

CHAPTER 5

FIRE PROTECTION

(CHAPTER AMENDED 7/2/01, 6/8/09, 5/13/13, 3/9/15)

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5.01 **FIRE DEPARTMENT RECOGNIZED.**

The Valders Fire Department is officially recognized as the Fire Department of the Village and the duties of fire-fighting and fire prevention are delegated to such Department.

(2) This ratification and acceptance of the joint action ordinance shall constitute a mutual agreement between the Village of Valders and the County of Manitowoc as provided by Section IX of such joint action ordinance.

5.02 **BY LAWS**

The Fire Department shall adopt bylaws for its control, management and government and for regulating the business and proceedings of the Department, which bylaws, after adoption by a 2/3 vote of the member of the department shall be in effect. Amendments shall be adopted in the same manner.

5.03 **APPROPRIATIONS.**

The Village Board shall appropriate funds for the 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.

5.04 **COMPENSATION.** The officers and members of the Fire Department shall receive such compensation from the Village as may from time to time be fixed by the Village Board.

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 bylaws adopted by the Department as are approved and adopted by 2/3 vote of the members of the Department, except as is otherwise provided by law or ordinance.

(2) COMPOSITION. The Fire Department shall consist of the following officers: one Chief, First and Second Assistant Chief, a Captain and Lieutenant for each company, a Safety Officer and a Secretary Treasurer, and as many Drivers and Firefighters as may be appointed by the Chief.

(3) SELECTION OF OFFICERS.

(a) Elected Officers. The election of officers as the bylaws may require shall be held at the December meeting of the Fire Department the manner provided in the bylaws. In case of any vacancy, the Chief shall appoint a member in good standing to fill the office until the next annual election.

(b) Appointment of Chief. The Chief shall be appointed by a majority vote of the Village Board; upon recommendation of 2/3 majority vote of the Fire Department. Upon creation of a vacancy in the office of Chief, the ranking officer shall perform the duties of the Chief until such vacancy has been filled as in §5.05(3) (b) of this code.

(c) Tenure. The Chief and Assistant Chiefs shall immediately assume office and shall hold office until removed for cause after a hearing by action of 3/4 of the members of the Village Board unless his services be sooner terminated by resignation or death.

(4) MEMBERSHIP.

(a) Application; Confirmation. Any person desiring to be a member of the Fire Department may file an application in such form as the Department may require. Each applicant shall also file a certificate of physical fitness from such physician as the Chief may designate.

(b) Resignations. Resignations from the department when obtainable in writing shall take the same course as applications for and appointments to membership and shall be kept on file.

5.06 **POWERS AND DUTIES OF CHIEF.**

(1) GENERAL SUPERVISION. The Chief shall have the general supervision of the Fire Department, which supervision shall be subject to and not conflict with this chapter and the bylaws of the Fire 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) COMMAND AT FIRES. A commanding officer shall be present at all fires and shall have complete command of, and entire responsibility for all firefighting operations, plan the control of the same, observe that the Department does its duty, grant leaves of absence at a fire when he deems it proper and see that the firefighting apparatus is kept in proper condition at all times.

(3) DISCIPLINARY ACTIONS. The Chief may demote or expel any officer or member of the Fire Department for neglect or refusal to perform department duties, subject to an appeal from such demotion or expulsion to the Village Board as defined in §5.09.

(4) DEPARTMENT BUDGET. The Chief shall prepare annually by October 15, and file with the Clerk/Treasurer a detailed estimate of appropriations needed for the conduct of the Fire Department during the ensuing fiscal year for approval by the Village Board.

(5) ENFORCEMENT OF FIRE PREVENTION ORDINANCES. (Am 6/8/09)
The Fire Chief shall enforce all fire prevention ordinances of the Village and the Village adopts by reference the most current State of Wisconsin Administrative Department of Commerce chapters pertaining to fire prevention and its referenced National Fire Protection Association codes and standards.

(6) NFIRS REPORTING. The Chief shall report to NFIRS (National Fire Incident Reporting System) and keep record of such report. Reports of every fire to which the Department was called and shall enter in each report the locality of the fire, the time the alarm was received, the cause of the fire, where the fire started, extinguishment and equipment used, the estimated fire loss, the time the fire was extinguished, the names of the firefighters responding and any general remarks pertaining to the incident.

(9) 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, which shall be individually numbered. The Chief shall keep a complete listing of equipment for both the Fire Department and file with the Clerk/Treasurer for insurance purposes.

5.07 **CONTROL AND CARE OF APPARATUS.**

(1) CHIEF RESPONSIBLE. The Chief shall have control of all apparatus used by the Department and shall be responsible for its proper maintenance.

(2) USE. No apparatus shall be used for any purpose except for firefighting or in training therefore, except pursuant to an agreement approved by the Chief. With the approval of the Chief, such apparatus may be used for other purposes within the Village.

(3) DAMAGE TO EQUIPMENT. No person shall willfully damage any hose, hydrant or fire apparatus belonging to the Village; and no vehicle or railroad equipment shall be driven over any unprotected hose of the Fire Department when laid down on any street, private driveway, track or other place to be used at any fire or alarm of fire without the consent of the Department officer in command.

5.08 **AUTHORITY OF DEPARTMENT AT FIRES.**

(1) POLICE POWERS AT FIRES. The Chief, Assistant Chiefs, Captains, Lieutenants and Safety Officers in command at any fire shall have full and complete police authority at fires as defined in §213.095 Wis. Stats.

(2) DUTIES OF BYSTANDERS. Every person who is present at a fire shall be subject to the orders of the Chief or Officers in command 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.

5.09 **INSUBORDINATION.** Any Member or Officer of the Department who has been expelled or demoted for any offense or neglect of duty or insubordination at any fire or drill may appear before the Village Board and state why such penalty should not be confirmed. The Village Board may, by a 3/4 vote of the members, order the Chief to reinstate the Member or Officer. The Secretary-Treasurer of the Department shall report the name of each person expelled or demoted to the Village Board. See also §5.06(3) of this chapter.

5.10 **FIRE INSPECTORS.** (Am. 6/8/09)

(1) FIRE INSPECTOR. DUTIES. The Chief of the Fire Department shall hold the office of Fire Inspector with the power to appoint a Deputy Fire Inspector(s), who shall perform the same duties and have the same powers as the Fire Inspector. Whenever and wherever in the Village of Valders any inspection by the Fire Chief or a Deputy reveals a fire hazard, the said Fire Chief or the Deputy is hereby invested with authority to serve a notice, in writing, upon the owner of the property giving said owner a specified time in which to remove said hazard. In the event that said fire hazard is not removed within the specified time, it shall be deemed a nuisance and the Fire Chief or the Deputy is authorized to have the same removed by the Village and the cost of said removal shall be assessed against the property and if unpaid shall be levied against the property as a special tax.

(2) DUTIES OF FIRE INSPECTOR.

(a) Inspections-Remove, Abate Causes, Correct Conditions. It shall be the duty of the Fire Inspector of the Village of Valders, in person or by officers or members of the fire department as designated for that purpose, to bi-annually inspect all buildings, premises and public thoroughfares, except the interiors of private dwellings within the Village Limits, 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 and to remove and abate any cause from which immediate danger of fire may be apprehended, and to cause all buildings, chimneys, stove pipes, hearths, ovens, boilers, ash houses and apparatus used in every building which shall be found in an unsafe condition to be immediately and at the expense of the owner thereof put in such condition as not to be dangerous in causing or promoting fires.

b) Inspection Costs. The Valders Fire Department shall charge the following for the cost of an inspection:

1st Inspection No Charge
1st Re-Inspection No Charge
2nd Re-Inspection \$50.00
3rd and subsequent Re-Inspection \$100.00 each

(c) Failure to Abate Violations. For any business that has outstanding fire safety violations or fines, the Valders Fire Department shall provide in writing to the Village Clerk the information derived from an inspection, accompanied by a recommendation to withhold, suspend or revoke, as allowed by law, any license issued by the Village of Valders to a business failing to correct the violations within the time specified by the Valders Fire Department.

(3) REPORTS. Written reports of inspection shall be made and kept on file in the office of the Chief of the Fire Department in the manner and form as required by the State Industrial Commission.

(4) INSPECTIONS. Such inspections shall be subject to the supervision and direction of the State Industrial Commission, which shall upon examination certify to the Commissioner of Insurance after the expiration of each calendar year such city where the inspections for such year have been made, and records thereof have been made and kept on file as required by law.

(5) COMPLAINT. It is hereby made the duty of the Fire Inspector to make complaint of any violation of this chapter.

(6) PENALTY FOR FAILURE TO OBEY ORDERS OF FIRE INSPECTOR.
If any person shall obstruct or hinder the Fire Inspector, his/her deputy or any designated Fire Department member in the performance of his/her duty, or refuse to observe any lawful direction given by the Inspector, such person shall, upon conviction, shall be subject to penalty as provided in §25.04 of this Municipal Code.

5.11 **COMBUSTIBLE WASTE MATERIALS PROHIBITED.** (Am 6/8/09)

(1) WHERE NOT PERMITTED. No person or persons shall be allowed to remain longer than thirty-six hours, in any alley, or on any sidewalk or premises, within thirty feet of any building, empty boxes, barrels, rubbish, trash, waste paper, excelsior or other like combustible materials.

(2) ASHES. No person or persons shall be allowed to place ashes within any building in any box, barrel or other wooden container or upon any wooden container or floor.

(3) OILY WASTE OR OILY RAGS. No person shall keep, or permit to be kept, on the premises any oily waste or oily rags, unless at all times when not actually in use such oily waste and oily rags be kept in a metal can with self-closing cover and riveted joints, standing on metal legs which raise the bottom of the container at least five inches above the floor.

(4) INSPECTION BY FIRE CHIEF. All owners or occupants of buildings are required to permit the Chief of the Fire Department or the Chief's deputies to inspect their buildings to see if Subsections (1), (2), and (3) are complied with, and it is hereby made the duty of the Chief of the Fire Department to make such inspection whenever the Chief may suspect a violation of said subsections.

(5) PENALTY. Any person found guilty of any violation of this Section shall be subject to a penalty as provided in §25.04 of this Municipal Code, for each offense, and each twenty-four hours of maintenance of prohibited conditions to constitute a separate offense.

5.12 **FIRE PREVENTION CODE.** (Cr 6/8/09) There is hereby adopted by the Village of Valders for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code recommended by the American Insurance Association, being particularly the 1970 edition thereof and the whole thereof, save except such portions as are hereinafter deleted, modified or amended by Section 3 of this ordinance.

(1) ESTABLISHMENT AND DUTIES OF BUREAU OF FIRE PREVENTION.

(a) The Fire Prevention Code shall be enforced by the Bureau of Fire Prevention in the Fire Department of the Village of Valders which is hereby established and which shall be operated under the supervision of the Chief of the Fire Department.

(b) The Chief of the Fire Department may detail such members of the Fire Department as inspectors as shall from time to time be necessary.

(c) A report of the Bureau of Fire Prevention shall be made annually and transmitted to Village President of the municipality; it shall contain all proceedings under this code, with such statistics as the Chief of the Fire Department may wish to include therein; the Chief of the Fire Department shall also recommend any amendments to the code which, in the Chief's judgment, shall be desirable.

(2) DEFINITIONS.

(a) Wherever the word "Municipality" is used in the Fire Prevention Code, it shall be held to mean the Village of Valders.

(b) Whenever the term "Corporation Counsel" is used in the Fire Prevention Code, it shall be held to mean the Attorney for the Village of Valders.

(3) AMENDMENTS MADE IN THE FIRE PREVENTION CODE. The Fire Prevention Code is amended and changed in the following respects: The Fire Prevention Code, when in conflict with State laws and regulations, the State laws and regulations shall be followed.

(4) **MODIFICATIONS.** The Chief of the Bureau of Fire Prevention 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 Bureau of Fire Prevention thereon shall be entered upon the records of the department and signed copy shall be furnished the applicant.

(5) **APPEALS.** Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the Village Board of Trustees of the Village of Valders within thirty days from the date of the decision appealed.

(6) **NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS.** The Chief of the Fire Department shall determine and specify, after giving affected person an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in said code. The Chief of the Bureau of Fire Prevention shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

5.13 **FIRE LIMITS.**

(1) **ESTABLISHED.** The area lying within the corporate boundary limits of the Village is hereby declared to be the fire limits of the Village.

5.14 **KNOX BOXES REQUIRED.** (Created 5/13/13) Any newly constructed public building (public or privately owned which is utilized for public, commercial or industrial use) shall be required to purchase and install a Knox Box approved by the Fire Department. Any public building that undergoes a change of ownership, use or occupancy (public or privately owned which is utilized for public, commercial or industrial use) shall be required to purchase and install a Knox Box approved by the Fire Department. Failure to obtain the Knox Box shall result in penalties as stated under subsection 5.15. Each day of the violation shall be a separate offense.

5.15 **PENALTY.** (Am. 6/8/09) Any person who shall violate any of the provisions of the code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Fire Chief or by a court of competent jurisdiction, within the time fixed herein, shall be subject to penalty as provided in §25.04 of this Municipal Code, for each and every such violation and noncompliance respectively. The imposition of one penalty for any violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense. The application of penalties shall not be held to prevent the enforced removal of prohibited conditions. Any and all violations of this code chapter resulting in the issuance of a citation(s) will be forwarded to the Valders Police Chief or designee for enforcement.