

Chapter 2.20

FIRE DEPARTMENT

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2.20.010 Fire department recognized.

A. The volunteer members of the volunteer fire department are officially recognized as the fire department of the town and duty of fire fighting and the prevention of fires in the town is delegated to such department. Its duties in firefighting and prevention of fires includes but is not limited to firefighting, assisting Burlington Rescue Squad, and responding to any emergencies to which it is dispatched under this ordinance; under any automatic or mutual aid agreement; under the Mutual Aid Box Alarm System (MABAS); or under any other agreement that is in force. Its organization and internal regulation shall be governed by the provisions of this chapter and by such bylaws adopted by the department as are approved by the town board, except as is otherwise provided by law and ordinance.

B. The town fire department is authorized and directed to adopt bylaws for the control, management, government and the regulation of business and proceedings of the department, which bylaws, after adoption by a two-thirds vote of the members of the department shall not become effective and operative until presented to and approved by the town board.

Amendments shall be adopted in the same manner.

C. The town board 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. (Prior code § 5.01)

2.20.020 Membership and organization.

A. Membership. The fire department shall consist of the following officers: a chief, deputy chief, 2 assistant chiefs, captain and lieutenant for each company and a department secretary and treasurer, and as many drivers and firemen who live or normally work within the town as may be appointed by the chief and approved by the town board; provided, that at no time shall the department consist of less than twenty-four (24) active members.

B. Chief.

1. A vacancy in the office of the chief shall be filled by an election of a majority vote of the members of the fire department. 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. The town board may allow the members of the voluntary fire department to choose their own chief provided he is approved by the town board.

2. The chief shall immediately resume office and shall hold office for a period of two years or until removed for cause after a hearing by action of all of the members of the town board, unless his services be sooner terminated by resignation, change of residence to outside of the town or city limits or death.

3. No member of the department shall be eligible for the office of chief or assistant chief who does not live in the town or city of

Burlington and who has not been a member of the department for at least one year.

C. Application.

1. Any person desiring to be a member of the fire department may file with the chief an application in such form as the town board may require. Each applicant shall also file a certificate of physical fitness from such physician as the chief may designate.

2. All resignations from the department shall take the same course as applications for and appointments to membership.

3. Any member or officer of the department who has been expelled or demoted for any offense or neglect of duty or insubordination shall have the right to appear before the members of the town board and state why such penalty should not be confirmed. The town board may, by a two-thirds vote of the members of the town board, order the chief to reinstate the member or officer.

D. Organization.

1. The department shall organize into one or, at the option of the chief, into two or more companies. The chief may at any time make transfers which he deems necessary between companies.

2. Each of the companies of the department shall be in the charge of a captain or lieutenant who shall be responsible to the chief.

E. Officers. The election of the secretary and a treasurer and such social officers as the bylaws may require shall be held at the December 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 election. (Prior code § 5.02)

2.20.030 Powers and duties of chief.

A. The chief shall have general supervision of the department, subject to this subchapter 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, prescribe order, decide all points of order that may arise and enforce a rigid observance of this chapter and the bylaws. The chief shall have the right to appoint a chairman to preside at meetings of the department in the place and stead of the chief.

C. The chief shall be present at all fires if possible, 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 see that the fire apparatus is kept in proper condition at all times.

D. The chief shall have the power to demote or expel any officer or member of the department for neglect or refusal to perform his departmental duties, such demotion or expulsion to be subject to an appeal to the town board.

E. Not later than September 1st of each year, the chief shall file with the town clerk a detailed estimate of the appropriations needed for the conduct of the department during the ensuing fiscal year.

F. The chief shall submit a written report to the town board not later than March 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 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 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.

G. He shall enforce all fire prevention ordinances of the town 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. Fees and costs for fire protection, enforcement, consultation and inspection shall be established by resolution of the Town Board. (Ord. dated 6/14/07)

H. He shall keep a fire record 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, amount of insurance carried on building and contents, estimated fire loss, time fire was extinguished, names of men responding and general remarks.

I. 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.

J. He shall perform such other duties as are incumbent on the commanding officer of the fire department.

K. Pursuant to Section 66.0608, Wis. Stats., the department treasurer shall be authorized to open and maintain a separate account in the name of the town of Burlington fire department for donations to the department, pancake breakfast money and raffles. The department treasurer may deposit and exercise exclusive control over expenditure of such funds in the account for the benefit of the fire department. The department treasurer shall submit an accounting to the town treasurer at least annually showing all deposits and expenditures in such account. (Ord. dated 12/8/05; prior code § 5.03)

2.20.040 Equipment.

A. 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.

B. No apparatus shall be used for any purpose except for firefighting within the town limits, or in training therefor, except pursuant to an agreement approved by the town board except when 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 firefighting within the town.

C. No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the town, and no vehicle shall be driven over any unprotected hose of a 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. (Prior code § 5.04)

2.20.050 Police power of department.

A. The chief and assistants or officers in command at any fire are 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.

B. 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 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 the adjoining property, and during the progress of any fire he shall have the power to order the removal or destruction of any property

necessary to prevent the further spread of the fire. He shall also 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.

C. 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 other than on fire for the purpose of extinguishing such fire, and if any person shall hinder, resist or obstruct any firemen in the discharge of his duty as herein provided, the person so offending shall be deemed guilty of resisting firemen in the discharge of their duties.

D. Every person 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 such orders. (Prior code § 5.05)

2.20.060 Fees.

A. The department may charge a property owner a fee for any fire call made to the owner's property. The department may charge for any hazardous material calls and automobile accident calls. The fee shall be equal in amount to actual out-of-pocket costs incurred by the department in extinguishing the fire.

B. The department may charge the property owner a fee of one hundred fifty dollars (\$150.00) for each unintentional fire call to the same property in excess of three in a twenty-four (24) month period in which no fire has occurred. (Prior code § 5.06)

2.20.070 Fire inspector--Duties.

A. 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.

B. Fire inspectors shall semi-annually inspect all commercial buildings, premises and thoroughfares and public places of employment as defined by the Wisconsin Statutes within the town limits for the purpose of noting and causing to be corrected any condition constituting a fire hazard. The fire inspectors shall also investigate the storage and handling of explosives and flammables within the town.

C. Whenever or wherever in the town any inspection by the fire chief or his deputies reveals a fire hazard, the chief or his deputies shall serve notice in writing upon the owner of the property, giving the 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. The fire chief or his deputy is authorized to have the same removed by the town, and the cost of such removal shall be recovered in an action by the town against the owner of the property.

D. The chief shall keep a written record card of each property inspected which shall conform to the requirements of the Department of Safety & Professional Services (DSPS) and shall make the yearly report of inspections required by DSPS.

E. No person shall deny the chief or his deputies free access to any property within the town at any reasonable time for the purpose of making fire inspections. No person shall hinder or obstruct the fire inspector in the performance of his duty or refuse to observe any lawful direction given by him. (Editorially amended during 2001 codification; prior code § 5.10)

2.20.080 Violation--Penalty.

Except as otherwise provided, any person found to be in violation of any provisions of this chapter shall be subject to a penalty as provided in Chapter 1.20 of this code. (Prior code § 5.15 (part))