

CHAPTER 5

FIRE DEPARTMENT

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5.01 COMPOSITION OF DEPARTMENT. The Department shall be known as the "City of Clintonville Fire Department" and shall consist of the Fire Chief, two (2) Assistant Fire Chiefs, three (3) Captains, a Secretary-Treasurer and such subordinates as may be authorized by the Council.

5.02 APPOINTMENTS.

(1) FIRE CHIEF. Pursuant to §62.13(3), Wis. Stats., the Fire Chief shall be appointed by the Police and Fire Commission and shall hold office during good behavior, subject to suspension or removal by the Commission for cause.

(2) OTHER OFFICERS; SUBORDINATES. Pursuant to §62.13(4), Wis. Stats., other officers and subordinates shall be appointed by the Fire Chief, subject to confirmation by the Police and Fire Commission.

5.03 DISCIPLINARY ACTION. The Fire Chief shall have the power to suspend, demote, expel or otherwise discipline members of the Department, subject to appeal to the Police and Fire Commission, as provided in §62.13(5), Wis. Stats.

5.04 DEPARTMENT BUDGET. The Fire Chief shall file with the Clerk-Treasurer, by October 1 of each year, a detailed estimate of the appropriations needed for the conduct of the Department during the ensuing fiscal year.

5.05 POWERS AND DUTIES OF CHIEF.

(1) GENERAL SUPERVISION. The Chief shall have the general supervision of the Department, which supervision shall be subject to and not conflict with this chapter, the rules and regulations adopted by the Commission, and the bylaws of the Department. He shall be responsible for the safety of the members of the Department. He shall also obey all lawful written orders of the Mayor and the Council.

(2) PRESIDING OFFICER. The Chief or, in his absence, the highest ranking officer shall preside at all meetings of the Department, call special meetings, preserve order, decide all points of order that may arise, and enforce the provisions of this chapter and the bylaws.

(3) COMMAND OF FIRE FIGHTING OPERATIONS. The Chief shall be present at all fires, if possible, and have complete command and entire responsibility for all fire fighting 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.

(4) **REPORTS TO THE COUNCIL.** The Chief shall submit a written report to the Council not later than October 1 of each year, and at such times as he deems desirable, relating to the condition of various pieces of apparatus and appurtenances, budget recommendations for the coming year, the number of fires occurring since the previous report and the date of the same and the loss occasioned hereby, 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 for such improvements as he deems proper and necessary for the operation of the Department.

(5) **ENFORCEMENT OF FIRE DEPARTMENT ORDINANCES.** He shall enforce all fire prevention ordinances of the City and the State laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and on the activities of the Department.

(6) **FIRE RECORD BOOK.** He shall keep a fire record book of every fire to which the Department was called and shall enter in such book the location of the fire, the time the alarm was received, the cause of the fire, where the fire started, the cause of delay, if any, in responding, estimated fire loss, the time the fire was extinguished, the names of the members responding and general remarks.

(7) **APPARATUS INVENTORY.** 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 numbered.

(8) **DUTIES AS COMMANDING OFFICER.** He shall perform such other duties as are usually incumbent on the commanding officer of the Fire Department.

5.06 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. Emergency repairs may be authorized by the Chief or, in his absence, the highest ranking officer. Apparatus stored in the garage adjacent to City Hall shall be placed in cooperation with other authorized department heads.

(2) No apparatus shall be used for any purpose except for fire fighting that is within the City limits, or in training therefore, except pursuant to mutual aid agreements approved by the 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. The Chief may authorize the use of apparatus for legitimate civic purposes.

5.07 DUTIES OF FIREMEN. It shall be the duty of each member of the Fire Department to promptly report to headquarters. If a members arrives after the fire equipment has left headquarters, the member shall join the company as soon as possible. Every fireman shall remain in the discharge of his duty at a fire until permission is given by the officer in charge to leave. Firemen shall, when on duty, properly obey orders of their superiors.

5.08 POLICE POWER OF DEPARTMENT.

(1) **POLICE AUTHORITY AT FIRES.** The Chief and his assistants or officers in command at any fire are hereby vested with full and complete police authority. 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) **CONTROL OF FIRES.** The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons except firemen and policemen and those admitted by order of any officer of the Department shall be permitted to enter. 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 a fire.

(3) **ENTERING PREMISES.** 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 his duty, as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firemen in the discharge of their duties.

(4) **DUTIES OF BYSTANDERS.** 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 may cause the arrest of any person refusing to obey said orders.

(5) **INJURY TO EQUIPMENT PROHIBITED.** No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the City and no

vehicle or railroad equipment shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway, tract or other place to be used at any fire or alarm of fire without the consent of the Fire Department official in command.

5.09 FIRE INSPECTORS.

(1) FIRE CHIEF TO BE FIRE INSPECTOR. 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.

(2) INSPECTION DUTIES. Fire Inspectors 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 conditions liable to cause fires. Repairs or alterations necessary to remove the hazardous condition shall be made within a reasonable time at the expense of the owner. The Inspector shall also investigate the storage and handling of all explosives and inflammable liquids within the City.

(3) WRITTEN RECORD OF INSPECTIONS. The Chief shall keep a written record card of each property inspected which shall conform to the requirements of the state department of Industry, Labor and Human Relations and shall make a quarterly report of inspections required by said Department.

(4) CORRECTION OF FIRE HAZARDS. When any inspection by the Fire Chief or his deputies reveals a fire hazard, the Chief or his deputies 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 Chief or his deputy may have the same 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 and may also be entered on the tax roll as a special charge against the property.

(5) ENTERING ON PREMISES. No person shall deny the Fire Inspector 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 in the performance of his duty or refuse to observe any lawful direction given by him.

5.10 INFLAMMABLE MATERIALS PROHIBITED. No person shall permit any waste paper, empty boxes, excelsior or other similar inflammable materials to collect or remain upon the premises owner or occupied by said person, on the outside of any building or placed in any public street or alley unless the same shall be contained within a covered fireproof container.

5.11 GASOLINE, BENZINE, NAPHTHA, ETC. All gasoline stations, bulk gasoline storage facilities, and any facility for storing benzine, naphtha or any other volatile liquid shall be constructed and maintained in conformity with the regulations prescribed by the State statutes and the rules and regulations of the State Department of Industry, Labor and Human Relations.

5.12 GUNPOWDER. No person shall keep or store more than 10 pounds of gunpowder at any place within the City without the written permission of the Fire Chief. Any dealer permitted to keep at his place of business in excess of 10 pounds of gunpowder shall not keep more than 200 pounds at any one time, and such gunpowder shall be kept in a safely constructed box painted yellow with the word "powder" printed or painted thereon in black letters not less than 5 inches in height and equipped with handles so that the same may be rapidly moved in case of fire, and such box shall be kept in such part of the dealer's place of business as may be directed by the Fire Chief.

5.13 DYNAMITE. No person shall keep or store within the City any nitroglycerine, dynamite, giant powder or other explosives more violent than gunpowder without the written permission of the Fire Chief or otherwise than in accordance with the conditions prescribed in such permission as granted and in no case shall more than 50 pounds of any such explosives be stored or kept within 300 feet of any dwelling or other occupied building. The Fire Chief may direct the placement and the manner of keeping the same and the precautions to be observed in connection therewith.

5.14 RIGHT OF WAY. The officers and members of the Fire Department, with their fire equipment of every kind, when going to or are on duty at a fire, shall have the right of way over all other vehicles upon city streets, and the operator of any other vehicle, whether motor or otherwise, upon the approach of such fire apparatus, shall immediately drive such other vehicle as far as possible to the right of the thoroughfare and shall keep such vehicle stationary until such fire apparatus shall have passed. Except when actually responding to a fire alarm or other emergency call, or when on duty at a fire, the apparatus and vehicles of the Fire Department shall, however, have no special right of way or other privileges of any kind, but shall be subject to all traffic regulations applicable to other vehicles.

5.15 EMERGENCY VEHICLES. The private vehicles of volunteer firemen equipped with sirens and oscillating lights, as required by law, are hereby designated emergency vehicles. Such vehicles shall be equipped and operated in accordance with rules and regulations established by the Fire Chief.

5.16 EMERGENCY ALARM SYSTEMS. See sec. 4.04 of this Code.

5.17 EMERGENCY ACCESS TO LOCKED BUILDINGS.

- (a) The owner or possessor of any real property located within the city, access to which is impeded by any structure which is normally locked or is capable of being locked, must install a locking device such as a lock or locked key box, so that city fire, police and emergency medical service personnel can gain immediate entry to such property in the performance of their duties.
- (b) The requirements of this section apply to any and all structures which impede access to real property and which impede emergency personnel in responding to a fire or other emergency. Such structures shall include, but shall not be limited to the following:
 - (1) Gates, fences and other barriers to entry, including gates across driveways, and security gates barring access to gated communities and parking structures.
 - (2) Main common entrances to buildings, including entrances to lobbies or halls.
- (c) The requirements of this section do not apply to separate access to single family residences or garages; separate access to individual welling units within a condominium or apartment complex; or separate access to individual offices or businesses located within a building.
- (d) A list of types of locking devices which comply with this section shall be maintained by the fire department. These locking devices shall be of a type which is available for purchase from private businesses.
- (e) Additional locking devices may be separately installed or maintained by the property owner or possessor on the locked structure so long as the devices are positioned or installed in such a way that they do not preclude entry upon or access to the property by city emergency personnel, who remain able to gain access to the property upon unlocking the approved locking device.
- (f) Inspection will be made from time to time by the fire department to determine compliance with this section and assure the functioning of the locking device and the ability of city emergency personnel to gain access to the property.

This ordinance shall take effect upon passage and publication as provided by law.

5.18 FIRE DEPARTMENT RESPONSE FEE. In the event the Fire Department responds to an emergency call with equipment and personnel, the Fire Department may assess a fee to the owner of the property receiving the benefit of such Fire Department response. The Fire Department Response fee shall be set by Council resolution. Said fee shall be billed by the Fire Department to the owner of the property and if said bill is not paid, said fee shall be treated as a special charge and collected pursuant to the provisions of Section 66.0627 Wis. Stats.

5.20 PENALTY. Any person who shall violate any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty, as provided in sec. 25.04 of this Code.