

*Village of Almena, WI
Tuesday, July 30, 2024*

Chapter 135. Fires and Fire Prevention

[HISTORY: Adopted by the Village Board of the Village of Almena as indicated in article histories. Amendments noted where applicable.]

Article I. Fire Protection District

[Adopted as §§ 5.01 to 5.05 and 5.10 of the former Village Code]

§ 135-1. Purpose.

The purpose of the Almena Fire Protection District shall be to provide proper fire protection for all persons and properties situated within the District boundaries by the joint and mutual supervision and funds of the municipalities involved. It is the common belief of the Village, the Town of Clinton, the Town of Arland and the Town of Almena, that:

- A. Greater protection against fire losses in the Village and the Towns can be secured by the joint ownership and purchase of firefighting equipment.
- B. A more effective fire organization can be promoted by the joint and mutual cooperation of the Village and Towns with the existing Volunteer Fire Department of the Village.
- C. The cost of protection can be more equitably shared by the Village and Towns involved.
- D. "Towns" as used in this article means the Town of Clinton, the Town of Arland and the Town of Almena.

§ 135-2. Association name; location of headquarters.

The name of this Association shall be the "Almena Fire Protection District," and its headquarters shall be located in the Village of Almena, Wisconsin.

§ 135-3. Boundaries.

- A. Designated. The District shall consist of all property lying within the Village and all property lying within the Towns and additional territory as may be added to the District by the Trustees according to the Articles of Association and the bylaws.

§ 135-4. Articles of Association and bylaws.

The District shall operate according to the Articles of Association and the District bylaws.

§ 135-5. Adoption of fire prevention standards.

- A. State Fire Prevention Manual adopted. The Wisconsin Fire Prevention Manual detailing provisions for the prevention of fire is adopted and by reference made a part of this article as if fully set forth herein. Any act required to be performed or prohibited by such manual is required or prohibited by this article.
- B. Conflicting provisions. In case of a conflict between the provision of this article or between this article and existing Village ordinances, the strictest provisions shall apply.
- C. Copies to be on file. Copies of the State Fire Prevention Manual shall be available for inspection during reasonable hours at the Village Clerk's Office.

§ 135-6. Violations and penalties.

Any person who shall violate any provision of this article, or any provision of the Articles or the District bylaws adopted herein, or any provision of the State Fire Prevention Manual herein adopted by reference, shall be subject to a penalty as provided in § 1-4 of this Municipal Code.

Article II. Open Burning

[Adopted as § 5.06 of the former Village Code; amended in its entirety at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

§ 135-7. Open burning prohibited.

No person, firm, corporation or other entity shall build any outdoor fire within the limits of the Village of Almena except as set forth in § 135-8 of this article. This prohibition on burning includes burning of construction waste and debris at construction sites.

§ 135-8. Exceptions.

The following exceptions are for the burning of permitted materials only:

- A. Outdoor cooking over a fire contained in a device or structure designed for such use is permissible;
- B. Controlled burning of grass or similar vegetation for environmental management purposes, with the prior express written approval of the Fire Chief or his/her designee, may be permitted; this exception is not to be used for the burning of grass, leaves or other lawn debris;
- C. Ceremonial campfire or bonfires, with prior express written approval of the Fire Chief, may be permitted;
- D. Controlled burning of dry leaves, twigs and other nonoffensive dry yard debris is permitted only at such times and under such conditions as designated by the Fire Chief and published by him/her in such newspaper as designated by the Village as its official newspaper, provided, however, that such burning is:
 - (1) Monitored by a responsible person until the fire has extinguished itself completely;
 - (2) Conducted on days when excessive wind or atmospheric conditions will not result in danger to public health or safety;
 - (3) Located off the public street pavement or street gutter;
 - (4) Located at least 30 feet from any neighboring residence;

- (5) Limited to the materials identified in this Subsection **D** and is not used for the covert burning of other materials.
- E. Other requests for the outdoor burning of permitted materials not specified in this subsection but under circumstances indicating that said burning is not as an alternative to refuse removal or disposal for which other methods are available may be permitted on a single-occasion basis with the prior, express, written approval of the Fire Chief or his/her designee;
- F. Any person or entity desiring to burn by bonfire any permitted materials shall apply to the Fire Chief of the Almena Fire Department or his/her designee for a permit for such burning which may be granted under the following conditions:
- (1) The permit may be granted only for burning permitted materials as defined below.
 - (2) The permit may only be applied for by the owner of the land on which the burning will take place and the owner of the materials to be burned. The permit may only be granted to said owner or owners. In the event the land or the materials are owned by a business entity, said entity may only make application through an officer, member, partner, or agent duly authorized in writing.
 - (3) The Fire Chief or his/her designee may, in his sole discretion, grant such a permit without charge conditioned upon the supervision of such burning by the said Fire Chief and/or his/her designee.
 - (4) The person, persons or entity to whom a permit is issued shall be solely responsible for compliance with this article and shall follow the instructions and directions prescribed by said Fire Chief or his/her designee and shall permit said Fire Chief or his/her designee to come upon the property in order to exercise the supervisory function.
 - (5) Whenever approval and special permit are granted by the Fire Chief or his/her designee under this article, the permit may specify and be conditioned upon observance of safety regulations and insurance requirements set forth on the face of said permit.
 - (6) All permits shall be granted in writing on forms prescribed by the Fire Chief. Said forms shall clearly identify the person, persons or entity to whom the permit is granted, the date on which and for which it is granted, the specific location at which the burning is to take place, specific identification of the materials to be burned, and any other terms and conditions deemed necessary by the Fire Chief in accordance with Subsection **F(5)** above. The original of all permits shall be kept on file by the Fire Chief and, immediately upon issuance, a copy shall be provided to the Turtle Lake Police Department and to the holder or holders of the permit.

§ 135-9. Prohibitions by Fire Chief.

The Fire Chief or his/her designee is permitted to prohibit any or all bonfires and outdoor fires when, in his/her judgment, atmospheric conditions or local circumstances make such fires hazardous.

§ 135-10. Burning on streets.

No materials may be burned upon any street, curb, gutter or sidewalk.

§ 135-11. Liability.

Any person or persons holding a permit for and/ or utilizing and/or maintaining an outdoor fire shall be responsible for any liability for damages caused by the said fire.

§ 135-12. Definitions.

As used in this article, the following terms shall have the meanings indicated:

PERMITTED MATERIALS

Wood or wood products; cardboard; paper or paper products; dry leaves, twigs and other dry yard debris; charcoal; tobacco.

PROHIBITED MATERIALS

Cans; batteries; any containers holding paint; pesticides; plastic; fiberglass; tires or rubber; any hazardous substances the disposal of which is regulated by state or federal law; anything which produces noxious or toxic smoke or fumes; food or food waste; dead animals; mattresses or box springs; furniture containing springs or a substantial portion of which is constructed of metal, plastic or fiberglass; petroleum products; telephones; appliances; carpet or padding; Styrofoam; any material containing asbestos.

Article III. Charges for Fire Response

[Adopted as § 5.11 of the former Village Code]

§ 135-13. Fee for response authorized.

The Fire Department of the Almena Fire Protection District shall be and is hereby authorized to charge property owners for each response by the Department to a fire.

§ 135-14. Fee calculation.

The charge shall be calculated by the Department based on its actual cost for responding.^[1]

[1] *Editor's Note: Original § 5.11c, pertaining to the maximum charge amount, which immediately followed this section of the former Village Code, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 135-15. Billing; collection of fee.

The Department Clerk shall be responsible for calculating, billing, and collecting the charge.

§ 135-16. Disposition of fee.

The charges collected shall go into the Department's general operating fund.