

Village of Colfax
Public Safety Committee Meeting Agenda-REVISED
Wednesday, May 4, 2016
5:30 p.m.
Village Hall
613 Main Street, Colfax, WI

1. Call to Order
2. Roll Call
3. Discussion of complaint letter – 506 Fourth Ave.
4. Adjournment

Any person who has a qualifying disability as defined by the American With Disabilities Act that requires the meeting or materials at the meeting to be in an accessible location or format must contact: Lynn M. Niggemann, Administrator-Clerk-Treasurer's Office, 613 Main Street, Colfax, (715) 962-3311 by 2:00 p.m. the day prior to the meeting so that any necessary arrangements can be made to accommodate each request.

It is possible that members of and possibly a quorum of members of the governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information - no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.

March 30, 2016

Tina Bradford
511 5th Avenue
Colfax, WI 54730

Marian McDaniel
507 4th Avenue
Colfax, WI

Michelle VanVulpen
216 Park Drive
Colfax, WI 54730

Lynn Niggemann
Village Administrator-Clerk-Treasurer,

Committee Members,

This letter is in regards to the issues and concerns listed below that we want to discuss at a Village Board meeting.

The issues and concerns are:

1. Open Burning Laws/DNR Dunn County.
2. Fire Chief's Authority.
3. Loss of privilege enjoying backyard or having windows open, shifting winds and toxic smoke.
4. Burning Permit.
5. Hours of operation.
6. Material being burnt, using gas and blow torch.
7. Unattended Fire, with flames as high as the trees.
8. Children assisting with burning, breathing in toxic fumes.
9. Burning mattresses and furniture.
10. Citations/fines
11. Riding 4 Wheelers.
12. Clarification on citations and writing a complaint letter.

Thank you.

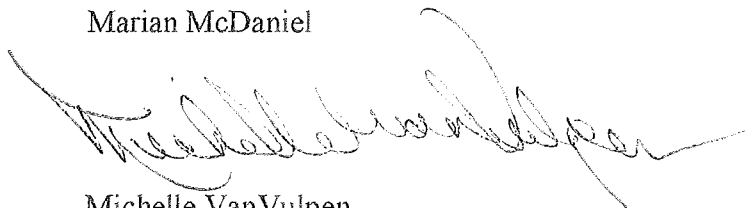
Sincerely,

A handwritten signature in cursive script that reads "Tina Bradford".

Tina Bradford

A handwritten signature in cursive script that reads "Marian McDaniel".

Marian McDaniel

A handwritten signature in cursive script that reads "Michelle VanVulpen".

Michelle VanVulpen

Burning

Don't Burn Your Garbage

It's against the law • It's dangerous • It pollutes • It wastes resources

Despite being illegal in Dunn County since 1991, backyard burning is a long time tradition, especially in rural areas. But what many people might not realize is how dangerous and toxic this trend actually is. Even carefully sorted paper-only waste can be hazardous when burned. Paper packaging often has plastic coatings, envelope windows are plastic and some inserts in junk mail have plastics as well.

When trash is burned, high levels of toxic chemicals are emitted in the smoke. Unlike municipal incinerators, backyard burning occurs at much lower temperatures, with virtually no combustion air control, and with none of the high-tech pollution filtering apparatus required before incinerating. Instead, pollutants such as dioxin travel through the air, landing on plants, which could possibly be consumed by people or animals. The U.S. Environmental Protection Agency considers burn barrels a major source of dioxin and believes that current dioxin levels in Americans are high enough to create a significant cancer risk. Other health risks from dioxin exposure include breathing disorders, asthma, rashes, skin diseases, allergies and even birth defects.

It should be noted that any treated wood or lumber should not be burned either. Such items can be disposed of at the Dunn County Transfer Station and Recycling Center or an Area Collection Station.

Open burning can also pose a serious fire risk, with frequent brush, forest, and structure fires attributed to out of control burning. Occasionally, such fires have resulted in death. Certain states have even gone so far as to outlaw open burning. In order to protect us and our community, Dunn County prohibits burn barrels and the burning of garbage. **In Dunn County, where burning is prohibited, offenders can be fined up to \$2,000 (plus court costs) for each violation.**

To read more about the effects of burn barrels go to www.burnbarrel.org
The part of the Waste Control Ordinance pertaining to burning is below:

Section 8 - Open Burning Restrictions

8.1 Open Burning of Solid Waste and Recyclable Materials is Prohibited

- It shall be unlawful for any person to burn Solid Waste or Recyclable Materials. This includes the open burning of wet combustible rubbish, Garbage, oily substances, asphalt, and plastic or rubber products. No facility for the disposal of Solid Waste, including burn barrels, shall be constructed, established, continued, maintained, or operated after January 1, 1995.
 - Exempt from this Ordinance is the burning of Yard Waste and untreated wood.
 - 8.2 Open Burning of Yard Waste and Untreated Wood
- Any person with Yard Waste and untreated wood generated on their own property may burn these materials on their own property by doing all of the following, unless local regulation prohibit open burning altogether:
 1. Properly notify and receive approval, including any necessary permits, from the governing local municipality and fire department.
 2. Conduct all allowed open burning of Yard Waste and untreated wood in a safe pollution free manner, when wind and weather conditions are such as to minimize adverse effects and in conformance with local and state fire protection regulations. The use of burn barrels for the open burning of Yard Waste and untreated wood shall be prohibited.

Section 15 – Violations

Any person who violates, neglects, or refuses to comply with any provision of this ordinance shall be subject to a forfeiture of not less than \$100 and not more than \$2,000 plus the costs of prosecution for each violation. Each day a violation exists shall be a separate offense.

[Click here to read the Dunn County Waste Control Ordinance in PDF format.](#)

Burning Permits

Contact your local authority for procedures to obtain a burning permit. In the country that would be the Town Chairman. Names and numbers may be obtained in Dunn County's [Directory of Public Officials](#).

From the Dunn County Solid Waste & Recycling website : http://www.co.dunn.wi.us/index.asp?SEC=0DB1FFF7-79A1-49A2-A334-C51729E234EB&Type=B_BASIC&Design

CHAPTER 2

Fire Protection

- 5-2-1 Fire Department Organization; Goals of the Department
- 5-2-2 Impeding Fire Equipment Prohibited
- 5-2-3 Police Power of the Department; Investigation of Fires
- 5-2-4 Damaging Fire Hose Prohibited; Parking by Hydrants;
Blocking Fire Lanes
- 5-2-5 Firefighters May Enter Adjacent Property
- 5-2-6 Duty of Bystanders to Assist
- 5-2-7 Vehicles to Yield Right-of-Way
- 5-2-8 Interference with Use of Hydrants Prohibited
- 5-2-9 Open Burning

SEC. 5-2-1 FIRE DEPARTMENT ORGANIZATION; GOALS OF THE DEPARTMENT.

- (a) **Fire Department Recognized.** The Colfax Community Fire Department, a fire district, is officially recognized as the Fire Department serving the Village of Colfax, and the duties of firefighting and fire prevention in the Village are delegated to such Department. The Colfax Community Fire Department shall be responsible for the program of fire defense for the citizens and property within the Village of Colfax.
- (b) **Appropriations.** The Village Board shall appropriate funds for Fire Department operations and for such apparatus and equipment for the use of the Fire Department as the Board may deem expedient and necessary to maintain efficiency and properly protect life and property from fire.
- (c) **Goals of the Fire Defense Program.**
 - (1) The primary objective of the fire defense program is to serve all citizens, without prejudice or favoritism, by safeguarding, collectively and individually, their lives against the effects of fires and explosions.
 - (2) The second objective of the fire defense program is to safeguard the general economy and welfare of the community by preventing major conflagrations and the destruction by fire of industries and businesses.
 - (3) The third objective of the fire defense program is to protect the property of all citizens against the effects of fire and explosions. All property deserves equal protection regardless of location or monetary value.
- (d) **Organization.** The Colfax Community Fire Department shall be organized and governed pursuant to its bylaws.

SEC. 5-2-2 IMPEDING FIRE EQUIPMENT PROHIBITED.

No person shall impede the progress of a fire engine, fire truck or other fire apparatus of the Colfax Community Fire Department along the streets or alleys of such Village at the time of a fire or when the Fire Department of the Village is using such streets or alleys in response to a fire alarm or for practice.

SEC. 5-2-8 INTERFERENCE WITH USE OF HYDRANTS PROHIBITED.

No person shall occupy any portion of such streets or alleys with a motorized or other vehicle between such fire engine or fire truck or other fire apparatus or any hydrant to which a fire hose may be, or may be about to be, attached.

SEC. 5-2-9 OPEN BURNING.

- (a) **Open Burning Prohibited.** No person shall kindle, or cause to be kindled any fire in or upon any street, alley, public way, park or any public or private ground within the Village of Colfax, whether the fire is contained in any barrel, can, or other device or in the open. No person, firm or corporation shall build any outdoor fire within the corporate limits of the Village of Colfax excepting as set forth below in this Section. This prohibition on burning includes burning of construction waste and debris at construction sites.
- (b) **Exceptions.**
- (1) Outdoor cooking over a fire contained in a device or structure designed for such use is permissible;
 - (2) Controlled burning of grass or similar vegetation for environmental management purposes, with the prior 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;
 - (3) Ceremonial campfire or bonfires, with prior written approval of the Fire Chief, or his designee, may be permitted.
 - (4) Other occasions of desirable outdoor burning not specified by this Subsection, but not as an alternative to refuse removal or disposal of which other methods are available, may be granted single occasion approval as in Subsections (b)(2) and (3) above.
 - (5) Open burning when a permit is issued pursuant to Subsection (c) below.
- (c) **Application for Permit.**
- (1) **Procedure for Issuance of Burning Permit.** A person may burn grass, brush or dilapidated buildings only with a written permit issued by the Fire Chief. Before the setting or starting of any open burning permitted under this Section, a permit authorizing the burn shall be first obtained by the owner, operator, or agent from the Fire Chief or from such other person as may be authorized or designated by the Fire Chief to issue such permits. Application for a burning permit shall be made in writing upon a form furnished by the Fire Chief. The Fire Chief may also establish from time to time special rules or restrictions relating to open burning by permit. Such rules may govern conditions including, but not necessarily limited to, the following:
 - a. Hours when burning is allowed;
 - b. Day(s) when burning is allowed;
 - c. Material which may or may not be burned;
 - d. Whether open burning is allowed or whether burning is only allowed with an approved incinerator or burning device;
 - e. The length of time the permit is valid;
 - f. What constitutes an approved burning device or incinerator;
 - g. The size of the material pile burned by open burning;
 - h. The distance or distances to be maintained between the material being burned and other flammable material;

- i. Supervision required for burning, including minimum age of supervisors and type of fire extinguishing equipment which must be present at the burn site;
 - j. The manner in which ashes created by the burning under the permit are to be disposed of.
- (2) Issuance Of Permit. If the Fire Chief, or other person authorized or designated by the Fire Chief to issue such permits, finds that the proposed burning complies with all Village ordinances and the regulations contained in Ch. ILHR 14, Wis. Adm. Code, he/she shall approve the application, and a burning permit shall be subsequently issued to the applicant. A copy of any burning permit, and the application therefore, shall be kept on file with the Fire Chief. No burning permit issued shall be valid for more than thirty (30) days from the date when issued.
- (d) **Open Burning Regulations.** The following regulations shall be applicable when an open burning permit has been issued:
- (1) All open burning conducted pursuant to a permit shall be performed in a safe, pollution-free manner, when wind and weather conditions are such as to minimize adverse affects, and in conformance with local and state fire protection regulation. Open burning permits shall not be used to covertly burn plastic, construction debris or other prohibited materials.
 - (2) The size of the pile of material to be burned shall not exceed four (4) feet in any direction measured horizontally, or three (3) feet measured vertically. The Fire Chief may, however, grant an exception to this size limit for unique open burning situations; the Fire Chief may attach conditions to such exception in order to provide proper safeguards.
 - (3) The pile of material being burned shall be at least fifty (50) feet away from any structure, wood or lumber pile, wooden fence, trees, or bushes. Provisions shall be made to prevent the fire from spreading to within fifty (50) feet of such items or the fire shall otherwise be contained in an approved incinerator or burner device which is located at least fifteen (15) feet from any structure, wood or lumber pile, wooden fence, trees, or bush(es).
 - (4) Any ashes created by burning such material as is lawful under this Section are to be disposed of in a manner authorized by law.
 - (5) Open burning shall be constantly attended and supervised by a competent person of at least sixteen (16) years of age until such fire is extinguished. This person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire while burning and/or extinguishing such fire.
 - (6) No materials may be burned upon any street, curb, gutter, or sidewalk.
 - (7) Permits shall not be issued for burning barrels.

State Law Reference: Chapter ILHR 14, Wis. Adm. Code.

SEC. 5-2-3 POLICE POWER OF THE DEPARTMENT; INVESTIGATION OF FIRES.

(a) Police Authority at Fires.

- (1) The 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 Department may cause the arrest of any person failing to give the right-of-way to the Fire Department in responding to a fire.
- (2) The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting firemen and policemen and those admitted by order of any officer of the Department, shall be permitted to come.
- (3) The 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

(b) Fire Inspection Duties.

- (1) The Fire Chief, or his designee, shall be the Fire Inspector of the Village of Colfax and shall have the power to appoint one 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 Industry, Labor and Human Relations, particularly Sec. 101.14, Wis. Stats.
- (2) While acting as Fire Inspector pursuant to Sec. 101.14(2), Wis. Stats., the Fire Chief, or any officer 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 Village of Colfax 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. Should the Fire Inspector find that any provisions of this 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 Village Board for further action.
- (3) 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 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. Such inspections shall be made at least once in six (6) months in all of the territory served by the Fire Department, and not less than once in three (3) months in such territory as the Village Board has designated or thereafter designates as within the Village or as a congested district subject to conflagration, and oftener as the Chief of the Fire Department orders. Each six (6) month period shall begin on January 1 and July 1, and each three (3) month period on January 1, April 1, July 1 and October 1 of each year.
- (4) Written reports of inspections shall be made and kept on file in the office of the Chief of the Fire Department in the manner and form required by

the Department of Industry, Labor and Human Relations. A copy of such reports shall be filed with the Fire Chief.

State Law Reference: Section 101.14(2), Wis. Stats.

SEC. 5-2-4 DAMAGING FIRE HOSE PROHIBITED; PARKING BY HYDRANTS; BLOCKING FIRE LANES.

- (a) **Driving Over Fire Hose.** No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the Colfax Fire Department, and no vehicle shall be driven over any unprotected hose of the 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 official in command.
- (b) **Parking Vehicles Near Hydrants.** 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) **No Parking Near Fire.** 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 police officer.

SEC. 5-2-5 FIREFIGHTERS MAY ENTER ADJACENT PROPERTY.

- (a) **Entering Adjacent Property.** It shall be lawful for any fireman while acting under the direction of the Fire Chief or any other officer in command 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/her duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firemen in the discharge of their duty.
- (b) **Destruction of Property to Prevent the Spread of Fire.** During the progress of any fire, the Fire Chief or his/her 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. 5-2-6 DUTY OF BYSTANDERS TO ASSIST.

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

SEC. 5-2-7 VEHICLES TO YIELD RIGHT-OF-WAY.

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.