

CHAPTER 5

FIRE DEPARTMENT

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5.01 Composition

5.01 COMPOSITION

The Department shall be known as the Reedsburg Volunteer Fire Department and shall consist of the Fire Chief and such subordinates as may be authorized by the Common Council.

5.02 BYLAWS

The Department shall adopt bylaws for the control, management and government and regulation of business and proceedings of the department.

5.03 APPOINTMENT OF CHIEF

The Fire Chief shall be appointed by the Board of Police and Fire Commissioners and shall hold office during good behavior, subject to suspension or removal by the Board for cause, and upon reaching age 65 shall be retired.

5.04 ELECTION OF SUBORDINATES

The members of the Fire Department shall be elected by the members of the department subject to their bylaws existing at that time. Except the chief, all members elected to the Fire Department shall be not less than 21 nor more than 50 years of age, and all such shall automatically be retired from active membership in said department upon attaining the age of 60 years, unless extended by the Common Council, but not to exceed 65 years.

5.05 DISCIPLINARY ACTIONS

Disciplinary actions against the Chief and subordinates shall be subject to Sec. 62.13(5), Wis. Stats.

5.06 POWERS AND DUTIES OF CHIEF

- (1) (A) The chief shall have general supervision of the department, subject to this section and the bylaws of the department, and shall be responsible for the personnel and general efficiency of the department.
- (B) The Chief shall preside at all meetings of the department, call special meetings, preserve order, decide all points of order that may arise and enforce a rigid observance of this section and the bylaws.
- (C) The Chief shall have complete command of and entire responsibility for all fire fighting operations, shall plan the control of the same, shall direct the action of the department when at a fire, shall grant leaves of absence at a fire when he may deem it proper and shall see that fire apparatus is kept in proper condition at all times.
- (D) Not later than October 15 of each year, the Chief shall file with the Clerk a detailed estimate of the appropriations needed for the conduct of the department during the ensuing fiscal year.
- (2) (A) A vacancy in the office of the Chief shall be filled by the Police and Fire Commission. Other officers shall be chosen in the manner provided by the Department bylaws. 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.

5.06 Powers and Duties of Chief

- (B) Upon appointment, the Chief shall immediately assume office and shall hold office until his successor is appointed and qualified in accordance with the bylaws of the department. The Chief shall be a resident of the City and employed with the City.
- (3) (A) Any person desiring to be a member of the Fire Department may file with the secretary-treasurer of the Fire Department 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) Upon reaching the age of 60, active members may become honorary members and be relieved from fire fighting duties.
- (C) All resignations from the department shall take the same course as applications for and appointments to membership.
- (D) The election of the Secretary-Treasurer and such social officers as the bylaws may require shall be held at the annual meeting of the department in such manner as is 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.
- (E) The Chief shall submit a written report to the Common Council not later than December 15 of each year, and at such other times as he deems desirable, relating to the condition 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 total number of active members in the department and resignations and expulsions from the department. He shall also report upon the drill 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.
- (F) He shall enforce all fire prevention ordinances of this 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.
- (G) He shall keep a fire record book of every fire to which the department 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, equipment used, amount of insurance carried on building and contents, estimated fire loss, time fire was extinguished, names of men responding and general remarks.
- (H) He 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.
- (I) He shall perform such other duties as are incumbent on the commanding officer of the Fire Department.

5.07 APPARATUS AND EQUIPMENT

- (1) The 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 chief.
- (2) No apparatus shall be used for any purpose except for fire fighting within the City limits, or in training therefor, except pursuant to an agreement approved by the Mayor after the Chief has given his recommendations on such use. With the approval of the Chief, such apparatus may be used for emergency purposes other than fire fighting within the City. A written report of all such uses shall be made quarterly to the Common Council.

5.07 Apparatus and Equipment

- (3) No person shall wilfully injure, in any manner, any hose, hydrant, or fire apparatus belonging to the City, and no vehicle shall be driven over any unprotected hose of the fire department when laid down on any street, private driveway or other place, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

5.08 POLICE POWER OF THE DEPARTMENT

- (1) The Chief and assistants or officers in command at any fire are vested with 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) The Fire Chief may prescribe certain limits in the vicinity of any fire within which no person, excepting firemen and policemen and those admitted by order of any officer of the department shall be permitted to come. The Chief 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. He 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 the fire.
- (3) 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 extinguishing such fire and no person shall hinder, resist or obstruct any fireman in the discharge of his duty.
- (4) 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.

5.09 FIRE INSPECTOR: DUTIES

- (1) The 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) The Fire Inspector shall inspect, or cause to be inspected, semi-annually, all buildings, including their premises, designed for occupancy by more than one family, and all buildings, premises and public thoroughfares open to the public within the City limits for the purpose of noting and causing to be corrected any conditions liable to cause fire. The inspector shall also investigate the storage and handling of explosives and flammable liquids within the City.
- (3) Whenever any City 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 said owner a reasonable time in which to remove the hazard. If the fire hazard is not removed within the time allowed, it shall be a nuisance. The Fire Chief or his deputy may have the same removed by the City and the cost of such removal may be recovered in an action by the City against the owner of the property, and shall be a lien against such property.
- (4) The Chief shall keep a written record card of each property inspected which shall conform to the requirements of the Industrial Commission and shall make the report of inspections required by the Department of Industry, Labor and Human Relations.

5.09 Fire Inspector: Duties

- (5) No person shall deny the Chief or his deputies free access to any property within the City at any reasonable time for the purpose of making fire inspections. No person shall hinder or obstruct the fire inspector or his deputies in the performance of their duties or refuse to observe any lawful direction given by them.

5.10 FALSE FIRE ALARM PROHIBITED

No person shall give or cause to be given any false fire alarm.

5.11 REGULATION OF BURNING.

- (1) Except as provided in this Section 5.11, no person shall build or maintain an open fire any place within the City of Reedsburg. An open fire means any fire maintained outside of a business, dwelling or manufacturing facility and not confined to a receptacle approved by the Chief of the Fire Department, which shall be constructed of either brick, boiler iron, concrete or sheet metal. *(Rev. 10-8-01)*
- (2) Gas and charcoal grills are permitted. *(Rev. 10-8-01)*
- (3) Fire pits are permitted for social gatherings. Fire pits shall only be used between the hours of 10:00 am and 11:00 pm. *(Rev. 10-8-01)*
- (4) A patio fireplace is permitted as long as it is either a commercially purchased unit that encloses the entire fire within the fireplace unit, or a homemade unit of brick and/or iron. The chimney area and fire viewable area of a patio fireplace shall be screened with a spark-reduction device at all times the patio fireplace is in operation. *(Rev. 10-8-01)*
- (5) Burning barrels are prohibited from and after April 30, 2002. *(Rev. 10-8-01)*
- (6) Only a readily combustible fuel source that consists of gas, wood, charcoal or manufactured fireplace logs or pellets shall be burned in a patio fireplace or fire pit. *(Rev. 10-8-01)*
- (7) The burning of trash, leaves, woods with chemical treatment (i.e. railroad ties, fence posts, power poles, treated lumber) or other treated materials that tend to create noxious or annoying similar discharge is not permitted. *(Rev. 10-8-01)*

5.12 FIRE HYDRANTS

It shall be unlawful for any person to use fire hydrants owned or maintained by the City of Reedsburg. Members of the City of Reedsburg Fire Department are specifically excluded from this prohibition when the use is in the furtherance of their duties as fire fighters.

Certain fire hydrants within the City shall be designated for both fire and non-fire use. Those hydrants shall be painted blaze orange. A list of those hydrants shall be compiled from time to time changed by the Director of the City Utility. That list shall be accessible to the public during normal business hours.

All hydrants designated in this category may be used by City employees for City functions. Any other individual wishing to use these hydrants for any purpose whatsoever must obtain a written permit from the Director of Utility.

5.13 MUTUAL FIRE AID

The Chief of the Fire Department may authorize and permit fire companies of the City to go to aid another City, Village, Town or fire district in extinguishing a fire or fires therein; provided no more than one truck shall be authorized and permitted to leave the City at one time.

5.14 EMERGENCY KEY BOXES *(Created 10-13-03)*

- (1) Installation. A Fire Department Emergency Key Box shall be installed on all business, public and commercial buildings, multiple family dwellings where access to interior units is through a common secured entrance, industrial facilities, residential care facilities or where a property within the Fire Department’s jurisdiction is protected by an automatic fire alarm or fire sprinkler/suppressions system.
- (2) Box Type and Location. The Fire Chief or a designated representative shall approve the type and location of the Emergency Key Box, prior to installation. The owner of a structure required to have an Emergency Key Box shall keep a key in the lock box that will allow access to the building and all locked or secured areas within the building.
- (3) Applicability. This ordinance shall apply to all buildings subject to it for which a building permit is issued after October 23, 2003.

5.15 PENALTY

Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in Sec. 25.04 of this municipal code.

5.16 RESCUE FUND *(Created 01-26-09)*

- (1) Purpose. The purpose of this section is to authorize the deposit of certain funds into a Rescue Fund to be held and administered by the Fire Department. The City acknowledges that all of the funds which have been or will be deposited into this account are not generated from tax revenues and, in fact, represent assets that have been or will be generated through countless hours of volunteer work by Fire Department members, friends and family. The City expressly acknowledges that these funds may never be used for any purposes other than those approved by the Fire Department as outlined within the body of this Ordinance. If the City Council ever amends this ordinance, they will consult with the Fire Department. Under no circumstances may these funds be used for general City obligations or to offset or supplement the Fire Department’s general operating budget without the Fire Chiefs approval as outlined within the body of this Ordinance.
- (2) Authority. The Common Council adopts this section pursuant to Wis. Stats. 66.0608(1)(c), and it is to be interpreted in conformance with that section as it may be amended from time to time.
- (3) Definitions.
 - (A) “Fire Chief” means the Fire Chief for the City of Reedsburg Fire Department.
 - (B) “Fire volunteer funds” means funds that are raised by members of the Fire Department through fund-raising activities, donations and similar sources, and/or donations to the City restricted to Fire Department use.
 - (C) “Public depository” has the meaning given in Wis. Stats. 34.01(5).
- (4) Description of Accounts.
 - (A) Rescue Fund – this fund shall be used for deposit of all fire volunteer funds.

5.16 Rescue Fund

- (B) Deposit of Funds – the Fire Chief or his/her designated representative shall deposit fire volunteer funds to the Rescue Fund, held in the name of the Reedsburg Fire Department. All such fund deposits shall be in a public depository in which, other City funds are being held by the City Treasurer. All other funds shall be held in the Fire Department Account to be administered by the City Treasurer in accordance with applicable provisions of the law.
- (C) Control of Funds – the Fire Department, through the Fire Chief or his/her designated representative is granted exclusive control over the expenditure of the funds in the Rescue Fund, subject to any restrictions imposed by the donors or the organizational documents for the Fire Department. All of the funds comprising the Fire Department Account shall remain under the control of the City.
- (D) Limitations, Requirements, and Withdrawals – the following limitations and requirements shall apply to the handling and disbursement of funds from the Rescue Fund.
 1. Expenditures withdrawn from the Rescue Fund shall be made only upon majority vote of the Fire Chief and the elected officers of the Fire Department
 2. Withdrawals and expenditures from the Rescue Fund may be made for any purpose that promotes the ability of the Fire Department to provide services for which it is organized.
 3. The monies in the Rescue Fund shall remain the property of the City until the funds are disbursed in accordance with section.
- (E) Accounting/Audit – the Rescue Fund shall be maintained in accordance with generally accepted accounting principles and shall be included in any annual audit of the City funds, and shall be audited in the same manner.