

CHAPTER 4

FIRE DEPARTMENT AND REGULATIONS

4.01 **VOLUNTEER FIRE DEPARTMENT**

(1) **PERSONNEL.** The volunteer Fire and Rescue Department of the City New Holstein shall consist of one fire chief, one first assistant chief, one second assistant chief, one captain(s), three lieutenant(s), safety officer(s), training officer(s) one secretary/treasurer, and firefighter's who are recommended by the department and approved by the Police and Fire Commission; provided, that at no time shall the department consist of less than 22 active members. All active members must be at least 18 years of age and meet one of the following requirements

1. Reside or work within the fire district covered by the New Holstein Fire Department, or within the City or Township of New Holstein. Under special circumstances the membership may choose to recommend a candidate to the Police and Fire Commission, for approval, who does not meet the above residence/work requirements.

2. Hold valid certification showing Firefighter 1 status(Rep. & Rec. #364)

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

(3) **MEETINGS** The Fire Chief or chief designated Officer shall preside at all meetings of the Department, shall call special meetings, shall preserve order, shall decide all points of order that may arise and shall enforce a rigid observance of this chapter and the by-laws of the Department.(Rep. & Rec. 318)

(4) **RULES AND BY-LAWS** The organization, management and internal regulations of the Department shall be governed by the provisions of this Chapter and by such by-laws as the Department may adopt not inconsistent with this Chapter. All by-laws and any amendments thereto shall be adopted by a 2/3 vote of the members of the Department and shall be approved by the Police and Fire Commission before they become operative.

(5) **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.

(6) COOPERATION WITH OTHER DEPARTMENTS. The Department shall, upon request, assist the Fire Departments that have mutual aid agreements with the City of New Holstein.

(7) PERMITTING VOLUNTEER FIRE DEPARTMENT ACCOUNTING. WHEREAS, The city of New Holstein Volunteer Fire Department has been created and has existed and annually elects its officers including a fire chief and secretary/treasurer that are in charge of the finances of the New Holstein Volunteer Fire Department, and

WHEREAS, The State of Wisconsin has recently passed Section 66.0608, Wisconsin Statutes, allowing fire departments to raise money through fund raising and donations and maintain said money in a separate bank account.

NOW, THEREFORE, By virtue of the power vested in the City of New Holstein, Common Council, by virtue of the passage of Section 66.0608, Wisconsin Statutes, the New Holstein Common Council does determine and ordain as follows:

- a) Monies received by the New Holstein Volunteer Fire Department as donations or as fund raisers shall be maintained by the secretary/treasurer of the New Holstein Volunteer Fire Department in separate accounts as the fire department determines necessary; expenditures from said accounts shall be approved by the Volunteer Fire Department, its officers, directors, trustees, and members; the secretary/treasurer shall file with the Police and Fire Commission for the City of New Holstein an annual report accounting for all income and expenses including wages and salaries paid to members.
- b) The secretary/treasurer of the Volunteer Fire Department shall have exclusive control over the expenditure of funds of the Department.
- c) Pursuant to the authority granted under Sec. 66.0608(4), States., funds collected by the New Holstein Volunteer Fire Department shall be considered to be owned by the City of New Holstein until disbursed pursuant to Sec. 66.0608(04), Stats. (Ord. #434)

4.02 **MEMBERSHIP IN DEPARTMENT.**

(1) APPLICATION FOR MEMBERSHIP. Any person desiring to become a member of the Fire Department may file with the secretary-treasurer an application, which application shall be referred to the recommendations committee, and in such form as the Common Council may require. Each applicant must be at least 18 years of age and meet one of the following requirements:

1. Reside or work within the fire district covered by the New Holstein Fire Department or within the City of or Township of New Holstein. Under special circumstances the membership may choose to recommend a candidate for the Police and Fire Commission's approval who does not meet residence/work requirements.
2. Currently hold or be willing to gain Fire Fighter 1 certification within the following 18 months of acceptance as a probationary member. Some leeway may be given to the 18 month period, at the fire chief's discretion, due to special circumstances up to 24 months. Any extended period of longer than 24 months is subject to review by the department membership.
3. All new members shall be considered "Probationary" for a period of not less than 1 year, or until Fire Fighter 1 is achieved, whichever is less.
4. Explorers in good standing with the Explorer Post may be considered for probationary membership in the department at age 17 with their parents or guardian signed permission. The explorer as a probationary member will be allowed to train and respond to emergency scenes with limited responsibilities. On their 18th birthday and at least one year of probation their Fire Fighter 1 certification will be considered for membership in the department without any further probation by a majority vote of the membership as long as the residence requirement is met.

Applicant shall file a certificate of physical fitness from a licensed practicing physician. The application of any applicant approved by the Fire Department as provided in its By-Laws shall be presented to the Police and Fire Commission for confirmation.(Rep. & Rec. 318)(Rep. & Rec. 364)

(2) APPOINTMENTS. Appointments shall be made by the Fire Chief subject to approval of the Police and Fire Commission pursuant to section 62.13(4), Wisconsin Statutes.

(3) TERM OF MEMBERSHIP: RETIREMENT. Any active member having served 15 years of honorable service in the department, may retire and become an honorary member relieved of firefighting duties. Honorary members shall have no voting powers, but shall be entitled to a seat and have the right to attend all meetings of said department as honorary members. These honorary members shall have the right to attend any social functions that said department may sponsor for its members. None other than the above mentioned, shall at any time be admitted as honorary members.

The membership also recommends that department members retire at the age of 60.

(4) 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 Common Council.

(5) RESIGNATIONS. All resignations from the Department shall be made, in writing, to the fire chief, and are subject to the fire chief's approval.

(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 period of time for the desired leave. Approval will be granted, or denied, in writing by the fire chief.

(7) RETURN TO DUTY. Any firefighter who has been inactive, or restricted, for any period due to any form of medical disability must present copies of "Return to Action/Work" authorization documents duly signed by medical doctors and noting any temporary, or permanent, restrictions, to the fire chief before being allowed to participate in the answering of fire calls or department drills.

(8) DISCIPLINARY ACTIONS. Disciplinary actions against the fire chief shall be taken by the Police and Fire Commission, and against subordinates shall be taken by the fire chief, subject to appeal to the Police and Fire Commission, all pursuant to section 62.13(5), Wisconsin statutes. The by-laws of the Fire Department may also provide for suspension of volunteer firemen for failure to participate in functions which the department or the fire chief establish as mandatory.(Rep. & Rec. #364)

(9) RETIREMENT AWARD. Retirement awards shall be paid to members (or beneficiaries) of the New Holstein Volunteer Fire Department in accordance with the following schedule as adopted by the Finance Committee at their meeting held on October 12, 1999 and as adopted by the Common Council at their meeting held on October 20, 1999. Effective date to be January 1, 2001.

(a) Payment of \$100.00 a year for every year of service commencing after fifteen (15) years of service.

Payments of bonuses shall be made upon requisition of the Fire Chief. (Rep. & Recr. #268)(Rep. & Rec. 364) (Rep. & Rec. #410)

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 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.

(3) TO APPOINT SUBORDINATE OFFICERS. The first assistant chiefs, captain(s), and lieutenant(s), safety officer(s), and training officer(s) shall be appointed by the Fire Chief from members of the department, subject to approval by the Police and Fire Commission.

(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 in appointing a new officer.

(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 bylaws of the department and 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 fire chief's absence, by the highest ranking officer present.

(2) No apparatus shall be used for any purpose except for fire fighting, 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 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 identified.

(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 men 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 Wisconsin Department of Commerce Administrative Code Chapter 14, also known as COMM 14, and all sections of the National Fire Protection Association Code and any other codes and standards referenced therein, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, COMM 14 is adopted in its entirety save except such portions as are hereinafter deleted, modified or amended by Section (2) Modifications, of this ordinance.
2. MODIFICATIONS. The Chief of the New Holstein Fire and Rescue Department 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 of the Fire and Rescue Department thereon shall be entered upon the records of the department and signed copy shall be furnished to the applicant.

(f) **REPORTS TO COUNCIL.** The Chief shall submit a written report to the Council not later than February 1 of each year, and at such other times as the Chief 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. The 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 October 1 of each year, the Fire Chief shall file with the City Clerk 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 fireman 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 firemen 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 firemen and policemen 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 fire inspectors shall inspect per a schedule recommended by the Fire Chief, all commercial industrial, and public buildings and premises within the fire district for the purpose of noting and causing to be corrected any condition liable to cause fire.

(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 Fire & Rescue Department shall charge the following for the cost of an inspection:

1st Inspection - No cost

1st Re-inspection - No Cost

2nd Re-inspection - \$50.00

3rd Re-inspection and subsequent each time - \$100.00(Ord. 541)

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.