

CHAPTER 5  
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**5.01 FIRE DEPARTMENT RECOGNIZED.** The Darlington Community Fire District is officially recognized as the Fire Department of the City, and the duties of the fire fighting and fire prevention in the City are delegated to such District.

**5.02 AUTHORITY OF DEPARTMENT OF FIRES.** (1) **POLICE POWERS AT FIRES.** The Fire Chief or the Fire District officers in command at any fire shall have full and complete police authority at fires.

**5.03 FIRE PREVENTION.** (1) **STATE ADMINISTRATIVE CODE ADOPTED.** All chapters of the Wisconsin Administrative Code relating to fire protection and prevention, most recent edition, are adopted and by reference made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by any Chapter of the Wisconsin Administrative Code incorporated herein by reference is required or prohibited by this action.

(2) **CONFLICTING PROVISIONS.** In case of a conflict between the provisions of this section or between this section and existing City ordinances, the strictest provisions shall apply.

(3) **COPIES TO BE ON FILE.** Copies of the Chapters of the Wisconsin Administrative Code adopted in sub. (1) shall be available for inspection during reasonable hours in the City Clerk-Treasurer's office.

**5.04 FALSE ALARMS.** Whoever, without reasonable cause, by outcry or otherwise, makes any false alarm of fire, shall be penalized under sec. 5.18 hereof.

**5.05 USE OF ADJACENT PROPERTY.** Any fireman, while acting under the order or direction of the Chief or other officer in command, may enter upon the premises adjacent to or in the vicinity of any building or other property then on fire for the purpose of extinguishing such fire and no person shall hinder or resist or obstruct any fireman in the discharge of such duty.

**5.06 DESTRUCTION OF PROPERTY TO CHECK PROGRESS OF FIRE.** During the progress of any fire the Fire Chief, or in his absence the Assistant Chiefs, or captain in charge, may order the removal or destruction of any property necessary to prevent the further spread of fire.

**5.07 APPARATUS TO AND FROM FIRES.** Except when actually responding to a fire alarm or other emergency call or when on duty at a fire, the apparatus of the Fire Department shall have no special right of way or privileges of any kind, but shall be subject to the same traffic regulations as other vehicle.

**5.08 TRAFFIC LAWS APPLY TO VOLUNTEERS.** All volunteer firemen, when responding to a fire call with a private vehicle, shall comply with all traffic regulations.

**5.09 SAFETY REGULATIONS.** The Chief or his designated agent may prescribe certain limits in the vicinity of any fire within which any persons, excepting firemen and policemen or those admitted by order of any officer of the Fire Department, shall not be permitted. He may 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 adjoining property. He may likewise cause the shut-off of electrical and natural gas services where the same creates a dangerous hazard or interferes with the work of the Fire Department during the progress of the fire.

**5.10 DUTY OF BYSTANDERS.** Every person who may be present at a fire shall be subject to orders of the Chief or other officer in command and every such person shall render assistance as may be ordered by the officer in charge. Any person who shall refuse to obey such order after the official status of the officer in charge shall be made known to him shall be subject to a penalty as provided in sec. 5.18 hereof.

**5.11 DAMAGE TO EQUIPMENT AND INTERFERENCE.** No person shall willfully hinder a fireman in the discharge of his duties, nor shall any person willfully injure in any manner any hose, fire engine or other fire apparatus belonging to the Fire District.

**5.12 DRIVING OVER FIRE HOSE.** No road vehicle shall be driven over any fire hose unless otherwise directed by an officer of the Fire District.

**5.13 COMBUSTIBLE MATERIALS.** No person shall permit on premises he controls any empty boxes, waste paper, excelsior, rags or other combustible materials in such quantities or manner as to create a fire hazard.

**5.14 CARELESS SMOKING PROHIBITED.** (1) No person shall by careless or willful smoking, or use of lighters or matches in smoking, whether intentional or unintentional, set fire to personal property or any building.

(2) The Fire Chief shall post or cause to be posted "No Smoking" signs on any premises or in any building or any section of such premises or building where by the presence of highly combustible materials, in his opinion, the act of smoking presents a fire hazard. Such signs shall be not less than 10 inches by 12 inches in size and to be posted conspicuously at intervals of not more than 30 feet. Such signs shall bear the words "No Smoking" across the top in large letters, state the authority by which they are posted

in smaller letters, and bear the signature of the Fire Chief or his duly authorized representative.

(3) Candles or torches that are not in a fixed holder will not be allowed to be burned. Lighted candles held in the hands will not be allowed in any church or public building unless written permission is first obtained from the Fire Chief or Assistant Fire Chief.

**5.15 GASOLINE, BENZINE, NAPHTHA, ETC.** All gasoline stations, bulk gasoline storage facilities, and any facility for storing Benzine, Naphtha or any other volatile liquid shall be constructed and maintained in conformity with the regulations prescribed by the state statutes and the rules and regulations of the state Department of Industry, Labor and Human Relations.

**5.16 GUNPOWDER.** No person shall keep or store more than 5 pounds of gunpowder at any place within the City without the written permission of the Fire Chief. Any dealer, permitted to keep at his place of business in excess of 5 pounds of gunpowder, shall not keep more than 50 pounds at any one time, and such gunpowder shall be kept in a safely constructed box painted yellow with the word "powder" printed or painted thereon in black letters not less than 5 inches in height and equipped with handles so that the same may be readily moved in case of fire, and such box shall be kept in such part of the dealer's place of business as may be directed by the Fire Chief.

**5.17 DYNAMITE.** No person shall keep or store within the City any nitroglycerine, dynamite, giant powder or other explosives more violent than gunpowder without the written permission of the Fire Chief or otherwise than in accordance with the conditions prescribed in such permission as granted and in no case shall more than 25 pounds of any such explosive be stored or kept within 300 feet of any dwelling or other occupied building. The Fire Chief may direct the place and the manner of keeping the same and the precautions to be observed in connection therewith.

**5.18 PENALTY.** Any person who shall violate any provision of this chapter or any order, rule or regulation made hereunder, and any fireman who shall neglect or refuse to perform any duty required hereunder shall be subject to a penalty as prescribed in sec. 25.04 of this Code.