

TITLE 3

Public Safety

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CHAPTER 1

Fire Protection

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SEC. 3-1-1 Montello Joint Fire District

The Town is a member of the Montello Joint Fire District (“MJFD”) and the MJFD provides fire protection services to the Town.

SEC. 3-1-2 Powers and Authority

- A) The state statutes and administrative code that relate to fire protection, inspection and/or control are adopted as though fully set forth herein.
- B) The MJFD 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 MJFD may cause the arrest of any person failing to give the right-of-way to a department in responding to a fire.
- C) The MJFD Chief may prescribe certain limits in the vicinity of any fire within which no persons, except firefighters and law enforcement officers and those admitted by order of any officer of the MJFD shall be permitted to come.
- D) The MJFD Chief shall have the power to cause the removal of any property whenever necessary to preserve such property from fire or to prevent the spreading of fire or to protect adjoining property, and during the progress of any fire he/she 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.

- E) Firefighters of the MJFD, when at the scene of a fire or other emergency, or when firefighting vehicles are upon the street pursuant to an emergency call, shall have the authority and duty of traffic officers to direct traffic as conditions require.

SEC. 3-1-3 Inspections

- A) The Fire Chief and Assistant Chiefs of the MJFD shall be the Fire Inspectors of the Town and shall have the power to appoint one (1) or more deputy Fire Inspectors and shall perform all duties required of the Fire Inspectors by the laws of the State and rules of the Department of Safety and Professional Services particularly sec. 101.14, Wis. Stats.
- B) Should the Fire Inspector find that any provisions of the Code relating to fire hazards and prevention of fires are being violated, or that a fire hazard exists which should be eliminated, it shall be his/her duty to give such directions for the abatement of such conditions as he/she shall deem necessary and, if such directions be not complied with, to report such noncompliance to the District and the Town for further action.
- C) The Chief of the Fire Department is required, by himself/herself or by officers or members of the Fire Department designated by him/her as fire inspectors, to inspect all public buildings, places of employment, or any other area designated by state statute or administrative Code 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.
- D) Such inspections shall be made at least once in six (6) months and oftener as the Chief orders. Each six (6) month period shall begin on January 1 and July 1 of each year.
- E) Written reports of inspections shall be made and kept on file in the office of the Chief in the manner and form required by the Department of Safety and Professional Services. A copy of such reports shall be filed with the Town Clerk.
- F) The Town Board or its designees, and at any time, for the purpose of preventing, detecting and suppressing fire and fire-related hazards in the Town, enter any public building or place of employment in the Town at reasonable times upon reasonable notice. However, in an emergency at or near the property of any person in the Town, the Town Board or its designee may enter the property or any person without notice and at any time.

SEC. 3-1-4 Traffic Regulation

- A) No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the MJFD, and no vehicle shall be driven over any unprotected hose

- 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 MJFD official in command.
- B) It shall be unlawful for any person to park any vehicle or leave any object within ten (10) feet of any fire hydrant at any time.
 - C) It shall be unlawful for any person, in case of fire, to drive or park any vehicle within three hundred (300) feet from the place of fire without the consent and authority of the Fire Chief or any law enforcement officer.
 - D) 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 motorized 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. 3-1-5 Enter Adjacent Property

- A) It shall be lawful for any firefighter, while acting under the direction of a Fire Chief or any other officer in command, to enter upon the premises adjacent to in the vicinity of a building or other property then on fire for the purpose of extinguishing such fire and in case an person shall hinder, resist or obstruct any firefighter in the discharge of his/her duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firefighters in the discharge of their duties.
- B) During the progress of any fire, a Fire Chief or his assistant shall have the power to order the removal or destruction of any property necessary to prevent the further spread of fire; provided that it is inevitable that, unless such property is removed, other property is in danger of being destroyed by fire.

SEC. 3-1-6 Fees and Chargegs

- A) The Town charges a fee for fire prevention inspections, according to the attached fee schedule.
- B) Fire prevention inspection fees shall constitute special charges against the property under Sec. 66.0627, Wis. Stats., 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 of five percent (5%) of the total amount outstanding. All proceedings related to the collection of real estate taxes shall apply.
- C) 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 are as set forth in the attached Exhibit A and shall include the actual cost billed to the MJFD by any other surrounding municipality for mutual aid.
- D) MJFD shall bill the owner for whom the fire protection was provided, and payment to MJFD shall be due 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, 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 Sec. 66.0627, Wis. Stats.

- E) It is the policy of the Town to contract with the MJFD for fire protection services. Any property owner requesting fire protection directly from any other fire department shall be responsible for the full costs billed to the Town for the fire call from said fire department.

SEC. 3-1-7 Penalties

The Town may commence action or issue citations for violations by any person or entity of this ordinance, state statute or the state administrative code. A violation shall result in a forfeiture in the amount of \$250.00 per day and each day a violation exists shall constitute a separate violation. A second violation within twenty-four (24) months shall result in a forfeiture in the amount of \$500.00 per day and each day a violation exists shall constitute a separate violation. The Town shall also be entitled to the actual costs of prosecution if it establishes a violation, including reasonable attorney fees. The Town may also pursue enforcement by any other means available to it at law.