

### TITLE 3

#### Public Safety

Chapter 1	Fire Prevention
Chapter 2	Emergency Government
Chapter 3	Fire Prevention Code
Chapter 4	Surplus Property

#### CHAPTER 1

##### Fire Prevention

§ 3-1-1	Volunteer Fire Department Officially Recognized; Membership
§ 3-1-2	Impeding Fire Equipment Prohibited
§ 3-1-3	Police Power of the Department; Investigation of Fires
§ 3-1-4	Damaging Fire Hose Prohibited
§ 3-1-5	Firemen May Enter Adjacent Property
§ 3-1-6	Duty of Bystanders to Assist
§ 3-1-7	Vehicles to Yield Right-of-Way
§ 3-1-8	Interference with Use of Hydrants Prohibited
§ 3-1-9	Equipment and Apparatus
§ 3-1-10	Open Burning

#### SEC. 3-1-1 VOLUNTEER FIRE DEPARTMENT OFFICIALLY RECOGNIZED; MEMBERSHIP.

- (a) **RECOGNITION.** The St. Cloud Volunteer Fire Department is hereby officially recognized and the duty of conducting the Fire Department is hereby delegated to such organization, and its organization and internal regulations shall be governed by the constitution and bylaws of that organization, insofar as they do not conflict with the provisions of this Code of Ordinances.
- (b) **DEPARTMENT TO ADOPT BYLAWS.** The Fire Department shall adopt bylaws for the control, management and government and for the regulation of business and proceedings of the Department, which bylaws shall be adopted by a two-thirds (2/3) vote of the Department members and approved by the Village Board. Amendments shall be adopted in the same manner.
- (c) **APPLICATIONS.** Applications for membership in the Department shall be filed with the Department Secretary. Each applicant shall also file a certificate of physical fitness from such physician as the Chief may designate.

#### SEC. 3-1-2 IMPEDING FIRE EQUIPMENT PROHIBITED.

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

SEC. 3-1-3 POLICE POWER OF THE DEPARTMENT; INVESTIGATION OF FIRES.

(a) POLICE AUTHORITY AT FIRES.

- (1) The Chief and assistants 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) The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting firemen and policemen and those admitted by order of any officer of the Department, shall be permitted to come.
- (3) 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 he shall 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 a fire.

(b) FIRE INSPECTION DUTIES.

- (1) While acting as fire inspector pursuant to Sec. 101.14(2), Wis. Stats., the Fire Chief, or any officer of the Fire Department designated by the Fire Chief, shall have the right and authority to enter any building or upon any premises in the Village of St. Cloud at all reasonable hours for the purpose of making inspections or investigations which, under the provisions of this Code of Ordinances, he may deem necessary.
- (2) The Chief of the Fire Department is required, by himself or by officers or members of the Fire Department designated by him as fire inspectors, to inspect all buildings, premises, and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of any law or ordinance relating to the fire hazard or to the prevention of fires. Such inspections shall be made at least once in six (6) months in all of the territory served by such Fire Department, and not less than once in three (3) months in such territory as the Village Board has designated or thereafter designates as within the fire limits or as a congested district subject to conflagration, and oftener as the Chief of the Fire Department orders. Each six (6) month period shall begin on January 1 and July 1, and each three (3) month period on January 1, April 1, July 1 and October 1 of each year.
- (3) Written reports of inspections shall be made and kept on file in the office of the Chief of the Fire Department in the manner and form required by the Department of Industry, Labor and Human Relations.

State Law Reference: Section 101.14(2), Wis. Stats.

SEC. 3-1-4 DAMAGING FIRE HOSE PROHIBITED.

No person shall willfully injure in any manner, any hose, hydrant or fire apparatus belonging to the Village, and no vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street, private driveway or other place, to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.

SEC. 3-1-5 FIREMEN MAY ENTER ADJACENT PROPERTY.

It shall be lawful for any fireman while acting under the direction of the Fire Chief or other officer in command to enter upon the premises adjacent to or in the 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 any fireman in the discharge of his duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firemen in the discharge of their duty.

SEC. 3-1-6 DUTY OF BYSTANDERS TO ASSIST.

Every person who shall be present at a fire shall be subject to the orders of the Fire Chief or officer in command and may be required to render assistance in fighting the fire or in removing or guarding property. Such officer shall have the power to cause the arrest of any person or persons refusing to obey said orders.

SEC. 3-1-7 VEHICLES TO YIELD RIGHT-OF-WAY.

Whenever there shall be a fire or fire alarm, or the Fire Department shall be out for practice, every person driving or riding in a motor or other vehicle shall move and remain to the side of the street until the fire engine and fire truck and other fire apparatus shall have passed.

SEC. 3-1-8 INTERFERENCE WITH USE OF HYDRANTS PROHIBITED.

No person shall occupy any portion of such streets or alleys with a motor or other vehicle between such fire engine or fire truck or other fire apparatus or any hydrant to which a fire hose may be, or may be about to be attached.

SEC. 3-1-9 EQUIPMENT AND APPARATUS.

No Fire Department apparatus shall be used for any purpose except for fire fighting within the Village limits, or in training therefor, except pursuant to an agreement approved by the Village Board after the Chief has given his recommendations on such use. With the approval of the Chief, such apparatus may be used for emergency purposes other than fire fighting within the Village. A written report of such uses shall be made quarterly to the Village Board.

SEC. 3-1-10 OPEN BURNING.

- (a) OPEN BURNING PROHIBITED. No person, firm or corporation shall build any outdoor fire within the corporate limits of the Village of St. Cloud excepting as set forth in Subsection (b) of this Section.
- (b) EXCEPTIONS.
  - (1) Outdoor cooking over a fire contained in a device or structure designed for such use;
  - (2) Controlled burning of grass or similar vegetation for environmental management purposes, with the prior written approval of the Fire Chief.

## Fire Prevention

- (3) Ceremonial campfires or bonfires, with prior written approval of the Fire Chief.
  - (4) Controlled burning of dry leaves and other non-offensive, dry yard debris during the periods of April 1 through May 31, and October 1 through November 30 of each year; provided however, that such burning is:
    - a. Monitored by a responsible person until the fire has extinguished itself completely;
    - b. Conducted on days when excessive wind or atmospheric conditions will not result in danger to public health or safety;
    - c. Located off the public street pavement or street gutter;
    - d. Located at least fifty (50) feet from any neighboring residence;
    - e. Not used for covert incineration of offensive substances or materials;
  - (5) Other occasions of desirable outdoor burning not specified by this subsection, but not as an alternative to refuse removal or disposal of which other methods are available, may be granted single occasion approval as in subsections (2) and (3) above.
  - (6) Whenever approval and special permit are granted by the Fire Chief under Subsection (b)(2), (3) and (5) of this Section, the permit may specify and be conditioned on observance of safety restrictions set forth therein.
- (c) **CHIEF MAY PROHIBIT.** The Fire Chief is permitted to prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous.
- (d) **BURNING ON STREETS.** No materials may be burned upon any street, curb, gutter or sidewalk.
- (e) **LIABILITY.** Persons utilizing and maintaining outdoor fires shall be responsible for any liability resulting from damage caused by his fire.