

CHAPTER 23

FIRE PROTECTION

23.01 FIRE DEPARTMENT

(1) **LEGAL BASIS OF ORGANIZATION.** The Village of New Auburn, while not required to have a Fire Department until it reaches a population of 5,500 persons (Sec. 61.65(2) Wis. Stats.) has determined to provide Fire protection services, by creating a joint Fire Department with surrounding communities by intergovernmental contract pursuant to Section 66.30 Wis. Stats.

(2) **NON-PROFIT CORPORATION.** In accordance with Intergovernmental Contract, the Village has in conjunction with other municipalities on December 21, 1983 caused the organization of a non-profit corporation, NEW AUBURN AREA FIRE DEPARTMENT, INC.

(3) **COMMISSIONERS.** Pursuant to the Agreement, Articles of Incorporation, and By-Laws, the Village of New Auburn shall appoint two (2) Commissioners to serve on the governing Board of the Corporation to represent the interests of the Village on said Board. The Commissioners are to be appointed by the Village Board in May of each year with their term of office to run from June 1, of such year through May 31 of the following year.

(A) Commissioners need not reside in the Village limits.

(B) Commissioners appointed shall report to the Village Board at least annually, and at such further times as the Board shall determine.

(4) **BUDGET.** The Village Board shall determine and place on the tax roll each year the Village of New Auburn's share of cost of operating the New Auburn Area Fire Department.

(5) **FALSE ALARM AND INTERFERENCE WITH FIRE-FIGHTING.** Whoever intentionally does any of the following shall be subject to a penalty as prescribed by Section 1.05 of this code:

(A) Gives a false alarm to any public officer or employee, whether by means of a fire alarm system or otherwise; or

(B) Interferes with the proper functioning of the fire alarm system; or

(C) Interferes with the lawful efforts of firemen to extinguish a fire.

(6) **CHIEF OF THE NEW AUBURN AREA FIRE DEPARTMENT**

(A) **AUTHORITY AT FIRES:** The chief and his assistants or officer in command are hereby vested with complete police authority at fires and may cause the arrest of any person failing to give the right-of-way to the Fire Department responding to a fire call.

(B) **REMOVAL OF PROPERTY.** 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 spread of fire or to protect adjoining property, and during the progress of any fire he shall have the power to order the destruction of any property necessary to prevent the further spread of the fire. He 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 if the same impedes the work of the department during the progress of fighting a fire.

(C) **FIREMEN MAY ENTER ADJACENT PROPERTY.** It shall be lawful for any fireman acting under the direction of the fire chief or any 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. No person shall hinder, resist or obstruct any fireman in the discharge of his duty as heretofore provided.

(7) **ELIMINATION OF FIRE HAZARDS:**

(A) **LIVE ASHES.** No person shall keep or deposit or allow to be kept or deposited within the Village of New Auburn, live ashes, coals, or cinders within 20 feet of any frame building, fence, wood pile, lumber or other combustible material unless the same shall be placed in a depository constructed of brick, stone, or other fire resistant material.

(B) **SAFE FIRE AREAS.** No person shall build any bonfire or burn any wood, grass, rubbish or other combustible material or permit the same to be done within thirty (30) feet of any building or combustible material or within ten (10) feet of any lot line, except front lot lines, unless the same shall be burned in an incinerator or outdoor fireplace constructed of non-combustible materials, in which all smoke exists are guarded by adequate spark screens, and such incinerator or building of combustible material and not within three (3) feet of any rear lot line and ten (10) feet of any side lot line.

(C) Whoever intentionally violates the foregoing paragraphs, shall be subject to a penalty as prescribed in Section 1.05 of this code.