

Chapter 18

FIRE PREVENTION AND PROTECTION*

* **Cross References:** Buildings and building regulations, ch. 14; fire alarms, § 14-1.

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ARTICLE I.
IN GENERAL

Sec. 18-1. Penalties.

Any person who shall violate the terms of this chapter shall be subject to section 1-11.
(Ord. No. 229, § 3, 9-11-1980)

Sec. 18-2. Charge for ambulance service.

(a) There is established a charge to be levied against every person requiring the service of the village ambulance conveyance to a hospital or other medical center.

(b) The customary and usual fee charged for ambulance conveyance by the village volunteer fire department shall be established within the village's fee schedule. The fee paid for ambulance conveyance by the residents of the village, the village's service areas, and nonresidents of the village or its contract areas shall be reviewed on an annual bases by the village board, with recommendations from the fire department's officers, to determine if appropriate adjustments shall be made to the fees charged for all persons requiring ambulance conveyance.

(Ord. No. 11-99, § 1, 12-9-1999)

Sec. 18-3. Fireworks prohibited.

No person shall sell, give, transfer, purchase, receive, possess, transport, use, discharge, ignite or cause to be ignited within the village any devices that are prohibited for use in ch. 167, Wis. Stats.

(Ord. No. 229, § 1, 9-11-1980)

Sec. 18-4. Permit to use.

The village president may, upon the filing of an insurance policy insuring the village against liability, in an amount approved by the village, grant special permits for fireworks displays under s. 167.10(3), Wis. Stats.

(Ord. No. 229, § 2, 9-11-1980)

Secs. 18-5--18-30. Reserved.

ARTICLE II.
FIRE DEPARTMENT

Sec. 18-31. Membership; bylaws; funds and compensation.

(a) The members of the village volunteer fire department are officially recognized as the fire department of the village and the duty of firefighting and the prevention of fires and protection of life in the

village is delegated to such department. Its organization and internal regulation shall be as established by this article, and fire department policy, and by such bylaws adopted by the department as are approved by the village board, except as is otherwise provided by law and ordinance.

(b) The village volunteer fire department is authorized and directed to adopt bylaws for regulation of business, and proceedings of the department, which bylaws, after adoption by a two-thirds vote of the members of the department, shall not become effective and operative until presented to and approved by the village board. Amendments shall be adopted in the same manner.

(c) The village board shall appropriate funds to provide for operation and for such apparatus and equipment for the use of the fire department as it may deem expedient and necessary to maintain efficiency and properly protect life and property.

(d) Compensation of officers and members of the fire department shall be fixed by the village board by separate resolutions set from time to time.

(Ord. No. 3-00, § 2, 9-14-2000)

Sec. 18-32. Organization and membership.

(a) *Officers generally.* The fire department shall consist of the following officers:

(1) *Line officers* Line officers shall be as follows:

- a. One fire chief. The fire chief shall be appointed by the public safety committee and approved by the village board.
- b. All line officers and support officers other than the chief shall be appointed by the fire chief. All such appointments shall be submitted to the public safety committee for confirmation.
- c. One first assistant fire chief.
- d. One second assistant fire chief.
- e. Captain(s) firefighter.
- f. Captain(s) rescue squad.
- g. Lieutenant(s) firefighter.
- h. Lieutenant(s) rescue squad.

(2) *Support officers.* Support officers shall be as follows:

- a. One safety officer.

- b. Master mechanic(s).
- c. Deputy fire inspector(s).

The numbers of personnel in the positions listed in this subsection shall be fixed by fire department policy.

(3) *Business officers.* Business officers shall be as follows:

- a. President, vice president, secretary, treasurer and such social officers as the fire department bylaws may require.
- b. Business officers shall be elected by the fire department membership in such manner as is provided in the fire department bylaws. In case of any vacancy the president shall appoint a member in good standing to fill the office until the next election.

(b) *Fire chief.*

- (1) A vacancy in the office of the fire chief shall be filled by appointment by a majority vote of the village board. Upon creation of a vacancy of the fire chief the ranking officer shall perform the duties of the fire chief until such vacancy has been filled or an acting fire chief is appointed by the public safety committee.
- (2) The fire chief shall assume office on the date appointed and shall hold office for the length of term fixed by this article, or until removed for cause after a hearing by the public safety committee and by action of three-fourths vote of the members of the village board, unless his services be sooner terminated by resignation or death.

(c) *Line and support officers.* All line and support officers shall assume office as of the appointment date by the fire chief and shall hold office for the length of term fixed by this article or until removed for cause by the fire chief unless their services be sooner terminated by resignation or death.

(d) *Membership.*

- (1) The fire department shall consist of firefighters, emergency medical technicians, ambulance drivers and fire service cadets as fixed by fire department policy, appointed by the fire chief and approved by the public safety committee.
- (2) Any person desiring to be a member of the fire department shall follow the procedure fixed by fire department policy.
- (3) Members shall be subject to such rules and regulations as fixed by this article, fire department policy, the fire chief and fire department bylaws. Failure to comply with these rules and regulations and/or neglect or refusal to perform his departmental duties shall result in disciplinary action or expulsion from the fire department.

- (4) Any member or officer of the fire department who has been disciplined, demoted or expelled for any offense, neglect of duty or insubordination shall have the right to appear before the public safety committee and state why such a penalty should not be confirmed. After a recommendation from the public safety committee the village board may by a three-fourths vote of the members of the village board order the fire chief to reverse the disciplinary action or reinstate the member or officer.

(Ord. No. 3-00, § 3, 9-14-2000)

Sec. 18-33. Powers and duties of the fire chief.

(a) The fire chief shall have general supervision of the fire department, subject to this article, fire department policy, and the bylaws of the fire department and shall be responsible for the personnel and general efficiency of the fire department.

(b) It shall be the duty of the fire chief or his designee to be present at all emergency calls, to have complete command and entire responsibility for all firefighting and rescue operations.

(c) The fire chief shall have the power to discipline, demote or expel any officer or member of the fire department for failure to comply with this article, fire department policy, fire department bylaws or insubordination.

(d) It shall be the duty of the fire chief to formulate a proposed budget for operation of the fire department each year. The due date and required details shall be fixed by fire department policy.

(e) The fire chief shall enforce all fire prevention ordinances of this village and state laws and regulations pertaining to fire prevention.

(f) The fire chief shall keep a record of every emergency call to which the fire department has responded. The required information shall be fixed by fire department policy.

(g) The fire chief shall have the power and duty to perform other such responsibilities as fixed by fire department policy and other duties as are incumbent on the commanding officer of the department.

(Ord. No. 3-00, § 4, 9-14-2000)

Sec. 18-34. Apparatus and equipment.

(a) The fire chief shall have control of all apparatus and equipment used by the fire department and shall be responsible for its proper maintenance. Nonbudgeted emergency repairs may be authorized by the fire chief.

(b) No apparatus or equipment shall be used for any purpose except for emergency responses within the fire district, or in training exercises, except pursuant to an agreement recommended by the fire chief and approved by the public safety committee.

(c) No person shall willfully injure in any manner any hose, hydrant, equipment, or apparatus belonging to the village, and no vehicle shall be driven over any unprotected fire department hose laid down on

any street, private driveway or other place without the consent of the fire department official in command.
(Ord. No. 3-00, § 5, 9-14-2000)

Sec. 18-35. Police power of the fire department.

(a) *Authority at fires.* The fire chief or his designee in command at any fire is 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. This power shall apply to the scene of a fire or a rescue.

(b) *Limited access in vicinity of fire; authority to remove property and facilities.* The fire chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting fire and police personnel and those admitted by order of any officer of the department, shall be permitted to come. The fire chief shall have the power to cause the removal of any property whenever it shall become necessary for the protection 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 order the removal or destruction of any property to prevent the further spread of fire. The fire chief shall also have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other services where such services impede the work of the department during the progress of a fire.

(c) *Fire personnel may enter adjacent property.* It shall be lawful for any fire personnel while acting under the direction of the fire chief or other officer in command to enter upon the premises adjacent to or in the vicinity of any building or other property then on fire or where the threat of fire exists for the purpose of extinguishing such fire or taking preventative measures and in case any person shall hinder, resist or obstruct any fire personnel in the discharge of their duty as provided in this section, the person so offending shall be deemed guilty of resisting fire personnel in the discharge of their duty.

(d) *Duty of bystanders to obey orders.* Every person who shall be present at a fire shall be subject to the orders of the fire chief or officer in command. Such officer shall have the power to cause the arrest of any person or persons refusing to obey such orders.
(Ord. No. 3-00, § 6, 9-14-2000)

Sec. 18-36. Fire inspector; duties.

(a) The chief of the fire department shall hold the office of fire inspector, with the power to appoint one or more deputy fire inspectors, who shall perform the same duties and have the same powers as the fire inspector.

(b) It shall be the duty of the fire inspector to inspect quarterly all buildings, premises and thoroughfares within fire limits of this village; and to inspect semiannually all buildings, premises, and public thoroughfares within the village limits for the purpose of noting and causing to be corrected any condition liable to cause fire. The inspector shall also investigate the storage and handling of explosives and flammable liquids within the village.

(c) Whenever or wherever in the village an inspection by the fire chief or his deputies reveals a fire hazard, the chief or his deputies shall serve a notice in writing upon the owner of the property giving such

owner a reasonable time in which to remove the hazard. In the event that the fire hazard is not removed within the time allowed it shall be deemed a nuisance. The fire chief or his deputy is authorized to have the nuisance removed by the village, and the costs of such removal shall be recovered in an action by the village against the owner of the property.

(d) The chief shall keep a written record card of each property inspected, which shall conform to the requirements of statute, and shall make the quarterly report of inspection to the appropriate state agency.

(e) No person shall deny the chief or his deputies free access to any property within the village at any reasonable time for the purpose of making fire inspections. No person shall hinder or obstruct the fire inspector in the performance of his duty or refuse to observe any lawful direction given by him.

(Ord. No. 3-00, § 7, 9-14-2000)

Cross References: Officers and employees, § 2-31 et seq.

Sec. 18-37. Treasurer; duties.

It shall be the duty of treasurer of the fire department to receive and disburse all monies of the fire department, to render a financial standing of the fire department each month to the clerk-treasurer, or at any time upon reasonable request, and to make books ready and available for an annual audit by village. All monies or goods received by the fire department from whatever source shall be accounted for by the fire department treasurer to the clerk-treasurer.

(Ord. No. 3-00, § 8, 9-14-2000)

Cross References: Officers and employees, § 2-31 et seq.

Sec. 18-38. Fire department policy established.

The following is hereby established as the policy by which the village volunteer fire department shall be governed and operated:

FIRE DEPARTMENT POLICY

(A) *Chain of command:*

1. The chain of command in the fire department shall be as listed below in descending order of authority:

LINE OFFICERS

(1) Fire chief

(2) Assistant chief(s)

(1) Safety officer

Firefighters	Rescue Squad
(3) Captain(s)	(3) Captain(s)
(4) Lieutenant(s)	(4) Lieutenant(s)

2. At an alarm the first qualified fire department member to respond shall be in command until an officer arrives at the scene.
3. The fire chief may appoint duty officers to be in charge of certain shifts. The chain of command will then be established by the fire chief's orders.
4. The fire chief is hereby directed to develop chain of command policy at a fire scene, a rescue and a combined fire and rescue scene.

(B) *Authority, responsibilities, duties and qualifications of department officers:*

1. Fire chief:
 - (1) The fire chief is in charge of, and has final responsibility for, all department property, personnel and activities, except for business and social affairs as provided for in the fire department bylaws.
 - (2) The fire chief shall formulate and assign duties, responsibilities, and appropriate authority to each of his subordinate line officers and support officers. These assignments should take place in a timely manner after appointments are made. The fire chief may change these assignments from time to time to best utilize his personnel.
- (3)
 - a. The fire chief shall be a Wisconsin state-certified fire officer. One or two years as assistant chief or a degree in fire science/management skills or a combination of education and experience in the managerial/budgeting field;
 - b. Five years as a permanent member of the NPFDD;
 - c. Member in good standing, appointment.
2. Assistant chief(s):
 - (1) One to two assistant chiefs
 - (2)
 - a. Fire instructor 1, or three years experience as a fire/EMS captain or a combination of education experience in the managerial/budgeting field;
 - b. Five years as a permanent member of the NPFDD;
 - c. Member in good standing, per NPFDD bylaws, for the two consecutive years just prior to appointment.
3. Safety officer:

- (1) The safety officer shall be state firefighter level II.
- (2) Currently licensed for four years as an emergency medical technician.
- (3) Shall have EMS advanced skill certification.
- (4) Shall be state-certified fire instructor I.
- (5) Shall be a member in good standing per NPFD bylaws, for the two consecutive years just prior to appointment.

4. Fire line officers minimum qualifications:

Captain(s)

- (1) One to two captain(s)
- (2)
 - a. Wisconsin state-certified firefighter II;
 - b. Four years as a permanent member of the NPFD;
 - c. Member in good standing, per NPFD bylaws, for the two consecutive years just prior to appointment.

Lieutenant(s):

- (1) One to four lieutenants (per captain)
- (2)
 - a. Wisconsin state-certified firefighter I;
 - b. Three years as a permanent member of NPFD;
 - c. Member in good standing, per NPFD bylaws, for two consecutive years just prior to appointment.

5. Emergency medical services minimum officers qualifications:

Captain(s)

- (1) Four years as a Wisconsin licensed emergency medical technician on the NPFD;
- (2) Member in good standing, per NPFD bylaws, for two consecutive years just prior to appointment;
- (3) Semi-auto defibrillator and Epinephrine Pen certified.

Lieutenant(s):

- (1) One to two lieutenants (per captain)
 - (2) Three years as a Wisconsin licensed emergency medical technician on the NPFD;
 - (3) Member in good standing, per NPFD bylaws, for the two consecutive years just prior to appointment.
 - (4) Semi-auto defibrillator and Epinephrine Pen certified.
6. National Fire Academy "Incident Command System" classes, or equivalent incident management course shall be completed prior to appointment.
7. To be reappointed or promoted, an officer shall;
- (1) Maintain "member in good standing" status per NPFD bylaws;
 - (2) Fire officer: Complete continuing education, relative to the position held, during each two-year appointment period. These hours shall be over and above regular training or practice burns held by the NPFD or mutual aid departments.
- EMS officer: Maintain continuing education requirement as prescribed by the National Registry of Emergency Medical Technicians. Of these 48 hours in a two-year period, 16 hours shall be other than NPFD in-house training.
- (3) Successfully complete the State of Wisconsin DILHR requirements for fire officer.
8. When an officer vacancy exists and there are no qualified members, the chief shall recommend for appointment the member who most closely meets the qualifications on an interim basis until a member meets these qualifications. This interim officer candidate shall be acceptable to the majority of the existing line officers and the safety committee.

(C) *Length of terms for officers:*

1. Any officer of the North Prairie Fire Department appointed after the date of village board approval of this policy shall have a definite length of term of appointment.
2. The fire chief shall be appointed for a three-year term.
3. The assistant fire chief(s) appointed by the fire chief shall be appointed for a three-year term.
4. All other line officers appointed by the fire chief shall be appointed for a two-year term.

5. All support officers appointed by the fire chief shall be appointed for a two-year term.

(D) *Procedures for appointment/reappointment:*

1. When a position is vacated or newly created such position shall be posted in plain view of the general membership. Appointment shall be made as follows:

(1) Fire chief: The public safety committee of the village board shall nominate a candidate for fire chief to the village board. A majority vote of the village board is necessary to appoint the fire chief.

(2) Assistant fire chief(s), all line and support officers: The fire chief shall make his recommendation for appointment to the public safety committee for confirmation.

2. When an officer meets all qualifications for reappointment or a promotion, the reappointment or promotion shall be made as follows:

(1) Fire chief: The public safety committee of the village board shall bring to the village board for reappointment the name of the presiding fire chief. A majority vote of the village board is necessary for reappointment.

(2) Assistant fire chief(s), all line and support officers: The fire chief shall make his recommendation for reappointment to the public safety committee for confirmation.

(E) *Compensation of officers and members:*

1. The following officers shall be compensated: Fire chief, assistant fire chief, line officers, deputy fire inspectors, and fire department clerk.

2. Compensation of officers of the fire department shall be established by resolution of the village board.

(F) *Membership of the village volunteer fire department:*

1. Any person desiring to be a member of the fire department may file an application for membership with the secretary of the fire department. The procedure for gaining membership is provided for in the fire department bylaws except for the requirements listed below.

2. Membership shall be open to all residents of the village or within a radius of seven miles from the fire department station and:

(1) Must be 18 years of age, unless a fire service cadet.

- (2) Must have been a resident for at least one year or own real estate in which they reside, or work full-time within the village or radius area.
3. Each applicant shall file a certificate of physical fitness from such physicians the fire chief may designate.
4. Emergency vehicle drivers shall be appointed to and removed from membership by the fire chief.
5. A fire service cadet is a member of a Wisconsin school-sponsored cadet program and meets the schools requirements for the program.
6. All applicants after confirmation of their appointment must serve a probationary period of one year. The requirements for the probationary period shall be established by fire department bylaws and fire chief's policy.
7. The membership shall consist of not more than 70 members. Membership will be made up of the following:
 - (1) Firefighters.
 - (2) Emergency medical technicians.
 - (3) Emergency vehicle drivers.
 - (4) Fire service cadets.
8. The privileges and duties of the membership are established by fire department ordinance, this policy, fire department bylaws, and orders of the fire chief.

(G) *Conduct:*

1. No member shall appear at the meetings of the department, or on duty, in a state of intoxication or under the influence of mind-altering drugs.
2. No member shall be guilty of using insulting, indecent, or improper language, or become a disgrace to the department.
3. No member shall be guilty of insubordinate, rebellious or factious behavior.
4. Penalties for any or all of the above offenses shall result in a disciplinary action imposed by the fire chief. This disciplinary action may include suspension or expulsion from the fire department.
5. Any member disciplined may appeal pursuant to section 18-32(d)(4).

(H) *Bylaws:*

1. The fire department bylaws shall establish a procedure for requirements and privileges of honorary members.
2. The fire department bylaws shall establish a procedure for senior members should they wish to remain active. These procedures and regulations should include:
 - (1) Minimum years of service on the department.
 - (2) Minimum necessary yearly training.
 - (3) Limited duty, such as ambulance driver, vehicle or apparatus driver operator, etc.
 - (4) Limited response to calls.
3. The bylaws shall follow the V.F.D. Organization - Administration Plan in appendix A [to this policy, not printed herein].

(I) *Duties of fire chief:*

1. Budget: The fire chief shall present a detailed proposed budget for operation of the fire department for the next fiscal year prior to the first scheduled village board budget workshop. The minimum items will include:

Fire telephone expenses.

Personal equipment.

Hose and hardware equipment.

Supplies and expendables.

Radio expenses.

Vehicle expenditures mileage, training.

Salaries.

Major repair estimate.

Ordinary repair estimate.

Any other appropriate expenses.

Estimated receipts.

2. State of the department report: It shall be the duty of the fire chief to submit a written report of emergency responses to the village board each year, and at such other times as he deems desirable, relating to the conditions of the various pieces of apparatus and appurtenances, the number occurring since the previous report, the date of the occurrences and loss occasioned thereby, the total number of active members in the department and resignations and expulsions from the department. The fire chief shall also report upon the drills and training program of the department, together with other pertinent information, including recommendations of such improvements as he deems proper and necessary for the operation of the department.
3. Records:
 - (1) The fire chief shall keep a record of every emergency call to which the department has responded. The fire chief shall present a copy of the forms used to the public safety committee for approval. The forms must gather all information required by state law and the names of the personnel responding.
 - (2) The fire chief shall keep a record of all training drills and programs. The record shall include the instructor(s) name(s), content of drill or program, and names of personnel attending.
 - (3) The fire chief shall keep a maintenance record for each vehicle containing preventative maintenance, repairs, battery, replacement date and other pertinent information.
 - (4) The fire chief shall keep an inventory of all hose, showing dates and results of yearly tests on each length. Each length of hose shall be individually identified.
4. *Power of fire chief.* Nonbudgeted installations and purchases shall be presented to the public safety committee for recommendation to the village board.

(Ord. No. 3-00, 9-14-2000)