

CHAPTER 4

FIRE DEPARTMENT AND REGULATIONS

4.01 **VOLUNTEER FIRE DEPARTMENT**

(1) **PERSONNEL.** The New Holstein Volunteer Fire Department shall consist of volunteer members including one Fire Chief and those officers in command rank below the Fire Chief as authorized by the City Council. Fire Officers and firefighters will be appointed by the Fire Chief and approved by the Police and Fire Commission. The Chief may assign a secretary/treasurer.

(a) At no time shall the Department consist of less than 22 active members.

(b) All active members must be at least 18 years of age and meet the following requirements.

(1) Reside within fifteen miles of the City or Township of New Holstein, unless otherwise authorized by the Council.

(2) Hold and maintain a Valid Wisconsin Driver's License.

(3) Hold valid certification showing Firefighters 1 status.

(4) Pass a pre-service screening.

(2) **ORGANIZATION** The Department shall organize into one, or, at the option of the Fire Chief, two or more companies or groups. Each of the companies or groups shall have an officer who shall be responsible to the Fire Chief.

(3) **RULES.** The organization, management and internal regulations of the Department shall be governed by the provisions of this Chapter and by such rules as the Council and Fire Chief, subject to the approval of the Council, may adopt not inconsistent with this Chapter and by the lawful directives of the Council and Mayor.

(4) **FUNDS FOR DEPARTMENT.** The Council shall appropriate funds to provide for purchase and operation of 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 from fire.

(5) **COOPERATION WITH OTHER DEPARTMENTS.** The Department shall, as authorized by the Council and then upon request, assist the Fire Departments that have mutual aid agreements with the City of New Holstein.

(6) **PERMITTING VOLUNTEER FIRE DEPARTMENT ACCOUNTING.**

(a) Pursuant to Wisconsin Statute Section 66.0608, the City allows funds raised by

members of the City's volunteer fire department through fund raising and donations for the benefit of the City's Fire Department and to maintain those funds and donations in a separate account in the name of the City of New Holstein Volunteer Fire Department in a public depository.

- (b) Funds and donations raised by members for the benefit of the City's Fire Department shall be deposited by the Chief, who is hereby designated by the Council as the authorized official or employee of the City's Fire Department to deposit volunteer funds of the Fire Department, in the separate account in the name of the Fire Department in a public depository. This account shall be separate from all other accounts and shall be maintained in a public depository approved by the Council. The Chief may delegate this assignment to the Secretary/Treasurer of the Fire Department. Expenditures from said account shall be for the benefit of the Fire Department and shall be approved by the Fire Chief. Any amounts expended from the account shall be cosigned by the City Clerk/Treasurer and the Secretary/Treasurer. The Secretary/Treasurer shall file with the City Clerk/Treasurer an annual report accounting for all income and expenses including amounts paid to members and activity involving this separate account.

Pursuant to the authority granted under Sec. 66.0608(4), Stats., funds and donations collected under this Section for the New Holstein Volunteer Fire Department shall remain the property of the City of New Holstein until disbursed pursuant to Sec. 66.0608(04), Stats.

4.02 MEMBERSHIP IN DEPARTMENT.

- (1) APPLICATION FOR MEMBERSHIP. Any person desiring to become a member of the Fire Department may file an application, which application shall be referred to the Fire Chief, and in such form as the Common Council may require.

Cadets in good standing with the Cadet Program may be considered for probationary membership in the department at age 17 with the Cadet's parent's or guardian's signed permission. The Cadet as a probationary member will be allowed to train and respond to emergency scenes with limited responsibilities. On the Cadet's 18th birthday, the Cadet shall remain on probation for at least one year following the Cadet's Fire Fighter 1 certification.

Applicant shall file a certificate of physical fitness from a licensed practicing physician or a physician selected by the City, and shall perform such examinations required by the City and Police and Fire Commission.

- (2) APPOINTMENTS. Appointments shall be made by the Fire Chief subject to

approval of the Police and Fire Commission following completion of the probationary period pursuant to section 62.13(4), Wisconsin Statutes. The member appointed by the Fire Chief shall be presented to the Police and Fire Commission for approval following completion of the probationary period. No person who has not satisfactorily completed the full probationary period shall be considered a subordinate for purposes of Wis. Stat. 62.13. All new members who are Firefighter 1 certified shall be considered probationary for a period of 1 year or longer if the probationary period is extended by the Fire Chief. All new members who are not Firefighter 1 certified shall be considered probationary for the period of time the new member is not Firefighter 1 certified and thereafter receiving Firefighter 1 certification for 1 year or longer if the probationary period is extended by the Fire Chief. A member appointed to a higher rank shall only achieve the new rank upon completion of a six-month promotional probationary period and approval of the Police and Fire Commission.

(3) **TERM OF MEMBERSHIP FOR MEMBER: RETIREES.** Any active member having served 15 years of honorable service in the Fire Department may retire and become an honorary member relieved of firefighting duties with approval of the Fire Chief. Honorary members shall no longer be considered active members and shall receive no remuneration, but shall be entitled to attend all meetings and social functions of the full Fire Department as honorary members, subject to the approval of the Fire Chief.

(4) **REMUNERATION.** The officers and members of the Fire Department shall receive such remuneration from the City as may from time to time be fixed by the Common Council. Such amounts shall be in accord with the Fair Labor Standards Act and other law pertaining to remuneration and compensation of volunteers and shall not exceed a nominal amount.

(5) **RESIGNATIONS.** All resignations from the Department shall be made, to the Fire Chief, and are considered accepted upon delivery by the member to the office of the Fire Chief.

(6) **LEAVE OF ABSENCE.** Any firefighter may request a leave of absence. The request must be made in writing to the Fire Chief and must specify the requested period of time for the desired leave. Approval will be granted, or denied in writing in the discretion of the Fire Chief.

(7) **RETURN TO DUTY.** Any member who has been inactive or restricted for any period due to any form of medical illness or injury must present copies of "Return to Action/Work" authorization documents duly signed by medical treatment providers and noting any temporary or permanent restrictions to the Fire Chief or City Clerk/Treasurer before returning to full duty.

(8) **DISCIPLINARY ACTIONS AND REMOVAL.** Removal of the Fire Chief shall be taken by the Police and Fire Commission pursuant to Wis. Stat. 62.13(3) and (5) as

applicable. Disciplinary suspensions, reductions in rank, and removals of subordinates shall be governed by Wis. Stat. 62.13(5). Nondisciplinary removals of subordinates and the Chief shall be governed by applicable law. A probationary member shall be subject to removal by the Fire Chief in the sole discretion of the Chief. A member serving a promotional probationary period may be reduced to prior rank for non-disciplinary reasons in the sole discretion of the Fire Chief.

(9) **RETIREMENT AWARD.** Retirement awards shall be paid immediately following retirement to the retiring member (or beneficiary, if due to death of the member) of the Fire Department, in accordance with the following schedule:

- (a) Payment of \$125.00 a year for every full year of service commencing after fifteen (15) full years of service shall be made upon requisition of the Fire Chief and approval of the Common Council.

4.03 FIRE CHIEF.

(1) **APPOINTMENT.** The Fire Chief shall be appointed by the Police and Fire Commission pursuant to section 62.13(3), Wisconsin statutes.

(2) **VACANCY.** A vacancy in the office of the Fire Chief shall be filled by appointment by a majority vote of the Police and Fire Commission. Upon creation of a vacancy of the office of Chief, the ranking officer shall perform the duties of the Chief until such vacancy has been filled and an interim Fire Chief has been appointed by the Police and Fire Commission.

(3) **TO APPOINT SUBORDINATE OFFICERS.** Subordinates shall be appointed by the Fire Chief, subject to approval by the Police and Fire Commission, pursuant to Wis. Stat. 62.13(4).

(4) **ELIGIBILITY OF CHIEF AND ASSISTANTS.** The officers shall be members of the department in good standing. The candidate's years of experience, training, and leadership ability will be considered by the Fire Chief in appointing a new officer. Any member serving in a new rank shall serve a six month probationary period in the new rank and may be moved by the Chief back to the prior rank during the probationary period in the discretion of the Chief.

(5) **DUTIES OF THE FIRE CHIEF.**

- (a) GENERAL SUPERVISION. The Fire Chief shall have general supervision of the Department, subject to this chapter and the lawful directives of the Mayor and Council shall be responsible for the personnel and general efficiency of the Department.

(b) CONTROL AND CARE OF APPARATUS.

(1) The Fire Chief shall have control of all apparatus used by the Department and shall be responsible for its proper maintenance. Emergency repairs may be authorized by the Fire Chief, or in the Chief's absence, by the highest-ranking officer present.

(2) No apparatus shall be used for any purpose except for firefighting, rescue, mutual aid, or in training therefore, except pursuant to an agreement approved by the Common Council after the Fire Chief has given recommendations for such use. With the approval of the fire chief, such apparatus may be used for emergency purposes other than firefighting. With the approval of the Fire Chief, apparatus may also participate in ceremonies to honor deceased firefighters and community celebrations. A written report of all such uses shall be made annually to the Common Council.(Rep. & Rec. #364)

(3) The Fire Chief shall keep an inventory of all apparatus and equipment.

(c) COMMAND AT FIRE. The Fire Chief or Ranking Officer shall have complete command of and entire responsibility for all firefighting operations, plan the control of the same, direct the action of the companies when they arrive at a fire, observe that every company does its duty, grant leaves of absence at a fire when he may deem it proper and shall see that the fire apparatus is kept in proper condition at all times.(Rep. & Recr. #318)

(d) FIRE RECORD BOOK. The Fire Chief shall keep a fire record book of every fire to which any company was called and shall enter in such book the locality of fire, time alarm was received, cause of fire, where fire started, cause of delay (if any) in responding, method of extinguishment and equipment used, estimated fire loss, time fire was extinguished, names of members responding and general remarks.

(e) ENFORCEMENT OF FIRE PREVENTION RULES. The Fire Chief shall enforce all fire prevention regulations 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.

(1) The City of New Holstein hereby adopts applicable State of Wisconsin regulations required of the City's Fire Department, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, save except such portions as are hereinafter deleted, modified or amended by Section (2) Modifications, of this ordinance.

(2) MODIFICATIONS. The Fire Chief shall have power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee, or the duly authorized agent of the owner or lessee, when

there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code 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 thereon shall be entered upon the records of the Department and signed copy shall be furnished to the applicant.

(f) REPORTS TO COUNCIL. The Fire Chief shall submit a written report to the Council and Mayor not later than February 1 of each year, and at such other times as the Mayor or Council deems desirable, relating to the conditions of the various pieces of apparatus and appurtenances, the number of fires occurring since the previous report, the date of same and loss occasioned thereby, the number of members of each company, the total number of active members in the Department and resignations and suspensions from the Department, and as may otherwise directed by the Mayor or Council. The Fire Chief shall also report upon the drill and training program of the Department, together with other pertinent information, including recommendations of such improvements as the Chief deems proper and necessary for the operation of the Department.(Rep. & Recr. #318)

(g) ANNUAL BUDGET ESTIMATE. Not later than July 15 of each year, the Fire Chief shall file with the City Clerk/Treasurer a detailed estimate of the appropriations needed for the conduct of the Department during the ensuing fiscal year.

(h) GENERAL DUTIES. The Fire Chief shall perform such other duties as are incumbent on the commanding officer of the Fire Department.

4.04 REGULATIONS AT FIRES.

(1) POLICE POWERS OF DEPARTMENT. The Fire 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) ACCESS TO ADJACENT PROPERTY: HINDRANCE. Any firefighter while acting under the direction of the Fire 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 protecting such property and if any person shall hinder, resist or obstruct any fireman in the discharge of his duty, the person so offending shall be deemed guilty of resisting in the discharge of their duty.

(3) REMOVAL OF HAZARDS AT FIRES. The Fire Chief or Ranking Officer may prescribe certain limits in the vicinity of any fire with which no persons, excepting firefighter and police officer and those admitted by order of any officer of the Department, shall be permitted to come. Said Officer 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 the adjoining property, and during the progress of any fire he may order the removal or destruction of any property necessary to prevent the further spread of the fire. Said Officer may cause the removal of all wires or other facilities and the turning off of all electricity or other utility services where the same impedes the work of the Department during the progress of a fire.(Rep. & Rec. #318)

(4) BY-STANDERS 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 may cause the arrest of any person or persons refusing to obey said orders.

4.05 **FIRE INSPECTOR.**

(1) FIRE CHIEF APPOINTED. The Fire Chief shall hold the office of Fire Inspector, with power to appoint one or more deputy fire inspectors, who shall perform the same duties and have the same powers as the Fire Inspector.

(2) INSPECTIONS FOR FIRE HAZARDS. The frequency of fire inspections conducted by the City of New Holstein Fire Department shall be at least once per calendar year, provided the interval between those inspections does not exceed (15) months, as provide by the Wisconsin Administrative Code, Fire Prevention, Chapter Comm 14.01(1 9)(6b).

(3) PERMITS FOR INFLAMMABLE LIQUIDS STORAGE. The inspector shall review permits for storage and handling of explosives and flammable liquids within the fire district. The inspector shall perform such other duties as required by the Wisconsin Department of Commerce.

(4) FIRE HAZARD AS NUISANCE: REMOVAL. Whenever or wherever in the Fire District any inspection by the Fire Chief or deputies reveals a fire hazard, the Fire Chief or deputies all serve a notice in writing upon the owner of the property giving said 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 deputies are authorized to have the same removed by the City, or Town, and the cost of such removal shall be recovered in an action by the City, or Town, against the owner of the property.(Rep. & Recr. #318)

(5) RECORD OF INSPECTIONS. The Fire Chief shall keep a written record of each property inspected which shall conform to the requirements of the Wisconsin Department of Commerce and shall make reports of inspections as required by the Wisconsin Department of Commerce.

(6) RIGHT OF ACCESS AND INTERFERENCE. No person shall deny the Chief or

deputies' free access to any property within the Fire District at any reasonable time for the purpose of making fire inspections. No person shall hinder or obstruct the Fire Inspectors in the performance of their duty or refuse to observe any lawful direction given by Inspector.(Rep. & Recr. #318)

(7) INSPECTION COSTS The New Holstein Volunteer Fire Department shall charge for the cost of an inspection according to the City's fee schedule.

4.06 PENALTY. Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in section 20.04 of the Municipal Code of the City of New Holstein.

4.07 POLICE AND FIRE COMMISSION. The Police and Fire Commission shall only have those powers given to the Commission pursuant to Wis. Stat. 62.13 and shall exercise no other powers unless required or permitted by law.