth in this sub-section and any requirements and provisions of the Town Building Code, County Ordinance, State Statute or Administrative Rule.

(b) Installation Permit for Existing Outdoor Solid Fuel-Fired Heating Devices. An installation permit will be issued to the owners of existing outdoor solid fuel-fired heating devices installed before the effective date of this ordinance upon satisfactory inspection and certification that the devices meet the requirements herein set forth under Section 4

*Regulations and Section 5 Installation Requirements.* Reference the Town of Freedom Fee Schedule for a list of Permits and Fees.

(c) Failure to comply with the aforementioned requirements shall result in the denial of the permit. Use of an existing outdoor solid fuel-fired heating device without a permit shall be deemed a violation of this ordinance. Reference the Town of Freedom Fee Schedule for a list of Penalties for non-compliance.

**Section 4 Regulations.**

(a) All solid fuel-fired outdoor heating devices shall be installed, operated and maintained in strict conformance with the manufacturer's instructions and regulations, Best Practices Within the Industry, and all other applicable local, state and federal standards.

(b) All solid fuel-fired outdoor heating devices shall be approved by the Department of Commerce through an approved testing agency.

(c) All solid fuel-fired outdoor heating devices shall be provided with written documentation from the manufacturer that the device meets all applicable EPA or state emission criteria.

(d) All solid fuel-fired outdoor heating devices shall be provided with written documentation from the manufacturer that the device is or is in the process of being registered with the Department of Commerce Boiler Division.

(e) All solid fuel-fired outdoor heating devices shall, in addition, be operated and maintained as follows:

1. Fuel shall be only natural untreated wood, or other solid fuel specifically permitted by the manufacturer such as corn or other pellets specifically designed for the solid fuel-fired outdoor heating device. The following fuels are prohibited:

- a. Processed wood products other than wood
- b. Petroleum in any form
- c. Rubber
- d. Plastic
- e. Garbage
- f. Painted wood or treated wood
- g. Any other items not specifically allowed by the manufacturer

(f) All solid fuel-fired outdoor heating devices shall only be operated from September 1<sup>st</sup> through May 31<sup>st</sup>.

**Section 5 Installation Requirements.** A Solid Fuel-Fired Outdoor Heating device may be installed in the Town of Freedom in accordance with the following provisions:

(a) The solid fuel-fired outdoor heating device shall be located at least one hundred (100) feet from all exterior property lines.

(b) No solid fuel-fired outdoor heating device shall be located in a front or corner yard.

(c) The solid fuel-fired outdoor heating device shall have a chimney that extends at least 15 feet above the ground surface. If there are any residences within one hundred fifty (150) feet, the chimney shall also extend at least two (2) feet higher above the ground surface than the height of the roofs of all such residences. All chimneys greater than 15 feet above the ground shall be provided with documentation from the manufacturer specifying that the solid fuel-fired outdoor heating device will function with the increased chimney height and how the chimney shall be supported.



(d) All solid fuel-fired outdoor heating devices must be installed by contractors appropriately registered or by the owner occupied dwelling that are qualified to install the device in accordance with all codes and manufacturer's guidelines.

**Section 6 Right of Entry and Inspection.**

(a) The Freedom Police Department or other authorized representatives of the Town of Freedom who presents credentials may inspect or cause to be inspected any property for the purposes of ascertaining compliance with the provisions of this ordinance.

(b) Special Exception. Where the Town finds that extraordinary hardship will occur from the enforcement of this local ordinance, upon application to the Town Board, said Town Board may vary the regulations contained herein to afford substantial justice, provided that such special exception will not have the effect of nullifying the intent and purpose of this Section.

(c) Any special exceptions are not binding on previous or subsequent installations.

**Section 7 Nuisance.** Should any solid fuel-fired outdoor heating device permitted under this ordinance become hazardous, harmful, noxious, offensive or a nuisance to the surrounding area so that it substantially interferes with the comfortable enjoyment of life, health, or safety of another person or the public, said device may be declared a nuisance by the Police Department or other duly authorized Town representative. Reference the Town of Freedom Ordinances for the definition of nuisance. The owner shall correct, improve or abate the nuisance using whatever means are necessary in accordance with this sub-section. If the nuisance cannot be abated then operation of the device shall be discontinued until a solution to the nuisance can be found.

**Section 8 Existing Outdoor Solid Fuel-Fired Heating Devices.** All existing outdoor solid fuel-fired heating devices shall immediately comply with all manufacturers' specifications, specifications of this ordinance and any other building code requirements within sixty (60) days from the effective date of this ordinance. See Section 3 (b) for additional information on usage permits.

**Section 9 Abandonment and Discontinuance.** Any outdoor solid fuel-fired heating device permitted under this ordinance which is abandoned or not used for a period of twelve (12) consecutive months shall not be permitted to be re-established and shall be removed by the property owner from the subject premises.

**Section 10 Penalties.** Reference the Town of Freedom Fee Schedule for a list of Penalties for non-compliance.

**Section 11 Property Owner's Assumption of All Risks.** Any person responsible for lighting fires in the Town of Freedom shall assume all risks associated with such fire. Compliance with the requirements of this ordinance shall not relieve such person from the ultimate responsibility to ensure that the fire is conducted safely and appropriately with due regard for the health, safety and welfare of all persons and property potentially affected by the fire.

Presented in this format for convenience of the Town of Freedom Fire Prevention Code User.

The following State Statutes noted in this code are provided as reference.

**(1) Section 101.01(11), Stats., "Place of employment"** includes every place, whether indoors or out or underground and the premises appurtenant thereto where either temporarily or permanently any industry, trade, or business is carried on, or where any process or operation, directly or indirectly related to any industry, trade, or business, is carried on, and where any person is, directly or indirectly, employed by another for direct or indirect gain or profit, but does not include any place where persons are employed in private domestic service which does not involve the use of mechanical power or in farming. "Farming" includes those activities specified in s.102.04 (3), and also includes the transportation of farm products, supplies, or equipment directly to the farm by the operator of the farm or employees for use thereon, if such activities are directly or indirectly for the purpose of producing commodities for market, or as an accessory to such production. When used with relation to building codes, "place of employment" does not include an adult family home, as defined in s. 50.01 (1), or, except for the purposes of s. 101.11, a previously constructed building used as a community-based residential facility, as defined in s. 50.01 (1g), which serves 20 or fewer residents who are not related to the operator or administrator.

**(2) Section 101.01(12), Stats., "Public building"** means any structure, including exterior parts of such building, such as a porch, exterior platform, or steps providing means of ingress or egress, used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public or by 3 or more tenants. When used in relation to building codes, "public building" does not include a previously constructed building used as a community-based residential facility as defined in s. 50.01 (1g) which serves 20 or fewer residents who are not related to the operator or administrator or an adult family home, as defined in s. 50.01 (1).

**(3) Section 101.61(1), Stats., "Dwelling"** means any building that contains one or 2 dwelling units. "Dwelling unit" means a structure or that part of a structure which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.

**(4) Section 101.971(2), Stats., "Multifamily dwelling"** means an apartment building, rowhouse, town house, condominium or manufactured building, as defined in s. 101.71 (6), that does not exceed 60 feet in height or 6 stories and that consists of 3 or more attached dwelling units the initial construction of which is begun on or after January 1, 1993. "Multifamily dwelling" does not include a facility licensed under Ch. 50.

**(5) Section 145.01(2), Stats., "Automatic fire sprinkler system"**, for fire protection purposes, means an integrated system of underground and overhead piping designed in accordance with fire protection engineering standards. The system includes a suitable water supply, such as a gravity tank, fire pump, reservoir or pressure tank or connection beginning at the supply side of an approved gate valve located at or near the property line where the pipe or piping system provides water used exclusively for fire protection and related appurtenances and to standpipes connected to automatic sprinkler systems. The portion of the sprinkler system above ground is a network of

specially sized or hydraulically designed piping installed in a building, structure or area, generally overhead, and to which sprinklers are connected in a systematic pattern. The system includes a controlling valve and a device for actuating an alarm when the system is in operation. The system is usually activated by heat from a fire and discharges water over the fire area.

**(6) Section 941.10, Stats., Negligent handling of burning material**

- (1) Whoever handles burning material in a highly negligent manner is guilty of a Class A misdemeanor.
- (2) Burning material is handled in a highly negligent manner if handled with criminal negligence under s. 939.25 or under circumstances in which the person should realize that a substantial and unreasonable risk of serious damage to another's property is created.

**(8) Section 941.11, Stats., Unsafe burning of buildings.** Whoever does either of the following is guilty of a Class D felony:

- (1) Intentionally burns his or her own building under circumstances in which he or she should realize he or she is creating an unreasonable risk of death or great bodily harm to another or serious damage to another's property; or
- (2) Intentionally burns a building of one who has consented to the destruction thereof but does so under circumstances in which he or she should realize he or she is creating an unreasonable risk of death or great bodily harm to another or serious damage to a 3<sup>rd</sup> person's property.

**(9) Section 943.02, Stats., Arson of buildings; damage of property by explosives.**

- (1) Whoever does any of the following is guilty of a Class B felony:
  - (a) By means of fire, intentionally damages any building of another without the other's consent; or
  - (b) By means of fire, intentionally damages any building with intent to defraud an insurer of that building; or
  - (c) By means of explosives, intentionally damages any property of another without the other's consent.
- (2) In this section "building of another" means a building in which a person other than the actor has a legal or equitable interest which the actor has no right to defeat or impair, even though the actor may also have a legal or equitable interest in the building. Proof that the actor recovered or attempted to recover on a policy of insurance by reason of the fire is relevant but not essential to establish the actor's intent to defraud the insurer.

**(10) Section 943.03., Stats., Arson of property other than building.** Whoever, by means of fire, intentionally damages any property of another without the person's consent, if the property is not a building and has a value of \$100 or more, is guilty of a Class E felony.

**(11) Section 943.05, Stats., Placing of combustible materials an attempt.** Whoever places any combustible or explosive material or device in or near any property with intent to set fire to or blow up such property is guilty of an attempt to violate either s. 943.01, 943.012, 943.013, 943.02, 943.03 or 943.04, depending on the facts of the particular case.

**(12) Section 943.01, Stats., Damage to property.**

(1) Whoever intentionally causes damage to any physical property of another without the person's consent is guilty of a Class A misdemeanor.

(2) Any person violating sub. (1) under any of the following circumstances is guilty of a Class D felony

**(13) Section 943.012, Stats., Criminal damage to or graffiti on religious and other property.** Whoever intentionally causes damage to, intentionally marks, draws or writes with ink or another substance on or intentionally etches into any physical property of another, without the person's consent and with knowledge of the character of the property, is guilty of a Class E felony if the property consists of one or more of the following:

(1) Any church, synagogue or other building, structure or place primarily used for religious worship or another religious purpose.

(2) Any cemetery, mortuary or other facility used for burial or memorializing the dead.

(3) Any school, educational facility or community center publicly identified as associated with a group of persons of a particular race, religion, color, disability, sexual orientation, national origin or ancestry or by an institution of any such group.

(4) Any personal property contained in any property under subs. (1) to (3) if the personal property has particular significance or value to any group of persons of a particular race, religion, color, disability, sexual orientation, national origin or ancestry and the actor knows the personal property has particular significance or value to that group.

**(14) Section 943.05, Stats., Arson with intent to defraud.** Whoever, by means of fire, damages any property, other than a building, with intent to defraud an insurer of that property is guilty of a Class D felony. Proof that the actor recovered or attempted to recover on a policy of insurance by reason of the fire is relevant but not essential to establish the actor's intent to defraud the insurer.