

Chapter 5¹

FIRE PROTECTION

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¹ Repealed and Recreated by Ordinance No. 5-2006/07, Enacted December 5, 2006.

5.01 Fire Department Recognized

The Sheboygan Falls Volunteer Fire Department is officially recognized as the Fire Department of the City, and the duties of fire fighting and fire prevention in the City are delegated to such Department.

5.02 By-laws

The Mayor and Common Council Fire Department shall adopt by-laws with the assistance of the Director of Public Safety, for the control, management and operation of the Fire Department, including but not limited to its business and proceedings. Amendments shall be adopted in the same manner as the Mayor and Common Council deem necessary.

5.03 Appropriations

The Common Council shall appropriate funds for Fire Department operations and for such apparatus and equipment for the use of the Fire Department as the Council may deem expedient and necessary to maintain efficiency and properly protect life and property from fire.

5.04 Compensation

The officers and members of the Fire Department shall receive such compensation from the City as may from time to time be fixed by the Council.

5.05 Organization

(1) Generally -

The organization and internal regulation of the Fire Department shall be governed by the provisions of this chapter and by such by-laws that may be adopted by the Mayor and Common Council, and subject to the direction and administration of the Director of Public Safety, except as is otherwise provided by law or ordinance.

(2) Composition -

The Fire Department shall consist of the following officers: One (1) Chief, one (1) Assistant Chief of Training, one (1) Assistant Chief of Inspections, a Captain for each company, one (1) Engineer, one (1) Assistant Engineer, one (1) Captain of First Responders, one (1) Lieutenant of First Responders, one (1) Safety Officer, one (1) Treasurer and as many drivers and firefighters as deemed necessary by the Fire Chief and Director of Public Safety.

(3) Selection of Officers -

(a) Elected Officers -

The election of the Treasurer, and such officers as the bylaws may require, may be held at the annual meeting of the Department in the manner provided in the bylaws if so determined by the Fire Chief. The Fire Chief, per state statute, may decide to appoint officers directly, if he/she deems it best for the organizational structure and leadership. In case of any vacancy, the Chief shall appoint a member in good standing to fill the office until the next annual election.

(b) Fire Chief -

1. Appointment -

Pursuant to Wisconsin Statute § 62.13 (2001-2002), the Chief shall be appointed by the Board of Police and Fire Commissioners.

2. Vacancy -

A vacancy in the office of the Chief shall be filled by appointment by the Board of Police and Fire Commissioners. Upon creation of a vacancy in the Office of Chief, the Director of Public Safety shall perform the duties of the Chief until such vacancy has been filled.

3. Tenure -

The Chief shall immediately assume office and shall hold office during good behavior subject to suspension or removal for cause by the Board of Police and Fire Commissioners, unless his or her services be sooner terminated by resignation, failure to meet residency requirements, or death.

4. Eligibility -

No member of the Department shall be eligible for the office of Chief or Assistant Chief whose entire time, both day and night, is not ordinarily spent within the City.

(4) Membership -

(a) Application; Confirmation -

Any person desiring to be a member of the Fire Department may file with the Fire Chief and Director of Public Safety an application in such form as the Common Council may require. Each applicant shall also file a certificate of physical fitness from such physician as the Chief may designate a background investigation and pre-service drug test.

(b) Resignations -

Resignations from the Department shall take the same course as applications for and appointments to membership.

(5) Companies -

(a) The Department shall organize into one (1) or, at the option of the Chief, into two (2) or more companies of which not fewer than one-half (1/2) the members shall be employed in the City. The Chief may at any time make transfers, which he deems necessary, between companies.

(b) Each of the companies of the Department shall be in the charge of a Captain who shall be responsible to the Chief.

5.06 Powers and Duties of Chief

(1) General Supervision -

The Chief shall have the general supervision of the Department, which supervision shall be subject to and not conflict with this chapter and the bylaws of the Department, and shall enforce a rigid observance of this chapter and the bylaws. He shall be responsible for the personnel and general efficiency of the Department.

(2) Presiding Officer -

The Chief shall preside at all meetings, call special meetings, preserve order and decide all points of order that may arise.

(3) Department Budget -

Not later than October 1 of each year, the Chief and Director of Public Safety shall file with the City Clerk a detailed estimate of the appropriations needed for the conduct of the Department during the ensuing fiscal year.

(4) Reports -

The Chief shall submit a written report to the Council not later than February 1 of each year, and at such other times as he deems desirable, relating to the condition of various pieces of apparatus and appurtenances, the number of hydrants and the condition of the same, the number of fires occurring since the previous report and the date of the same and the loss occasioned thereby, the number of members of each company, the total number of active members in the Department and resignations and expulsions from the Department. The Chief shall also report upon the drill and training program of the Department, together with such other pertinent information, including recommendations for improvements, as the Chief deems proper and necessary for the operation of the Department.

(5) Enforcement of Fire Prevention Ordinances -

The Chief shall enforce all fire prevention ordinances of the City and State laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and on the activities of the Department.

(6) Fire Record Book -

The Chief shall keep in a fire record book records of every fire to which the Department was called and shall enter in such book the locality of the fire, the time the alarm was received, the cause of the fire, where the fire started, the cause of delay (if any) in responding, the method of extinguishment and the equipment used, the amount of insurance carried on the building and its contents, the estimated fire loss, the time the fire was extinguished, the names of the firefighters responding and general remarks.

(7) Apparatus Inventory -

The Chief shall keep an inventory of all apparatus and equipment and an inventory of all hose, showing dates and results of tests on each length, which shall be individually numbered.

(8) Duties of Commanding Officer -

The Chief shall perform such other duties as are usually incumbent on the commanding officer of a Fire Department.

5.07 Authority of Department At Fires

(1) Police Powers At Fires -

The Chief and Assistant Chief, or the officers in command at any fire, shall have full and complete police authority at fires. Any officer of the Department may cause the arrest of any person who fails to give the right-of-way to the Fire Department in responding to a fire.

(2) Control At Fires -

The officer in command at a fire may prescribe certain limits in the vicinity of any fire within which no person, except firefighters and police officers and those admitted by order of any officer of the Department, may come. The commanding officer may cause the removal of any property whenever it becomes necessary for the preservation of such property from fire, or to prevent the spread of fire, or to protect the adjoining property; and during the progress of any fire, the commanding officer may order the removal or destruction of any property necessary to prevent the further spread of fire. The commanding officer may also 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.

(3) Entering Premises -

Any firefighter acting under the direction of the commanding officer may enter upon the premises adjacent to or in the vicinity of any building or other property then on fire to extinguish such fire; and if any person hinders, resists or obstructs a firefighter in the discharge of his or her duties as herein provided, the person so offending shall be guilty of resisting a firefighter in the discharge of his or her duties.

(4) Duties of Bystanders -

Every person who is present at a fire shall be subject to the orders of the commanding officer and may be required to assist in fighting the fire or in removing or guarding property. Such officer may cause the arrest of any person who refuses to obey such orders.

5.08 Insubordination

All/any members will be governed under state law and the Police and Fire Commission.

5.09 Fire Inspectors

(1) Fire Chief to Be Fire Inspector -

The Fire Chief shall hold the office of Fire Inspector and may appoint one or more deputy fire inspectors, who shall perform the same duties and have the same powers as the Fire Inspector.

(2) Duty of Inspection -

(a) Inspections Required -

The Fire Inspector shall inspect quarterly all buildings, premises and thoroughfares within the fire limits and inspect semi-annually all buildings, premises and public thoroughfares within the City to note and cause to be corrected any conditions liable to cause fires. Repairs or alterations necessary to remove a hazardous condition shall be made within a reasonable time at the owner's expense. The Inspector shall also investigate the storage and handling of explosives and flammable liquids within the City.

(b) Special Inspection Warrant -

If consent to entry to personal or real properties, which are not public buildings, or to portions of public buildings which are not open to the public, has been denied, the Fire Inspector may obtain a special inspection warrant under Wisconsin Statute § 66.0119.

(3) Records and Reports of Inspections -

The Fire Inspector shall keep a written record card of each property inspected, which shall conform to the requirements of the State Department of Commerce, and shall submit the report of inspections as required by such Department.

(4) Correction of Fire Hazards -

When any inspection by the Fire Inspector or a deputy reveals a fire hazard, the Inspector or deputy may serve a notice in writing upon the owner of the property, giving such owner a reasonable time in which to correct the hazard. If the fire hazard is not corrected within the time allowed, it shall be deemed a nuisance; and the Fire Inspector or his deputy may have the same corrected by the City, and the cost of such correction shall be recovered in an action by the City against the owner of the property and may also be entered in the tax roll as a special charge against the property.

5.10 Firefighter's Contingency Fund

There is hereby created a separate account, within the City's general fund, for the sole purpose of accounting for all funds raised by the Fire Department volunteers, which account shall be known as the "Firefighter's Contingency Fund," and shall be subject to the following administrative requirements:

- (1) All funds raised by the Fire Department volunteers shall be deposited into the Firefighter's Contingency Fund.
- (2) The Fire Chief and the Fire Department Treasurer are authorized to write checks from this account up to the total balance of the account. The check writing authority shall require the signatures of both the Department Chief, or acting Chief, and Department Treasurer, or acting Treasurer, and the standard bank signature resolution is hereby adopted by reference and shall be in effect upon signing by the Mayor and Clerk and filing with the Clerk.
- (3) The Fire Department, through its bylaws, shall establish any limit of spending per check or other administrative controls it seems appropriate. Spending in excess of the account balance is expressly prohibited.

- (4) Prior to purchasing any major item of equipment with the proceeds from the account (major being defined as costing more than \$500.00), the Department shall submit the proposed purchase to the City for Common Council review and acceptance. The Council, in its sole discretion, may accept or reject any proposed gift of equipment or property purchased through funds from the Fireman's Contingency Fund. Aside from this restriction on the acceptance or rejection of equipment or property, the Council will not be involved in the approval or rejection of Fire Department expenditures from the Firefighter's Contingency Fund.