

# VOLUNTEER FIRE DEPARTMENT

## CHAPTER 5

### VOLUNTEER FIRE DEPARTMENT

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- 5.01 **FIRE DEPARTMENT ESTABLISHED.** The volunteer fire company organized under Chapter 213; Wis. Statutes. is hereby disbanded pursuant to SS 213.04, Wis. Statutes. In lieu thereof, the members of such fire organization are hereby officially recognized as the Fire Department of the City of Algoma and the duty of fire fighting and the prevention of fires in the City is delegated to such Department. Its organization and internal regulation shall be governed by the provisions of this chapter and by such by-laws adopted by the Department as are approved by the City Council, except as is otherwise provided by law and ordinance.
- 5.02 **BY-LAWS.** The Algoma Fire Department is hereby authorized and directed to adopt by-laws for the control, management and operation of the Department, which by-laws after adoption by a 2/3 vote of the Department members shall not become effective and operative until presented to and approved by the City Council. Amendments shall be adopted in the same manner.
- 5.03 **APPROPRIATIONS.** The City Council shall appropriate funds to provide for operation, and for such 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.
- 5.04 **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 City Council.
- 5.05 **ORGANIZATION OF DEPARTMENT.** The Fire Department shall consist of the following officers: One Chief, Assistant Chief, a Captain and Lieutenant for each company, a Secretary and Treasurer, together with one master mechanic and as many drivers and firemen as may be appointed by the Chief and be approved by the City Council; provided, that at no time shall the Department consist of less than 22 active members.
- 5.06 **RETIREMENT.** Active membership in the Department for members other than the Chief shall cease at the age of 55 years unless the City Council shall, by a majority vote, approve the person continuing as an active member. Upon reaching the age of 55, active members may become honorary members.
- 5.07 **APPLICATIONS FOR MEMBERSHIP.** Any person desiring to be a member of the Department shall make application for membership on such form as the City Council may require. Each applicant shall also file a certificate of physical fitness from such physician as the Chief may designate. The name of any applicant approved by the Chief as provided in the by-laws shall be presented to the City Council for confirmation.

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- 5.08 **RESIGNATIONS.** All resignations from the Department shall take the same course as applications for the appointments to membership.
- 5.09 **APPOINTMENT OF CHIEF.** A vacancy in the office of Chief shall be filled by appointment by the City Council.
- 5.10 **TERM OF OFFICE OF CHIEF.** The Chief shall immediately assume office and shall hold office until removed for cause by action of 2/3 of the members of the City Council, unless sooner terminated by resignation or change of residence to outside the city limits, or death.
- 5.11 **APPOINTMENT OF SUBORDINATE MEMBERS.** The assistant chief, the captains and lieutenants shall be appointed by the Chief from members of the Department.
- 5.12 **ELIGIBILITY FOR CHIEF OR ASSISTANT CHIEF.** No member of the Department shall be eligible for the position of Chief or Assistant Chief who does not reside within the boundary of the following area: South of Washington Road, East of County Hwy D, North of Tenth Road (all roads are within Kewaunee County) and has not been a member of the Department for at least 2 years.

### 5.13 FIRE COMPANIES.

- (1) The Department shall organize into one or at the option of the Chief, into 2 or more companies, of which not less than ½ of the members must be employed within the City. The Chief may at any time make transfers between companies that he deems necessary.
- (2) A Captain and a Lieutenant shall be in charge of each company of the Department. The Captain and the Lieutenant shall be responsible to the Chief.
- (3) A special company of the Fire Department is established which consists of emergency medical personnel. A captain shall be in charge of the special company and shall be responsible to the Chief.

- 5.14 **ELECTION OF OFFICERS.** The election of the Secretary-Treasurer and such social officers as the by-laws may require shall be held at the annual meeting of the Department in such manner as is provided in the by-laws. In case of any vacancy, the Chief shall appoint a member in good standing to fill the office until the next annual election.

### 5.15 POWERS AND DUTIES OF CHIEF.

- (1) The Chief shall have the general supervision of the Department, which supervision shall be subject to and not conflict with this chapter and the by-laws of the Department. He shall be responsible for the safety of the members of the Department.

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- (2) 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 chapter and the by-laws.
- (3) The Chief shall have complete command and the entire responsibility of fire fighting operations, plan the control of the same, direct the actions 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 see that the fire apparatus is kept in proper condition at all times.
- (4) The Chief may demote or expel any officer or member of the Department for neglect or refusal to perform his departmental duties; subject to an appeal from such demotion or expulsion to the Common Council. The by-laws may also provide expulsion for failure to participate in departmental activities.
- (5) Not later than October 1 of each year, the 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.
- (6) The Chief shall submit a written report to the Common Council not later than February 1 of each year, and at such other times as he deems desirable relating to the conditions of the various pieces of apparatus and appurtenances, the number of hydrants and the condition of the same, the number of fires occurring since the previous report and the date of same and loss occasioned thereby; the number of members in each company and 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 deems proper and necessary for the operation of the Department.
- (7) 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.
- (8) He 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, amount of insurance carried on building and contents, estimated fire loss, time fire was extinguished, names of men responding and general remarks.
- (9) He shall keep an inventory of all apparatus and equipment, and an inventory of all hose showing dates and results of tests of each length, which shall be individually numbered.
- (10) He shall perform such other duties as are usually incumbent on the commanding officer of the Fire Department.

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### **5.16 CONTROL AND CARE OF APPARATUS.**

- (1) The Chief shall have control of all apparatus used by the Department and shall be responsible for its proper maintenance. The Chief may authorize emergency repairs.
- (2) No apparatus shall be used for any purposes except for firefighting within the City limits, or in training therefor, except pursuant to an agreement approved by the Common Council after the Chief has given his recommendations on such use. With the approval of the Chief, such apparatus may be used for emergency purposes within the City. A written report of all such uses shall be made quarterly to the Common Council.

### **5.17 POLICE POWER OF DEPARTMENT.**

- (1) **AUTHORITY AT FIRES.** The Chief and his 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) **POWERS OF CHIEF.** The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting firemen and policemen and those admitted by order of any officer of the Department, shall not be permitted to come. 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 adjoining property, and during the progress of any fire, he may order the removal or destruction of any property necessary to prevent further spread of the fire. He may 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.
- (3) **FIREMEN MAY ENTER ADJACENT PROPERTY.** 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 if any person shall hinder, resist or obstruct any fireman in the discharge of this duty as is here-in-before provided, the person so offending shall be deemed guilty of resisting firemen in the discharge of their duty.
- (4) **DUTIES OF 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 removing or guarding property. Such officer shall have the power to cause the arrest of any person or persons refusing to obey said orders.

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- (5) **INJURY TO FIRE APPARATUS.** No person shall willfully injure in any manner, any hose, hydrant or fire apparatus belonging to the City, and no vehicle, street car or railroad equipment shall be driven over any unprotected hose of a 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 Fire Department official in command.

### **5.18 FIRE INSPECTIONS.**

- (1) The Chief of the Fire Department 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 Inspectors shall inspect quarterly, all buildings, premises and thoroughfares within the fire limits of this City; and shall inspect semi-annually, all buildings, premises and public thoroughfares within the City limits, for the purpose of noting and causing to be corrected, any condition liable to cause fire. Repairs or alterations necessary to remove the hazardous condition shall be made within a reasonable length of time at the expense of the owner. The Inspector shall also investigate the storage and handling of explosives and inflammable liquids within the City.
- (3) 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 quarterly report of inspections required by the Industrial Commission.
- (4) Whenever any inspection reveals a fire hazard, the Fire Inspector may 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 deemed a nuisance and the Fire Inspector may have some removed by the City, and the cost of such removal shall be recovered in an action by the City against the owner of the property.
- (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 interfere with the Chief or his deputies in carrying out their duties under this section.

### **5.19 TRAFFIC REGULATIONS DURING FIRES.**

- (1) From the beginning of the sounding of a fire alarm, until all fire apparatus has passed, vehicles are forbidden to enter and park in, or enter and stand in, any street within one block of the Fire Station, and vehicles parked in any such street and within one block of the Fire Station when such alarm is being given, shall not depart therefrom, but shall remain so parked until such fire apparatus has passed.
- (2) The sounding of the fire alarm is a warning to all persons to clear all streets and alleys so that firemen and fire apparatus may be rushed to the place where fire has broken out without hindrance or delay. No person shall hinder, delay, or obstruct the firemen in the performance of their duty when responding to a fire alarm or a call to practice or training.

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- (3) Every driver of a vehicle, whether the same is standing in or being driven through a street, upon the approach of fire apparatus responding to a fire alarm, shall immediately drive his vehicle to his right-hand curb, stop his vehicle and keep it standing there until such fire apparatus has passed.
- (4) No person shall park a vehicle on any street within one block of any place where a fire has broken out after the sounding of a fire alarm, and all vehicles parked in any such street shall move therefrom immediately upon the order of any fireman or policeman.

5.20 **PENALTY.** Any person who shall violate any provision of this chapter or any order, rule or regulation issued hereunder shall be subject to a penalty as provided in Sec. 20.04 of this Code.