

Chapter 190

FIRE PREVENTION

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**[HISTORY: Adopted by the Town Board of the Town of Port Washington as indicated in
article histories. Amendments noted where applicable.]**

GENERAL REFERENCES

Building construction — See Ch. 150.

Nuisances — See Ch. 250.

ARTICLE I **Fire Prevention Code** **[Adopted 2-6-1984 by Res. No. 431]**

§ 190-1. Adoption of state codes.

A. The Town Board of the Town of Port Washington adopts, by reference, the following orders and codes of the Wisconsin Administrative Code, rules of the Department of Commerce and the National Fire Protection Association (NFPA):

- (1)** Chapter Comm 7, Explosive Materials.
- (2)** Chapter Comm 10, Flammable and Combustive Liquids.
- (3)** Chapter Comm 14, Fire Prevention.
- (4)** Chapter Comm 32, Public Employee Safety and Health.
- (5)** Chapter Comm 40, Gas Systems.

- (6) Chapters Comm 61 to 65, Commercial Building Code.
 - (7) Volumes I through XVI, inclusive, National Fire Protection Association Codes.
- B. Whenever the provisions of the aforementioned codes conflict, the stricter interpretations shall apply.

ARTICLE II

Fire Protection and Ambulance Service Costs

[Adopted 2-5-2001 by Ord. No. 2001-11]

§ 190-2. Cost included in budget.

The annual cost of fire protection and ambulance services provided to the Town of Port Washington pursuant to its contract with the City of Port Washington shall be included in the Town's annual budget and, as such, shall be part of the Town's annual property tax levy.

§ 190-3. Fire protection services.

The actual itemized cost of fire protection services billed to the Town pursuant to its contract with the City of Port Washington for fires within the Township shall be charged by the Town Clerk to the property owner(s) to whom such services were provided. In the event such charges are not paid prior to the close of the tax year in which such fire protection services were provided, the Town Board may, in its discretion, levy and assess taxes, as a special charge, pursuant to § 66.0627, Wis. Stats., against the property in the amount of such unpaid charges and enforce and collect the same in the same manner as provided by law for other property taxes and assessments. Failure to pay any outstanding charges prior to the end of the tax year in which such fire protection services were provided will result in interest accruing at the rate of 1 1/2% per month. Nothing herein shall limit, or be construed as limiting, the Town Board from directing the commencement of a separate legal action to recover the cost of such fire protection services from the person(s) responsible for the same.

§ 190-4. Vehicle fires on county trunk highways or fire calls on state or interstate highways.

The actual itemized cost of fire calls billed to the Town pursuant to its contract with the City of Port Washington for vehicle fires on county trunk highways or for fire calls on state or interstate highways within the Township shall be charged by the Town Clerk to the person(s) to whom the fire call was provided. In the event such charges are not paid, the Town Board may, in its discretion, direct the commencement of a separate legal action to collect the cost of such fire call charges from the person(s) responsible for the same. In the event such collection efforts are not successful, the Town Clerk shall submit written proof of such collection efforts to, and apply for reimbursement from, the county or Department of Transportation maintaining that portion of the highway where such fire occurred. If the Town collects the cost from such person after the county or Department reimburses the Town, the Town shall return the amount collected to the county or Department.

§ 190-5. Ambulance services.

The actual itemized cost of ambulance services billed to the Town pursuant to its contract with the City of Port Washington for ambulance calls within the Township shall be charged by the Town Clerk to the person(s) to whom such services were provided. In the event such charges are not paid, the Town Board may, in its discretion, direct the commencement of a separate legal action to collect the cost of such ambulance services from the person(s) responsible for the same)

ARTICLE III**Open Burning**

[Adopted 8-5-2013 by Ord. No. 2013-02²]

§ 190-6. Notification of County Sheriffs Department.

Any person desiring to burn clean wood, dry grass, leaves, or brush within the Town of Port Washington, including but not limited to beach fires, bonfires, or open pit or other recreational fires, shall notify the Ozaukee County Sheriffs Department prior to commencing such burning, or prior to allowing the same to be commenced, and shall advise the Sheriffs Department of the person's name, address, time, date and place of burning, materials to be burned, and anticipated length of such burning activity.

§ 190-7. Permitted materials; precautions.

Burning shall be limited to those types and quantities of dry grass, dry brush, dry leaves, and dry weeds which can reasonably be disposed of without undue risk or hazard to human life, property and the environment. The person burning said materials shall observe reasonable fire safety precautions and take all necessary action to have adequate manpower, water, shovels and other equipment present to control and contain such fire throughout the duration of the same.

§ 190-8. Prohibited materials.

Notwithstanding any other provisions of this article, no person shall burn, or allow to be burned, any liquid or other materials which are prohibited from being burned by state or federal law or environmental regulations adopted pursuant thereto. Without limitation, these include tires, shingles, furniture, plastic or rubber products, oily substances, rubbish, garbage, asphalt, and hazardous, toxic, noxious and/or flammable liquids or materials.

§ 190-9. Hours of burning; conditions; location.

Except in the case of beach fires, bonfires, open pit fires or other recreational fires, no person shall commence or continue burning, or allow such burning to be commenced or continued,

1. Editor's Note: Original § 6, Fire/burning regulations, which immediately followed this section, was deleted 6-4-2007 by Ord. No. 2007-1-B. See now Art. 11 of this chapter.

2. Editor's Note: This ordinance also repealed Ord. No. 2001-2, adopted 6-12-2001, as amended.

after sunset or before sunrise. Notwithstanding the foregoing, no burning of any kind shall occur when the wind velocity exceeds 15 miles per hour. All fires shall be located at a reasonable and safe distance from buildings or other structures, in view of the size and intensity of such fire, wind and other weather conditions, and the construction, use, occupancy and contents of such buildings. All persons commencing or continuing beach fires, bonfires, open pit fires or other recreational fires after sunset or before sunrise shall notify the Ozaukee County Sheriffs Department prior to commencing such burning, or prior to allowing the same to be commenced, and shall advise the Sheriffs Department of the person's name, address, time, date and place of burning, materials to be burned, and anticipated length of such burning activity.

§ 190-10. Violations and penalties.

Failure to provide prior notice to the Sheriffs Department of a fire to be commenced, or allowed to be commenced; or failure to maintain, control or extinguish any fire so as to result in injury or damage to persons, property or the environment; or the burning of improper or prohibited materials; or allowing a fire to escape so as to endanger persons, property or the environment and requiring the attendance of any fire department to extinguish such fire or prevent such damage or injury, shall cause such person, or the property owner upon whose premises such fire is commenced or allowed to be commenced, to be charged the actual costs of such fire protection or suppression services provided, and imposition of such forfeitures, penalties and liability for damages as may be permitted by law.

§ 190-11. Fire Department charges.

Upon receipt by the Town Clerk of a bill from any fire department called to or present at any such fire, the Town Clerk shall immediately forward said bill to the person and/or property owner responsible for the same. In the event said bill is not paid by said person and/or property owner prior to the close of the tax year, the amount so due may be charged and assessed against the particular property involved, and collected as other special assessments are collected. In the alternative, the Town may initiate an action to recover said fees, costs or charges, as against the person or persons responsible for the same.

§ 190-12. Exception to notice requirement.

No prior notice to the Sheriffs Department need be given for the burning of small amounts of dry residential grass, leaves, or brush in a heavy wire screen-covered barrel. However, all other provisions of this article shall apply to such burning activity.