

CHAPTER 4 VOLUNTEER FIRE DEPARTMENT

4.01	Name and Recognition
4.02	Appropriations/Budgets/Financial Reporting
4.03	Goals of the Department
4.04	Bylaws Governance
4.05	Impeding Fire Equipment Prohibited
4.06	Police Power of the Department
4.07	Investigation of Fires
4.08	Damaging Fire Hose Prohibited
4.09	Parking Vehicles Near Hydrants
4.10	Firemen May Enter Adjacent Property
4.11	Duty of Bystanders to Assist
4.12	Vehicles to Yield Right-Of-Way
4.13	Interference With Use of Hydrants Prohibited
4.14	Adoption of Codes and Regulations by Reference
4.15	Compliance Required
4.16	Future Amendments or Modifications
4.17	Emergency Vacation of Hazardous Buildings; Procedure
4.18	Emergency Authority of Fire Chief
4.19	Order to Eliminate Dangerous or Hazardous Conditions
4.20	Service of Orders
4.21	Order to Correct Violations; Removal of Posted Copy
4.22	Order to Correct Violations; Failure to do so
4.23	Penalties

4.01 NAME AND RECOGNITION

(1) Fire Department Recognized. The Williams Bay Fire Department is officially recognized as the Fire Department serving the Village of Williams Bay, and the duties of firefighting and fire prevention in the Village are delegated to such Department. The Williams Bay Fire Department shall be responsible for the program of fire defense for the citizens and property within the Village of Williams Bay.

4.02 APPROPRIATIONS AND BUDGETS

(1) Appropriations. The Village Board shall appropriate funds for 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.

(2) Annual budget request made by Fire Chief required. Prior to September 15 of each year, the Fire Chief shall submit, on behalf of the Department, a budget request for the necessary funds to operate the Department in the following fiscal year. Said budget request shall include the operating budget for the next year and shall include three (3) years of projected capital project requests.

(3) Financial reporting required. At the end of each fiscal year and prior to January 31st of the following year, the Department shall provide a written account of all funds not directly controlled by the Village Treasurer. This shall include, but is not limited to: Donation revenue, Fund-Raising revenue, all disbursements and cash and checking accounts the Department may possess.

(4) All assets acquired by the Fire Department during the course of the year shall become an asset of the Village and is considered owned by the Village.

4.03 GOALS OF THE DEPARTMENT

(1) The primary objective of the department is to serve all citizens, without prejudice or favoritism, by safeguarding, collectively and individually, their lives against the effects of fires and explosions.

(2) The second objective of the department is to safeguard the general economy and welfare of the community by preventing major conflagrations and the destruction by fire of industries and businesses.

(3) The third objective of the fire defense program is to protect the property of all citizens against the effects of fire and explosions. All property deserves equal protection regardless of location of monetary value.

4.04 BYLAWS GOVERNANCE

(1) Bylaws Governance. The Williams Bay Fire Department shall be organized and governed pursuant to its bylaws. A copy of the current department bylaws shall be placed on file with the village clerk.

Note: Meetings of the membership of the Fire Department organization are not governed by the Wisconsin Open Meeting Law.

(2) Bylaws. 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 two-thirds (2/3) vote of the members of the Department, shall not become effective until approved by the Village Board.

Note: Meetings of the membership of the Fire Department organization are not governed by the Wisconsin Open Meeting Law.

4.05 IMPEDING FIRE EQUIPMENT PROHIBITED

(1) No person shall impede the progress of a fire engine, fire truck or other fire apparatus of the Williams Bay Fire Department along the streets or alleys of such Village at the time of a fire or when the Fire Department of the Village is using such streets or alleys in response to a fire alarm or for practice.

4.06 POLICE POWER OF THE DEPARTMENT

(1) The 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) The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting firefighters and police officers and those admitted by order of any officer of the Department, shall be permitted to come.

4.07 INVESTIGATION OF FIRES

(1) The Chief shall have the power to 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/she shall have the power to 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.

(2) Fire Inspection Duties

(a) The Fire Chief, or the Chief's designee, shall be the Fire Inspector of the Village of Williams Bay and shall have the power to appoint one or more deputy Fire Inspectors and shall perform all duties required of the Fire Inspectors by the laws of the State and rules of the Department of Commerce, particularly Sec. 101.14, Wis. Stats.

(b) While acting as Fire Inspector pursuant to Sec. 101.14(2), Wis. Stats., the Fire Chief, or any officer of the Fire Department designated by the Fire Chief, shall have the right and authority to enter any building or upon any premises in the Village of Williams Bay at all reasonable hours for the purpose of making inspections or investigations which, under the provisions of this Code of Ordinances, he/she may deem necessary. Should the Fire Inspector find that any provisions of this Code relating to fire hazards and prevention of fires are being violated, or that a fire hazard exists which should be eliminated, it shall be his/her duty to give such directions for the abatement of such conditions as he/she shall deem necessary and, if such directions be not complied with, to report such noncompliance to the Village Board for further action.

(c) The Chief of the Fire Department is required, by himself/herself or by officers or members of the Fire Department designated by him/her as fire inspectors, to inspect all buildings, premises and public thoroughfares, except the interiors of private dwellings, 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. Such inspections shall be made at least once in six (6) months in all of the territory served by the Fire Department and not less than once in three (3) months in such territory as the Village Board has designated or thereafter designates as within the Village or as a congested district subject to conflagration, and as often as the Chief of the Fire Department orders. Each six (6) month period shall begin on January 1 and July 1, and each three (3) month period on January 1, April 1, July 1 and October 1 of each year.

(d) Written reports of inspections shall be made and kept on file in the office of the Chief of the Fire Department in the manner and form required by the Department of Commerce. A

copy of such reports shall be filed with the Fire Chief. State Law Reference; Section 101.14(2), Wis. Stats.

4.08 DAMAGING FIRE HOSE PROHIBITED

Driving Over Fire Hose. No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the Williams Bay Fire Department, 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.

4.09 PARKING VEHICLES NEAR HYDRANTS

(1) Parking Vehicles Near Hydrants. It shall be unlawful for any person to park any vehicle or leave any object within ten (10) feet of any fire hydrant at any time.

(2) No Parking Near Fire. It shall be unlawful for any person, in case of fire, to drive or park any vehicle within one block from the place of fire without the consent and authority of the Fire Chief or any police officer.

4.10 FIREMEN MAY ENTER ADJACENT PROPERTY

(1) Entering Adjacent Property. It shall be lawful for any firefighter while acting under the direction of the Fire Chief or any other officer in command to enter upon the premises adjacent to or in the vicinity of a building or other property then on fire for the purpose of extinguishing such fire and in case any person shall hinder, resist or obstruct any firefighter in the discharge of his duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firemen in the discharge of their duty.

(2) Destruction of Property to Prevent the Spread of Fire. During the progress of any fire, the Fire Chief or his/her assistant shall have the power to order the removal or destruction of any property necessary to prevent the further spread of fire; provided that it is inevitable that, unless such property is removed, other property is in danger of being destroyed by fire.

4.11 DUTY OF BYSTANDERS 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 shall have the power to cause the arrest of any person or persons refusing to obey said orders.

4.12 VEHICLES TO YIELD RIGHT-OF-WAY

Whenever there shall be a fire or fire alarm or the Fire Department shall be out for practice, every person driving or riding in a motorized or other vehicle shall move and remain to the side of the street until the fire engine and fire truck and other fire apparatus shall have passed.

4.13 INTERFERENCE WITH USE OF HYDRANTS PROHIBITED

No person shall occupy any portion of such streets or alleys with a motorized or other vehicle between such fire engine or fire truck or other fire apparatus or any hydrant to which a fire hose may be, or may be about to be, attached.

FIRE PREVENTION CODE

4.14 ADOPTION OF CODES AND REGULATIONS BY REFERENCE

(1) The following chapters of the Wisconsin Administrative Code:

COMM 11	Liquified Petroleum Gases
COMM 14	General Hazard Fire Prevention
COMM 16	Wisconsin State Electrical Code
COMM 60-66	Building and Heating Ventilating and Air Conditioning Code
COMM 70	Historic Building Code
COMM 10	Flammable and Combustible Liquids (soon to be replaced by Ch. COMM 10, which is also incorporated herein when adopted in place of IND 8)

(2) The following section of the National Fire Codes, published by the National Fire Protection Association:

NFPA 10	Standard for Portable Fire Extinguishers
NFPA 13	Standard for the Installation of Sprinkler Systems
NFPA 58	Standard for the Storage and Handling of Liquified Petroleum Gases
NFPA 211	Standard for Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances
NFPA 385	Standard for Tank Vehicles for Flammable and Combustible Liquids

(3) The following section of the International Code Council Standards:

2003 ICC-ANSI A117.1	Accessibility Standards
----------------------	-------------------------

4.15 COMPLIANCE REQUIRED

Any act required to be performed and any act prohibited by the sections of the Wisconsin Administrative Code or the National Fire Code incorporated herein by reference is an act required or prohibited by this subchapter.

4.16 FUTURE AMENDMENTS OR MODIFICATIONS

(1) Any future amendment, revision or modification of the sections of the Wisconsin Administrative Code or National Fire Code incorporated herein by reference are intended to be made a part of this subchapter and are automatically adopted by reference herein upon their effective dates.

(2) In case of a conflict between any provisions of this subchapter, the Wisconsin Administrative Code or the National Fire Code, the provisions containing the strictest provisions shall apply.

A copy of the applicable provisions shall be kept at all times and available for inspection during reasonable hours in the offices of the Village Clerk and the Fire Chief in the Village Fire Department.

4.17 EMERGENCY VACATION OF HAZARDOUS BUILDINGS; PROCEDURE

- (1) Whenever the Fire Chief finds that a violation exists which presents a situation so dangerous as to be an immediate hazard or threat of damage or injury to any property or to any person's life, safety or health, the Fire Chief may order an immediate vacation of the building, structure or premises which are so threatened.
- (2) The order to vacate in an emergency situation may be given orally by the Fire Chief to those persons present in the building, structure or premises.
- (3) If such order is given orally, the Fire Chief shall post on each entrance to the vacated building a sign or notice that the building has been ordered vacated or is unfit for occupancy.
- (4) If the emergency situation terminates within 3 days, the Fire Chief shall prepare a report of the emergency situation and vacation. Such report shall contain the following information:
 - (a) A description of the premises sufficient for identification.
 - (b) Specification of the condition requiring immediate vacation and the section of the code under which such emergency order was issued.
 - (c) Date of issuance of the order to vacate.
 - (d) Date of withdrawal of the order to vacate.
 - (e) The names of the person or persons who were ordered to vacate the building, structure or premises and the date on which they were so ordered.
- (5) If the emergency situation exists longer than 3 days, the Fire Chief shall after 3 days prepare a written order which shall contain the following information:
 - (a) A description of the premises sufficient for identification.
 - (b) An order that the building, structure or premises be vacated and remain vacated until such order to vacate is withdrawn.
 - (c) Specification of the condition requiring immediate vacation and the section of the code under which such emergency order is being issued.
 - (d) The date the oral order to vacate was given.
 - (e) A statement of the penalty for defacing or removal of the copy of the order.
 - (f) The signature of the Fire Chief and a statement that the order was issued from the Fire Department.
 - (g) The date of posting of the written order.
- (6) A copy of any written order shall be posted on the premises and shall be served on the owner.
- (7) When the Fire Chief is satisfied that the hazard or condition causing the emergency situation has been corrected, he shall withdraw the order to vacate and remove any posted order or notice. If a written order was posted, the Fire Chief shall notify the owner in writing of the withdrawal of the order to vacate.
- (8) The owner of a building shall notify the occupants of any order to vacate and of the withdrawal of such order. Any damage, loss or injury to either the owner or occupants of the building ordered to be vacated shall not be the responsibility of the Village, unless directly caused by the Village's negligence.

Any damage, loss or injury to either the owner or occupants shall be the responsibility of the person or persons who cause the code violation or who allowed the violation to exist.

(9) The Fire Chief shall furnish a copy of all orders to vacate and notices of withdrawal thereof to any other official of the Village concerned therewith.

4.18 EMERGENCY AUTHORITY OF FIRE CHIEF

In circumstances where in the opinion of the Fire Chief the violation presents a situation so dangerous as to be an immediate threat of damage or injury to any property or any person's life, safety or health, the Fire Chief may cause the immediate abatement, removal or correction of the violation. Any and all costs incurred by the Village in the performance of the abatement, removal or correction of such violation shall be charged to the owner, occupant, person in control of or person responsible for such violation. In case of a failure to pay these costs, a statement of such costs shall be filed with the Village Clerk and any and all costs thereof shall be charged against the real estate upon which the violation was located, shall be a lien upon the real estate and shall be assessed and collected as a special tax.

4.19 ORDER TO ELIMINATE DANGEROUS OR HAZARDOUS CONDITIONS

Whenever the Chief shall find in any building or upon any premises dangerous or hazardous conditions or materials as follows, he shall order such dangerous conditions or materials to be removed or remedied:

- (1) Dangerous or unlawful amounts of combustible, explosive or otherwise hazardous materials.
- (2) Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible, explosive or otherwise hazardous materials.
- (3) Dangerous accumulations of rubbish, waste paper, boxes, shavings or other highly combustible materials.
- (4) Accumulations of dust or waste material in air conditioning or ventilating systems or of grease in kitchen or other exhaust ducts or inadequate clearances to unprotected combustible materials from hoods, greases extractors and ducts.
- (5) Obstructions to or on fire escapes, designated access openings in exterior walls for Fire Department use, stairs, passageways, doors or windows, liable to interfere with the operations of the Fire Department or egress of occupants in case of fire.
- (6) Any building or other structure which, for want of repairs, lack of adequate exit facilities, automatic or other fire alarm apparatus or fire extinguishing equipment; by reason of age or dilapidated condition; or from any other cause creates a hazardous condition.

4.20 SERVICE OF ORDERS

(1) The service of written orders for the correction of violations of this subchapter shall be made upon the owner, occupant or other person responsible for the conditions, either by delivering a copy of same to any person in charge of the premises or by mailing such orders to the owner or other responsible person. This subdivision shall in no way preclude the Chief from issuing oral orders in such other manner as he deems appropriate under the circumstances.

(2) If buildings or other premises are owned by one person and occupied by another, the orders issued in connection with the enforcing of this subchapter shall apply to the occupant thereof as well as the owner, except where the rules or orders require the making of additions to or changes in the premises, such as would immediately become fixtures upon real estate and be the property of the owner of the premises and, in such cases, the rules or orders shall affect the owner and not the occupant, unless it is otherwise agreed between the owner and the occupant.

(3) Receipt of such orders by the owner or occupant is sufficient notice to effect compliance with the order.

4.21 ORDER TO CORRECT VIOLATIONS; REMOVAL OF POSTED COPY

No person shall deface or remove a posted copy of an order from any premises upon which it has been placed under this subchapter, except by authority from the Fire Chief.

4.22 ORDER TO CORRECT VIOLATIONS; FAILURE TO DO SO

In case any order is not promptly complied with, the Fire Chief may follow any, several or all of the following procedures:

(1) Cause a citation to be issued to the owner, operator or other person responsible for the violating, citing a violation of this subchapter.

(2) Request the Village Attorney to institute an appropriate action or proceeding at law or in equity against the owner, operator or other person responsible for the violation, ordering him to:

(a) Restrain, correct or remove the violation or refrain from any further execution of work;

(b) Restrain or correct the erection, installation or alteration of such building in violation of this subchapter;

(c) Remove work in violation;

(d) Prevent the occupancy or use of the building, structure or part thereof erected, constructed, installed or altered in violation of or not in compliance with the provisions of this subchapter or in violation of a plan or specification under which an approval, permit or certificate was issued; or

(e) Pay a forfeiture pursuant to the penalty provisions of this subchapter.

4.23 PENALTIES

(1) Any person violating any of the provisions of this subchapter for which a penalty is not otherwise specified shall, upon conviction, be subject to a penalty as provided in §20.05 of this Municipal Code. Every day or fraction thereof during which any person fails or neglects to observe and comply with any provisions of this subchapter shall constitute a separate offense.

(2) Any person who does not comply with any lawful order of the Fire Chief issued pursuant to the provisions of this subchapter shall be in violation of this subchapter.