

CHAPTER 3
PUBLIC SAFETY

3.01 FIRE PROTECTION: (1) ORGANIZATION:

(a) General Authority:

1. The Town Board shall provide fire protection for the Town by establishing a town fire department.
2. The Town Board shall appropriate money to pay for fire protection in the Town.

(b) Organization:

1. The Town of Rome Fire Department is hereby officially recognized.
2. New members of the Department shall serve a one (1) year probationary period.

(2) POWERS:

(a) The Chief and Assistants or officers in command of the Fire Department are hereby vested with full and complete police authority at emergency situations. Any officer of a Fire Department may cause the arrest of any person failing to give the right-of-way to a Fire Department in responding to an emergency call.

(b) The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting firemen, law enforcement officers and those admitted by order, shall be permitted to come.

(c) The Fire 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 spreading of fire or to protect the adjoining property, and during the progress of any fire he 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.

(d) Members of a Fire Department, when at the scene of a fire or other emergency, or when Fire Department vehicles are upon the street pursuant to an emergency call, shall have the authority of traffic officers to direct traffic, as conditions require, notwithstanding any other provision of this Chapter.

(e) It shall be lawful for any firefighter while acting under the direction of a Fire Chief or any Officer to enter upon the premises adjacent to or in the vicinity of a building or other property then on fire for the purpose of extinguishing such fire and in case any person shall hinder, resist or obstruct any firefighter in the discharge of his duty as is herein before provided, the person so offending shall be deemed guilty of resisting firemen in the discharge of their duty.

(f) Every person who shall be present at a fire shall be subject to the orders of the Fire Chief and may be required to render assistance in fighting the fire or in removing or guarding property. The Fire Chief shall have the power to cause the arrest of any person or persons refusing to obey said orders.

(3) DAMAGING FIRE HOSE PROHIBITED; PARKING BY HYDRANTS; BLOCKING FIRE LANES:

(a) No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to a Fire Department, and no vehicle shall be driven over any unprotected hose of a Fire Department 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 Fire Department Incident Commander.

(b) It shall be unlawful for any person to park any vehicle or leave any object within twenty (20) 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 one block from the place of fire without the consent and authority of the Fire Chief or any Incident Commander.

3.02 FIRE PREVENTION AND SAFETY CODES:

(1) INTENT OF CODE: It is the intent of this Chapter to prescribe regulations consistent with recognized standard practice for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling, and use of hazardous substances, materials, and devices, and from conditions hazardous to life and property in the use or occupancy of buildings or premises.

(2) ADOPTION OF STATE CODES:

(a) The following orders, rule, and regulations of the Department of Commerce, all of which are set forth in the Wisconsin Administrative Code as from time to time amended, are incorporated herein by reference and adopted as part of the Fire Prevention Chapter:

1. Wis. Adm. Code Ch. COMM 1; Safety.
2. Wis. Adm. Code Ch. COMM 5; Explosives and Blasting Agents.
3. Wis. Adm. Code Ch. COMM 7; Cleaning and Dyeing.
4. Wis. Adm. Code Ch. COMM 8; Flammable and Combustible Liquids.
5. Wis. Adm. Code Ch. COMM 9; Liquefied and Petroleum Gases.
6. Wis. Adm. Code Ch. COMM 20; Dusts, Fumes, Vapors and Gases.
7. Wis. Adm. Code Ch. COMM 21; Spray Coating.
8. Wis. Adm. Code Ch. COMM 35; Safety in Construction.
9. Wis. Adm. Code Ch. COMM 43; Anhydrous Ammonia Code.
10. Wis. Adm. Code Ch. COMM 50; Administration and Enforcement.
11. Wis. Adm. Code Ch. COMM 51; Definitions and Standards.
12. Wis. Adm. Code Ch. COMM 52; General Requirements.
13. Wis. Adm. Code Ch. COMM 53; Structural Requirements.
14. Wis. Adm. Code Ch. COMM 54; Factories, Office and Mercantile Buildings.
15. Wis. Adm. Code Ch. COMM 55; Theaters and Assembly Halls.
16. Wis. Adm. Code Ch. COMM 56; Schools and Other Places of Instruction.

17. Wis. Adm. Code Ch. COMM 57; Apartment Buildings, Hotels, and Places of Detention.

18. Wis. Adm. Code Ch. COMM 58; Health Care, Detention, and Correctional Facilities.

19. Wis. Adm. Code Ch. COMM 59; Hazardous Occupancies.

20. Wis. Adm. Code Ch. COMM 60; Child Day Care Facilities.

21. Wis. Adm. Code Ch. COMM 61; CBRF.

22. Wis. Adm. Code Ch. COMM 62; Specialty Occupancies.

23. Wis. Adm. Code Ch. COMM 64; Heating, Ventilating, and Air Conditioning

24. Wis. Adm. Code Ch. COMM 65; Fire Prevention

25. Wisconsin Electrical Code.

(b) The following codes of the National Fire Protection Association (NFPA) are hereby adopted by reference and made part of the Town of Rome Fire Prevention Code:

1. Volume IV -- Extinguishing Equipment

(c) Whenever the provisions of the aforementioned codes conflict, the stricter interpretation shall apply.

(d) Official copies of each of said codes are now on file in the office of the Chief of the Fire Department of the Town of Rome and shall remain on file and be, at all reasonable times, open to inspection by any interested persons.

(3) APPLICATION TO NEW AND EXISTING CONDITIONS: The provisions of this Chapter shall apply equally to new and existing conditions except that existing conditions not in strict compliance with the terms of this Chapter shall be permitted to continue where the exceptions do not constitute a distinct hazard to life or adjoining property.

(4) FIRE INSPECTION DUTIES:

(a) While acting as fire inspector pursuant to Sec. 101.14(2), Wis. Stats. the Fire Chief, or any member of the Fire Department designated by the Fire Chief, shall have the right and authority to enter any building or upon any premises in the Town of Rome at all reasonable hours for the purpose of making inspections or investigations which, under the provisions of this Code of Ordinances, he may deem necessary.

(b) The Chief of the Fire Department is required, by himself or members of the Fire Department designated by him as fire inspectors, to inspect all buildings, premises, and public thoroughfares, except the interiors of private dwellings, 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 and to insure compliance in all places of assembly with all laws, regulations, and orders dealing with use of decorative materials, maintenance of exit ways, and maintenance of fire alarm and fire detecting systems, and fire extinguishing systems, and appliances. Such inspections shall be made at least once in six (6) months in all the territory served by such Fire Department. Each six (6) month period shall begin on January 1 and July 1 of each year. The Fire Inspector may inspect facilities where hazardous chemicals are stored.

(c) Written reports of inspections shall be made and kept on file in the office of the Fire Department or Fire Inspector in the manner and form required by the Department of Commerce. A copy of such reports shall be filed with the Town Clerk.

(d) The Chief of the Fire Department or an inspector thereof, upon the complaint of any person or whenever he or they shall deem it necessary, shall inspect any buildings and premises within their jurisdiction.

(5) ORDERS TO ELIMINATE FIRE HAZARDS:

(a) Whenever any of the officers, members, or inspectors of the Fire Department as mentioned in this Chapter shall find any building or upon any premises dangerous or hazardous conditions as follows, he or they shall order such dangerous conditions or materials to be removed or remedied in such manner as may be specified in said order:

1. Dangerous or unlawful amounts of combustible or explosive matter.
2. Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible or explosive matter.
3. Dangerous accumulations of rubbish, wastepaper, boxes, shavings, or other highly flammable materials.
4. Accumulations of dust or waste material in air conditioning systems or of grease in kitchen exhaust ducts.
5. Obstructions to or on fire escapes, stairs, passageways, doors, or windows liable to interfere with the operation of the Fire Department or egress of occupants in case of fire.
6. Any building or other structure which, for want of repairs, lack of sufficient fire escapes or other exit facilities, automatic or other fire alarm apparatus or fire extinguishing equipment, or by reason of age or dilapidated condition, or from any other cause, creates a fire hazard or a threat to life and safety.

(6) SERVICE OF ORDERS:

(a) The service of such orders as mentioned in this Chapter may be made upon the owner, occupant, or other person responsible for the conditions, either by delivering a copy of the same personally or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the said premises. If the owner is absent from the jurisdiction of the officer making the order, by mailing such copy to the owner's last-known post office address.

(b) If buildings or other premises are owned by one (1) person and occupied by another under lease or otherwise, the orders issued in connection with the enforcing of the Chapter shall apply to the occupant thereof, except where the rules or orders require the making of such additions to or changes in the premises themselves, such as would immediately become real estate and be the property of the owner of the premises; in such cases the rules or orders shall affect the owner and not the occupant unless it is otherwise agreed between the owner and the occupant.

(7) **EXCEPTIONS:** Nothing contained in this Chapter shall be construed as applying to the transportation of any article or thing shipped in conformity with the regulations prescribed by the Interstate Commerce Commission, or as applying to the military forces of the United States.

(8) PERMITS:

(a) A permit shall constitute permission to maintain, store, or handle materials, or to conduct processes, which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such permit does not take the place of any license required by law. It shall be for an indefinite period, not transferable, and any change in use or occupancy of the premises shall require a new permit.

(b) Before a permit may be issued, the Chief of the Fire Department, or his assistants, shall inspect and approve the receptacles, vehicles, building, or storage places to be used. In cases where laws or regulations enforceable by departments other than the Fire Department are applicable, joint approval shall be obtained from all departments concerned.

(c) All applications for a permit required by this Code shall be made to the Chief of the Fire Department in such form and detail, as it shall prescribe.

(d) Permits shall, at all times, be kept on the premises designated therein and shall, at all times, be subject to inspection by any officer of the Fire or Police Departments.

(e) The Chairperson, the Chief of the Fire Department, and the Fire Inspectors shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes, or occupancies, which shall require permits, in addition to those now enumerated in said Code. The Chief of the Fire Department shall post such a list in a conspicuous place in his office and in the office of the Clerk and may distribute copies thereof to interested persons.

(f) Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the Town Board within ten (10) days from the date of the decision of the Chief. In the event of such appeal, the Board shall set a time and place for hearing thereof and give to the appellant at least ten (10) days' notice thereof by mail or personally.

(9) BURNING PERMIT:

(a) It shall be unlawful for any person, firm, or corporation to burn leaves, rubbish, or debris of any kind within the Town of Rome on any public street, alley, or other public property within said Town; but such fires may be set on private driveways anywhere back of the lot line or on private property, except that no open burning shall be allowed closer than thirty (30) feet to any building, or closer than fifteen (15) feet to any building if an enclosed incinerator or fireplace is used for such burning. No materials may be burned upon any street or road.

(b) A fire in a wire-type basket shall be considered as being an "open" fire.

(c) No fire for burning rubbish, scrap, or debris shall be started prior to the time set by the Wisconsin Department Natural Resources (DNR), except in areas zoned heavy industrial where no fire shall be started prior to 2:00 p.m., and no fire shall be left unattended.

(d) Any person, firm, or corporation that desires to burn grass off a field or lot, or rubbish, leaves, or debris of any kind on their own premises may do so by first obtaining permission from the DNR or person designated. A permit shall be necessary for burning rubbish, leaves or debris if the party has an outside fireplace or rubbish burner. All grass fires for burning off a field or lot must be set not prior to the time designated by the DNR, and all fires shall at all times be kept under control.

(e) Whenever the DNR shall deem it imprudent for burning of grass, rubbish, leaves, or debris of any kind within the Town of Rome, whether it is because of extreme dryness, shortage of water, high wind, or particular hazardous location, they may forbid the setting of such fire.

(f) Whenever a fire has been ignited without the permission of the DNR or the person designated by the DNR as provided in this Section, or if a fire has been ignited, with permission, and becomes hazardous in the opinion of the Fire Chief or DNR, they may order the person or persons responsible or on whose premises of said fire exists, to extinguish the same; and if said person refuses to do so, the Chief or DNR may call the Town of Rome Fire Department to extinguish the same.

(g) Any damage caused to another person's property by burning of rubbish, leaves, or other debris, whether authorized or not, shall be the responsibility of the person or persons responsible for igniting the same.

(h) For any fire requiring suppression by the fire department that is started or maintained in contravention of the provisions in this chapter, the Wisconsin Statutes, the Wisconsin Administrative Code or any other governing law or regulation, the owner of the land on which the fire was started and/or the person(s) responsible for starting or maintaining the fire shall be liable for all expenses incurred in the suppression of the fire. The Town will charge per vehicle and per person at an hourly rate set by the Town Board for a minimum of one (1) hour. After one (1) hour, time will be billed to the nearest one-half (1/2) hour. Time shall be measured from the time of the call until the completion of all necessary work and units and equipment used at the fire scene are placed back to inservice status. The officer in charge shall investigate the fire and draft a report containing a determination of the person(s) responsible for starting and or maintaining the fire. The Town Board will determine liability for the fire after consideration of said report.

(i) Any person convicted of burning in violation of this ordinance shall forfeit a fine of no more than \$1,000, plus costs for each violation.

(10) DEPOSITING OR ACCUMULATING COMBUSTIBLE MATERIAL:

(a) No person shall deposit hot ashes or cinders, or smoldering coals, or greasy or oily substances liable to spontaneous ignition, into any combustible receptacle or place the same within ten (10) feet of any combustible materials.

(b) Accumulations of wastepaper, litter or combustible or flammable waste or rubbish of any kind shall not be permitted to remain in any yard. All weeds, grass, vines, or other growth, when the same endangers property, or is liable to be fired, shall be cut down and removed by the owner or occupant of the property it is on.

(c) Storage Requirements. Storage in buildings shall be orderly, shall not be within two (2) feet of the ceiling, and not so located as to endanger exit from the building. Storage in the open shall not be more than twenty (20) feet in height, shall be so located with respect to adjacent buildings as not to constitute a hazard, and shall be compact and orderly.

(d) Cotton batting, straw, dry vines, leaves, trees, or other highly flammable materials shall not be used for decorative purpose in show windows or other parts of stores unless flameproof, provided, however, that nothing in this Section shall be held to prohibit the display of saleable goods permitted and offered for sale. Electric light bulbs in stores shall not be decorated with paper or other combustible materials unless such materials shall first have been rendered flameproof.

(11) CHIMNEYS, HEATING APPLIANCES, ETC.: All chimneys, smokestacks, or similar devices for conveying smoke or hot gases to the outer air and the stoves, furnaces, fireboxes, or boilers to which they are connected shall be constructed and maintained in such a manner as not to create a fire hazard.

(12) USE OF TORCHES OR FLAME-PRODUCING DEVICES: Any person using a torch or other flame-producing device for removing paint from any building or structure shall provide one (1) approved fire extinguisher or water hose connected to the water supply on the premises

where such burning is done. In all cases, the person doing the burning shall remain on the premises one (1) hour after the torch or flame-producing device has been used.

(13) TENTS:

(a) All circuses, carnivals, or other exhibitions shall employ one (1) or more qualified persons to serve as firewatchers where large crowds assemble. They shall familiarize themselves with all fire protection facilities and fire prevention features and with the condition of exits and shall patrol the entire tent area during the time of occupancy. They shall see that aisles and exit-ways are kept open and that "No Smoking" rules are enforced.

(b) The design, construction, flameproofing, location, maintenance, and use of tents for assembly shall be in accordance with recognized safe practices. Compliance with the American Standard of Outdoor Assembly, Grandstands and Tents, as adopted by the National Fire Protection Association, shall be considered as prima facie evidence of compliance with such recognized safe practices.

(14) SMOKING PROHIBITED UNDER CERTAIN CONDITIONS:

(a) Where conditions are such as to make smoking a hazard in any areas of warehouses, stores, industrial plants, institutions, places of assembly, and in open spaces where combustible materials are stored or handled, the Chief of the Fire Department is empowered and authorized to order the owner or occupant in writing to post "No Smoking" signs in each building, structure, room, or place in which smoking shall be prohibited. The Chief of the Fire Department shall designate specific safe locations, if necessary, in any building, structure, or place in which smoking may be permitted.

(b) "No Smoking" signs required in accordance with this Chapter shall be by order of the Chief of the Fire Department.

(c) No person shall remove any legally required "No Smoking" sign or to smoke in any place where such signs are posted.

(15) ADMINISTRATION:

(a) Enforcement:

1. The Fire Prevention Code Chapter shall be enforced by the Chief of the Fire Department of the Town of Rome and such subordinates in said Department, as the Chief shall designate.

2. This Chapter shall not be construed to affect the responsibility of any person owning, operating, or installing any equipment for damage to persons or property caused by any defect therein, nor shall the Town be held as assuming any such liability by reason of the inspection or re-inspection authorized herein or the permit issued as herein provided or by reason of the approval or disapproval of any equipment authorized herein.

(b) Modifications:

1. The Chief of the Fire Department shall have the power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code, provided that the spirit of the Chapter shall be observed, public safety secured, and substantial justice done. The particulars of such modification, when granted or allowed, and the decision of the Chief of the Fire Department thereof shall be entered upon the records of the Department and a signed copy shall be furnished to the applicant.

(16) PENALTY:

(a) Any person who shall violate any of the provisions of this Chapter or fail to comply therewith, or who shall violate or fail to comply with any order made there under, or who shall build in violation of any detailed statement of specifications or plans submitted and approved there under, or any certificate or permit issued there under, or who shall fail to comply with such an order as affirmed or modified by the Chief of the Fire Department or the Town Board or by a court of competent jurisdiction within the time fixed herein shall be subject to the penalty set forth in Chapter 1.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited condition.

3.03 AMBULANCE SERVICE: (1) AMBULANCE SERVICE: The Town Board shall contract for ambulance services for the Town. The Town Board may purchase equipment for medical and other emergency calls.

3.04 LAW ENFORCEMENT:

(1) ORGANIZATION:

(a) General Authority:

1. The Town Board shall provide police protection for the Town by establishing a town police department.
2. The Town Board shall appropriate money to pay for police protection in the Town.

(b) Organization: The Police Department shall consist of a Chief of Police and such other officers, assistants, and patrolmen as from time to time may be appointed, pursuant to the provisions of the Wis. Stats., and the ordinances of the Town of Rome.

(2) POWERS: Every member of the Police Department shall:

- (a)** Familiarize himself with the ordinances of the Town and the Statutes and attend to the enforcement of such ordinances by all lawful means.
- (b)** Help prevent crimes, misdemeanors and violations of Town ordinances and protect the health, safety, public peace and order of the Town and its inhabitants.
- (c)** Report all street and sidewalk obstructions, unlighted street lamps, unlawful street signs or signals, and defective or dangerous streets and sidewalks to the appropriate person or organization responsible for their repair or service.
- (d)** Maintain order at the scene of a fire or any other fire response within the Town.
- (e)** See that the necessary permits and licenses issued by the State or Town are in the possession of or properly displayed by any person engaged in an activity or business within the Town for which such permit or license is required and that the terms of such permits or licenses are complied with.
- (f)** Perform such other lawful duties as ordered by the Chief of Police or his authorized representative.
- (g)** All persons in the Town, when called upon by any police officer or peace officer, shall promptly aid and assist him in the execution of his duties and whoever shall neglect or refuse to give such aid or assistance shall be subject to the general Penalty as provided in Chapter 1.