

Chapter 30
FIRE PREVENTION AND PROTECTION

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ARTICLE I. GENERAL

Sec. 30.100. Open burning and recreational fires.

1. *Definitions.* The following words, terms and phrases, when used in this subsection, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

a. *Open Burning* means any fire wherein the products of combustion are emitted into the open air and are not directed through a screened stack or chimney associated with a building.

b. *Recreational fire* means any fire such as a campfire or cooking fire, not involving the burning of yard waste, located at a single-family or multifamily residence and used for the purpose of recreation and personal enjoyment.

c. *Yard waste* means dry grass, leaves, pine needles or brush.

d. *Clean wood* means natural wood which has not been painted, varnished or coated with a similar material has not been pressure treated with preservatives, and does not contact resins or glues as in plywood or other composite wood products.

2. *Burn barrels.* Barrels are authorized in the Town of Wausau as permitted pursuant to the Wisconsin Department of Natural Resource Regulations and after obtaining a permit from a Town of Wausau Fire Department authorized individual.

3. *Legal holidays.* Open burning on legal holidays is prohibited.

4. *Burning restrictions.* All open burning is prohibited except as follows:

a. *Open burning by permit.*

(1) No person shall kindle any fire without first securing a permit from the Town of Wausau Fire Department designee, who shall issue such permit subject to any conditions for the protection of life and property imposed by fire regulations.

(2) A permit is not required at times when at least one inch of continuous snow cover exists and hours are exempt.

(3) Hours of burning by permit are limited to 4:00 p.m. to 12:00 midnight.

(4) The Marathon County Sheriff's Department shall be notified by calling the non-emergency number before any open burning takes place.

b. *Recreational fires.* All recreational fires shall be in a fire pit with a minimum depth of eight inches and a maximum diameter of four feet, or in a portable (Weber-type) device that is placed upon a non-combustible surface and secured. The fire may not extend more than four feet above the ground at any time. Burning materials must be contained within the fire pit enclosure at all times. All below ground fire pits shall be surrounded on the outside, above ground, by a non-combustible material such as concrete block, rock or metal.

5. *Conditions of burning.* No person shall kindle, cause to be kindled or otherwise allow any open fire burning of leaves, weeds, brush, stumps, clean wood and other vegetative debris:

a. No fire is allowed in or upon any street, alley, or public way or closer than twenty-five (25) feet from any building, structure, shed or garage, except for recreational fires which may be no closer than (fifteen) 15 feet from any building, structure, shed or garage, except for barbecue, gas and charcoal grills.

b. No burning may be undertaken within twenty-five (25) feet from any combustible material, combustible wall or partition exterior window opening, exterior access or exit unless authorized by the Town of Wausau fire chief.

c. No fire may be started at a time when wind speed is eight (8) miles per hour or more.

d. No fire is allowed if the wind causes smoke, combustibles or other materials to be carried by the wind toward any building or other combustible or flammable material. Smoke from any fire shall not substantially annoy injure or endanger the comfort, health, repose or safety of any neighboring property owners.

e. No fire is allowed unless adequate fire suppression equipment is present to extinguish or control the fire at all times. Adequate fire suppression equipment shall consist of shovels, fire extinguishers, water hoses or other equipment sufficient to extinguish the fire if necessary.

f. No fire is allowed unless attended at all times by at least one responsible person eighteen (18) years of age or older until the fire is completely extinguished.

g. No renter or lessee may kindle, cause to be kindled or otherwise allow any open fire without prior notice to the owner and written permission from the owner.

6. *Burning permits required.* No person may burn any of the following materials without a permit issued by the Town of Wausau fire chief, upon showing there are suitable air pollution control devices and providing a written approval by the Department of Natural Resources:

a. Rubbish or garbage including but not limited to food waste, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition;

b. Waste oil or other oily wastes except used oil burned on a heating device for energy recovery subject to the restriction in Chapter NR 590, WI Admin. Code;

c. Asphalt and products containing asphalt;

d. 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;

e. Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam and synthetic fabrics, plastic films and plastic containers;

f. Rubber including tires and synthetic and rubber-like products;

g. Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the recycling ordinance except as follows:

(1) Paper and cardboard products may be used as starter fuel for a fire if is allowed under this ordinance.

(2) Small quantities of confidential papers from a residence may be burned if necessary to prevent the theft of financial records, identification or other confidential information, provided that confidential paper from a commercial enterprise shall be shredded or destroyed in a manner other than burning.

8. *Burning moratoriums.* The Town of Wausau Fire Chief or the Department of Natural Resources (DNR) may, when weather conditions warrant, declare a burning moratorium for a specified period of time, during which all open burning is prohibited.

9. *Liability.* Any property owner and/or any renter or lessee who violates this section shall, in addition to the penalties provided in other sections of this Code, be jointly and severally liable for any damage caused by any fire, including the cost of suppression and any citations, and shall reimburse the town for reasonable cost of fire protection services made necessary by the violation including, but not limited to, the costs of investigation of the violation and any response by the town's Fire Department as a result of any violations; provided that any prosecution for violations of this section or payment of the penalties provided shall not preclude any person from seeking any other remedy against the person causing or permitting the burning.

Sec. 30.101. Outdoor wood furnaces.

1. *Definitions.* The following words, terms and phrases, when used in this subsection, shall have the meanings ascribed to them in this chapter, except where the context clearly indicates a different meaning:

a. *Outdoor furnace.* A self-contained unit or solid fuel heating device designated to provide heating to a building or structure, which unit is located outside of that building or structure.

b. *Existing outdoor furnace.* An outdoor furnace that was installed and operating previously to the effective date of this ordinance.

2. *Use restrictions:*

a. The use of any outdoor furnace, including any existing outdoor furnace shall comply with all the manufacturer's operation instructions, including, but not limited to, the manufacturer's written instructions for recommended loading times and amounts.

b. No person may burn, or allow to be burned, any of the following substances in an outdoor furnace within the town:

(1) Rubbish or garbage including, but not limited to food waste, food wrapping, packaging, animal carcasses, paint, or painted materials, furniture, shingles, construction or demolition debris or other household waste.

(2) Waste oil or other oily waste;

(3) Asphalt and products containing asphalt;

(4) Treated or painted wood including, but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives;

(5) Rubber including tires and synthetic rubber-like products;

(6) Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam and synthetic fabrics, plastic films and plastic containers;

(7) Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the recycling ordinances; provided, however, that small amounts of paper and/or

cardboard may be used for purposes of starter fuel if reasonably necessary to ignite an existing solid fuel heating device.

c. The owner and/or operator of any outdoor furnaces shall dispose of all ash or other byproducts from the operation of the furnace in accordance with all applicable laws, ordinances and regulations.

d. No person shall use lighter fluids, gasoline or chemicals to start the furnace.

3. *Stack and furnace location for outdoor furnaces installed after the effective date of this ordinance:*

a. The unit must be located with due consideration to the prevailing wind direction.

b. Any outdoor furnace installed must be set back a minimum of 50 feet from any property line in transitional and ag districts as well as commercial districts.

c. Any outdoor furnace in a residential district or in a subdivision shall maintain a setback at least 200 feet from any property lines.

d. The stack of any outdoor furnace located within 50 feet of any residence not served by the furnace shall be at least two feet higher than the eave line of said residence.

e. The stack of any outdoor furnace located within 50 feet to 100 feet of any residence not served by the furnace must be at least five (5) feet higher than 75 percent of the height of the eave line of said residence.

f. The stack of any outdoor furnace located within 100 feet to 150 feet of any residence not served by the furnace must be at least five (5) feet higher than 50 percent of the eave line of said residence.

g. The stack of any outdoor furnace located within 150 feet to 200 feet of any residence not served by the furnace must be at least five (5) feet higher than 25 percent of the eave line of said residence.

h. All stacks or chimneys for outdoor furnaces must be so constructed to withstand high winds or other related elements.

i. An outdoor furnace may only be installed in the rear or side yard of the lot of the building being served by the outdoor furnace.

4. *Compliance.* Any outdoor furnace must comply with any other county, state or federal guidelines for the same, but not limited to, all emissions and air quality standards promulgated from time to time by the Environmental Protection Agency, the Wisconsin DNR and any other relevant state or federal agency.

5. *Inspection of outdoor furnaces.* The Town of Wausau Fire Chief, or his or her designee, zoning administrator, law enforcement officer or other designated town official who presents credentials and upon reasonable notice may inspect any property within the town for the purpose of determining compliance with the provisions of this ordinance.

6. *Outdoor furnace nuisances.* Any outdoor furnace which substantially annoys, injures or endangers the comfort, health, repose or safety by operating in a hazardous, harmful, noxious or offensive manner is declared a public nuisance and the procedures in Chapter 42 apply.

7. *Replacement of an existing outdoor wood furnace:* An existing outdoor furnace may be replaced with new outdoor wood furnace that meets the EPA HH Phase 2 Program Requirements (0.32 lbs/MMBtu heat output) in

the same location as the existing outdoor furnace, provided that the new furnace meets the specifications of this ordinance including but not limited to the chimney height requirements in Section 30.101(3).

8. *Permit required.* Zoning permits and payment of the permit fee established by the town are required before any outdoor furnace is installed.

Sec. 30.102. Fire inspection.

1. *Enforcement.* In accordance with section SPS 314.10(13) of the Wis. Admin. Code, the Town of Wausau Fire chief shall conduct and document of fire prevention inspections within the town.

2. *Buildings to be inspected.* Businesses, churches, schools and other nonprofit facilities shall be inspected semi-annually and may be charged a fee for fire prevention inspections, according to the town fee schedule.

3. *Administration of Fire Prevention Inspection Fees.* Fire prevention inspection and reinspection fees shall constitute special charges against the property under Wis. Stats. § 66.0627, and may be invoiced to property owners after each inspection. Any fees remaining unpaid as of November each year shall be placed on the annual tax roll for collection as a special charge together with an administrative charge. All proceedings related to the collection of real estate taxes shall apply. Fire reinspection fees shall not be charged for the first follow up inspection after any citations for fire code violations, but shall be charged for any follow up inspection conducted for any business, church, school and other nonprofit facilities which fail to take all necessary corrective action within 30 days after the issuance of the citation for fire code violation.

4. *Penalties.* The town fire department may issue citations for violations of the fire code. Penalties may be assessed to the owners or lessees for failure to correct fire code violations.

Sec. 30.103. Charging for fire protection calls.

1. *Purpose.* The purpose of this ordinance is to allow the town to recover fire costs incurred by the town.

2. *Definitions:*

a. *Real estate.* Land owned as property along with natural resources and permanent buildings on it.

b. *Personal property.* Tangible items for which the owner holds title or has in his/her possession, including but not limited to motor vehicles and hazardous materials.

c. *Owner.* Any person holding title to real estate or holding title to or otherwise owning or having a legal right to possession of personal property.

3. *Liability of fire protection costs.* Property owners of real estate and personal property located within the town shall be responsible for the costs of the fire calls made for their property. Fire call fees and costs will be determined by the town.

4. *Liability for fire calls from other fire departments.* The town contracts with other fire departments to provide mutual assistance on fire calls. Any property owner who requests fire protection directly from any fire department other than the Town of Wausau Fire Department shall be responsible for any and all costs billed to the town for the fire call by the other fire department. This section applies to the costs of any other fire department responding at the request of an authorized fire department under mutual aid.

5. *Billing and payment procedure.* The town clerk shall bill the owner for whom the fire protection was provided, and to the town treasurer shall be due within sixty (60) days of the date of the bill. Upon failure to pay the bill within sixty (60) days, interest will accrue retroactively from the date of the bill at the rate of 1.5 percent a month. Any bills for fire protection services for personal property, which remain outstanding for more

than ninety (90) days may be turned over for collection. Any bills for fire protection services for real estate owners within the Town of Wausau, which remain outstanding for more than ninety (90) shall be imposed as a special charge against the real estate for which fire protection was provided and may be placed on the tax roll as a delinquent special charge pursuant to Wis. Stats. § 66.0627.

Sec. 30.104. False alarms.

1. *Purpose.* The purpose of this ordinance is to minimize unnecessary fire calls within the town.
2. *Definitions.*

a. *Alarm system* means any device designated for the detection of an unauthorized entry or other unlawful act on a premises, or for the detection of a fire or carbon monoxide, or both which when activated produces a signal, which signal is caused to be transmitted by the system to the County Dispatch Center or the Fire Department, and/or which signal, if produced by a device designed solely to detect fire, is caused to be transmitted in an audible manner to the general area surrounding the premises.

b. *Alarm system operator* means any person or business who operates a receiving device designed for the detection of an unlawful act or for detection of a fire or carbon monoxide, or both, who in turn by telephone or other means transmits such information to the County Dispatch Center or the Fire Department.

c. *False alarm* means any of the following:

(1) The unintentional activation by the owner or lessee of an alarm system or by an employee or agent of either.

(2) The activation of an alarm system by mechanical failure or malfunction because of improper maintenance of the alarm system.

(3) The activation of an alarm system because of improper installation and/or use of the equipment.

(4) The intentional activation of an alarm system where no unauthorized entry, omission of an unlawful act or fire exists.

(5) The above subsections do not include false alarms caused by abnormal weather conditions.

d. *Person* includes all partnerships, companies, associations and corporate bodies.

2. *Exception to this chapter.* None of the provisions of this chapter shall prevent the town from providing special alarm monitoring services for medical reasons, disabilities or communicative disorders.

3. *False Alarms Prohibited.* False alarms shall include, but are not limited to, reports by direct communication or by means of an electronic alarm requesting fire protection or carbon monoxide services when there was no need for fire protection or carbon monoxide services. Receipt of any such false report within the town shall constitute commission of said offense within the town for the purposes of this ordinance:

a. No person shall, within the town singly or in combination or conspiracy of others, make any false report of fire or carbon monoxide, in the town.

b. No person shall falsely report a fire to any official of the town, any fire department maintained in the town, any official or agent thereof, or to any person or persons in charge of giving any fire alarm to the said town.

c. No person shall participate in any such act by knowingly aiding, counseling, advising or consenting to the same to be done by another or others.

4. *Fees for unnecessary fire calls.* The town may charge a fee to any persons, partnership, corporation or other such entity who make or transmit a false alarm to which the fire department has responded to a call for fire protection or carbon monoxide provided that the same person, partnership, corporation or other entity has made or transmitted two (2) or more previous false alarms. This fee applies to false alarms received telephonically, directly, or through an alarm system and is due within 15 days of billing by the town clerk. Any fees not paid within thirty (30) days of the billing shall accrue interest at the rate of 1.5 percent (1.5%) per month.

ARTICLE II. VOLUNTEER FIRE DEPARTMENT

Sec. 30.105. Town of Wausau Fire Department. The Town of Wausau Fire Department, Fire Department #37240, Marathon County, Wisconsin was authorized by town electors at a special meeting on January 1, 1987 for the purposes of preventing fires and safeguarding the lives and property of all people in the community.

Sec. 30.106. Membership.

No more than thirty (30) firefighters and/or first responders shall be members of the department. Members of the Department shall reside in the town or live within one mile of the town boundaries, except that the fire chief shall have discretion to allow persons residing outside the department's protection area to join or to remain members of the department.

Sec. 30.107. Appointment of officers.

1. The town board shall appoint the fire chief and the fire chief shall appoint the other department officers. The town board shall approve the department officers presented to it by the department within thirty (30) days of presentation to the town board.

2. The chief may suspend any member of the department for insubordination or for disobedience of the department rules and regulations for a period not to exceed two (2) months. The chief shall report any suspensions and the circumstances to the town board.

3. The town board may suspend any member of the department, reduce any member in rank or remove any member if a member was insubordinate or disobeyed any department rules and regulations.

4. Any member of the department who resigns, retires or is removed by the town board shall immediately return all department property in his/her possession to the fire chief. The department property to be returned includes, but is not limited to, keys, pager charger and case, radio charger and case, first responder equipment, soft pack, auxiliary kit, oxygen system and defibrillator, badges, insignia and any or all other equipment.

Article III. Ambulance Service

Sec. 30.108. Ambulance service.

1. The town will provide ambulance service to its residents through a contract with a local municipality or service.

Article IV. Concealed Weapons

Sec. 30.109. Concealed weapons.

1. Pursuant to Wis. Stat. § 943.13(1m)(c)4, no person shall enter or remain in any part of a building owned, occupied or controlled by the Town of Wausau if notified not to enter or remain in the building while carrying, a weapon or firearm, concealed or otherwise.

2. *Definitions:*

a. Firearm. Firearm means a weapon that acts by force of gun powder.

b. Law enforcement. Law enforcement means any person employed by the State of Wisconsin or any political subdivision of this State for the purpose of detecting or preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances he or she is employed to enforce.

c. Weapon. Weapon means a handgun, an electric device as defined by Wis. Stats. § 941.295 or a billy club.

3. *Prohibitions on firearms or weapons.*

a. The prohibitions on carrying of firearms and weapons as enumerated in Wis. Stats. § 175.60 are incorporated herein by reference as though set forth verbatim;

b. No person other than a law enforcement officer shall enter any of the following buildings owned, occupied or under the control of the town while carrying a weapon or firearm;

c. Municipal Building;

d. Public Works Garage; and

e. Public Safety Building.

4. *Signs.* Signs meeting the requirements of Wis. Stat. § 943.13(2)(bm)1, shall be posted in prominent places near all entrances of such buildings listed in subsection (3), above, to provide notice that no person is to enter or remain in any such building while carrying a weapon or firearm.

5. Any person who enters or remains in any town buildings owned, occupied or under the control of the town listed in subsection (3) above while carrying firearms may be reported for prosecution for trespassing or may be cited under this code and be subject to the penalty as prescribed under Wis. Stats. § 943.13.

Article V. Firearms

Sec. 30.110. Firearms.

1. *Definitions:* As used in this chapter, the following terms shall have the meanings indicated:

a. *Firearm:* A weapon that acts by force and uses gunpowder;

b. *Other weapon:* Any paintball gun, pellet gun, bow and crossbow, but not firearms;

c. *Paintball course or range:* Any area of land intended for the commercial use of paintball guns where individuals can engage each other by shooting a paintball projectile at each other;

d. *Paintball gun:* Any handgun or long rifle designed to discharge projectiles containing a paint or ink-type substance;

e. *Pellet gun*: Any weapon which uses a spring mechanism or compressed air to discharge a projectile and are considered dangerous weapons within the scope of this chapter;

f. *Practice range*: An area of land designed and designated for use of weapons for target practice where the projectile used will not leave the limits of the property on which the range is established;

g. *Target practice*: Utilizing firearms or other weapons to engage and fire at targets; and

h. *Targets*: Inanimate objects made of paper, plastic, vinyl, Styrofoam or any other man-made substance and are designed for use during the act of target practice.

2. *Permission of the landowner*: Requires one of the following:

a. Presence of an owner of the land who has given consent to undertake a specific action; or

b. Written permission to discharge either firearms or other weapons on the land, signed by one of the owners of the land which is available to be provided to law enforcement. Written permission is not required for a member of an owner's immediate family who resides with the owner.

3. *Prohibited discharge*.

a. The discharge of firearms and other weapons on or over any public roadway or within fifty (50) feet of the center of any roadway, is prohibited.

b. Any projectile discharged from a firearm or other weapon shall not travel beyond the boundary for the parcel from which it is launched.

c. The discharge of firearms is prohibited on any land legally described as or identified as the following:

(1) Property zoned as Residential in the Town of Wausau; and

(2) Sections 7, 18, 19, 30, and 31 in the Town of Wausau.

d. The discharge of firearms and use of other weapons is prohibited within one hundred (100) yards of any building or structure devoted to human occupancy without the permission of the landowner or occupant.

e. Except as provided herein, the discharge of firearms is prohibited on any parcel less than two acres.

f. The discharge of a firearm or other weapon is prohibited except as set forth in this chapter, state statute, or DNR regulation.

g. Target practice with any firearm or the establishment of any practice range for any firearm is permitted only as follows:

(1) On a parcel having an area of two (2) or more acres;

(2) Under conditions where the projectile used will not leave the parcel upon which the range is located;

(3) With the permission of the landowner;

(4) If the target center or bulls eye is less than four feet above the ground; and

h. Target practice with any other weapon or the establishment of any practice range for other weapons is permitted only as follows:

(1) On a parcel having an area of 1/2 acre or more;

(2) Where the target has a backstop constructed of such material so as to insure that the projectile shall come to a complete stop after penetrating the target;

(3) Under conditions where the projectile used will not leave the parcel upon which the weapon is discharged;

(4) The target center or bulls eye shall be less than four feet above the ground;

(5) Permission of the landowner shall be obtained by the person(s) discharging the weapon.

i. Target practice shall only be allowed in the Town of Wausau between the hours of 8 a.m. and 8 p.m. or one-half (1/2) hour after sunset, whichever comes first.

j. Discharge of paintball guns is permitted only as follows:

(1) On a parcel of five acres or more in area;

(2) In compliance with any zoning regulations;

(3) Permission of the landowner has been obtained by the person(s) discharging the paintball gun; and

(4) Where all participants have appropriate attire, including head and face protection.

k. The provisions of this chapter relating to firearms and other weapons do not apply to law enforcement personnel, as defined in Wis. Stats. § 165.85(2)(c), when said personnel are performing their official duties or during the conduct of an official training session.