

CHAPTER 5. FIRE DEPARTMENT

SECTION 5.01 RECOGNITION AND FUNDING

- (1) The volunteer fire department of the City of Mondovi presently existing, and its members are hereby recognized as the official volunteer fire department of said City and the duty of firefighting and the prevention of fire in the City of Mondovi is delegated to such department. Its organization and internal regulation shall be governed by the provisions of this ordinance and by such by-laws adopted by the department as are approved by the Common Council, except as is otherwise proved by law and ordinance.
- (2) The Mondovi Fire Department is hereby authorized and directed to adopt by-laws for the control, management, and government and for regulating the business and proceeding of the department, which by-laws, after adoption by the two-thirds vote of the members of the department shall not become effective and operative until presented to and approved by the Common Council. Amendments shall be adopted in the same manner.
- (3) The Common 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.
- (4) 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 Common Council.

SECTION 5.02 ORGANIZATION

- (1) The fire department shall consist of the following officers: one chief, a first and second assistant chief, a captain and lieutenant for each company, and a secretary-treasurer, together with one master mechanic, and as many drivers and firemen who are residents of the City of Mondovi as may be appointed by the chief; providing that at no time shall the department consist of less than 22 active members.
- (2) Active membership in the department for members other than the chief shall cease at the age of fifty-five years unless the City Council shall, by a majority vote, approve of the person continuing as an active member. Upon reaching the age of fifty-five, active members shall become honorary members and be assigned to lighter task duties.
- (3) Department Members
 - (a) Any person desiring to become a member of the fire department may file with the secretary an application in 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 Common Council for confirmation.

- (b) All registrations from the department shall take the same course as applications for and appointments to membership.

(4) Officers

- (a) A vacancy in the office of chief shall be filled by appointment by a majority vote of the membership of the fire department.
 - (b) The chief shall be elected by a majority vote of the membership of the fire department and his/her election shall be subject to a two-thirds vote of the Common Council; the chief shall immediately assume office and hold the same for a term of two years, or until his/her successor is elected.
 - (c) The first and second assistant chiefs, and the captains and lieutenants shall be appointed by the chief from membership of the department, subject to confirmation by a majority vote of the membership of the fire department.
 - (d) No member of the department shall be eligible for the office of chief or assistant chief whose entire time, both day and night is not ordinarily spent within the city limits, and, except for the initial appointments under this ordinance, has not been a member of the department for at least two years.
- (5) 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.

SECTION 5.03 POWERS AND DUTIES OF CHIEF

- (1) The chief shall:
- (a) Have general supervision of the department; supervision which shall be subject to and not conflict with this ordinance and the by-laws of the department. He/she shall be responsible for the safety of the members of the department.
 - (b) Preside at all meetings of the department, to call special meetings, to preserve order, to decide all points of order that may arise, and to enforce a rigid observance of this ordinance and the by-laws.
 - (c) Preside at all fires, and to have complete command and entire responsibility of all firefighting operations, to plan control of the same, to direct the action of the companies when they arrive at the fire, to observe that every company does its duty, to grant leaves of absence at a fire when he/she may deem it proper, and to see that the fire apparatus is kept in proper condition at all times.
 - (d) Have the power to demote or expel any officer or member of the department for neglect or refusal to perform his/her departmental duties. The by-laws may also provide expulsion for failure to participate in departmental activities, or for non-residence.

- (e) No later than October 1st file with the City Clerk a detailed estimate of the appropriations needed for conduct of the department during the ensuing fiscal year.
- (f) Submit a written report to the Common Council not later than February 1st of each year, and at such other times as he/she may deem desirable, relating to the conditions of the various pieces of apparatus and appurtenances, the number of hydrants and the conditions of the same, the number of fires occurring since the previous report, and the date of same and loss occasioned thereby; and the total number of active members in the department, and resignations and expulsions from the department. He/she shall also report upon the drill and training program from the department, together with other pertinent information, including recommendations of such improvements as he/she deems proper and necessary for the operations of the department.
- (g) Enforce all fire prevention ordinances of this City, and state laws and regulations pertaining to fire prevention, and shall keep citizens informed of fire prevention methods, and on the activities of the fire department.
- (h) Keep a fire record book of every fire to which any company was called, and shall enter in such book the locality of the fire, time the alarm was received, cause of fire, where the 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 firemen responding and general remarks.
- (i) 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.
- (j) Perform such other duties as are usually incumbent upon the commanding office of the fire department.

SECTION 5.04 CONTROL AND CARE OF APPARATUS

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.

SECTION 5.05 POLICE POWER OF DEPARTMENT

- (1) The Chief and his/her assistants or officers in command at any fires 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) 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 presiding of fire, or to protect the adjoining property, and during the progress of any fire he/she shall have the power to order the removal or destruction of any property necessary to prevent the further spread of the fire. He/she will also have the power to

cause the removal of all wires or other facilities and the running off of electricity or other services where the same impedes the work of the department during the progress of the fire.

- (3) It shall be lawful for any fireman while acting under the direction of the fire chief or other officer in command to 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 in case any person shall hinder, resist or obstruct any fireman in the discharge of his/her duty is hereinbefore provided, the person offending shall be deemed guilty of resisting firemen in discharge of their duty.
- (4) Every person who shall be present at a fire shall be subject to the order of the fire chief or officer in command, and may be required to render assistance in fighting fire, or removing or guarding property. Such officer shall have the power to cause the arrest of any person or persons refusing to obey such orders.
- (5) No person shall willfully inure in any manner any hose, hydrant or fire apparatus belonging to the City of Mondovi, and no vehicle 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 at hand.
- (6) It shall be unlawful for the operator of any vehicle other than one in on official business to follow any fire apparatus in response to a call or alarm closer than 500 feet, or drive or park any vehicle within the area where fire apparatus has stopped in response to an alarm.

SECTION 5.06 FIRE INSPECTOR: DUTIES

- (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 power as the fire inspector.
- (2) It shall be the duty of the fire inspectors to inspect quarterly all buildings, premises, and thoroughfares within the fire limits of this City; and to 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 alternations 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 explosives and flammable liquids within the City.
- (3) The chief shall keep a written record card of each property inspected which shall confirm to the requirements of the industrial commission, and shall make the quarterly reports of inspections required by the industrial commission, and shall make summary reports of such inspections to the Common Council.

- (4) Whenever or wherever in the City of Mondovi any inspection by the fire chief or his/her deputies reveals a fire hazard, the chief or his/her deputies are hereby invested with authority to serve a notice in writing, upon the owner of the property giving said owner a reasonable time in which to remove the hazard. In the event that the fire hazard is not removed within the time allowed, it shall be deemed a nuisance and the fire chief or his/her deputy is authorized to have the same removed by the City, and the cost of 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/her deputy's 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/her duty, or refuse to observe any lawful direction given by him/her.

SECTION 5.07 USE OF RED WARNING LIGHTS AND SIRENS

The city clerk-assessor is hereby authorized, ordered and directed to issue permit cards authorizing the use by volunteer firemen of the fire department of a red warning light and siren on privately owned vehicles when responding to but not upon returning from fire alarm.

SECTION 5.071 FALSE FIRE ALARMS

(Amended 01/1987)

It shall be unlawful to give, intentionally or unintentionally, a false fire alarm whether by means of a fire alarm system or by any other means.

SECTION 5.08 FORFEITURE FOR VIOLATION

- (1) Any person, firm or corporation convicted of violation of any of the provisions of this chapter, except s. 5.071, shall forfeit not more than \$100.00 together with the cost of prosecution. Each day's violation of the provisions of this ordinance shall constitute a separate offense.
- (2) Any person, firm or corporation convicted of violation of s. 5.071 of this chapter shall forfeit not more than \$300.00 together with the cost of prosecution.

SECTION 5.09

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SECTION 5.10 SPECIAL CHARGE FOR FIRE CALLS

(1) Statement of Purpose

In recognition of the cost for providing for fire fighters and equipment to respond to fire calls, and in further recognition that such service aids are a benefit to the

community, the Common Council chooses to exercise the authority under s. 66.0627, Wis. Stats., to charge a user fee directly related to the cost of fire protection services.

(2) General Service Fee Structure

For all fire calls by the Fire Department to properties located within the City limits, an hourly charge shall be established by the Common Council and placed on file with the City Clerk, representing the hourly charge for wages and benefits paid to firefighters. Said amount, calculated by the number of fire fighters responding to a fire call, shall be used for purposes of assessing a fee as described under (3). For fire calls made by the Fire Department to properties located outside the City limits but within its jurisdiction, in addition to utilizing the same hourly charge fee structure for wages and benefits paid to firefighters, a per call charge for the use of equipment, machinery and vehicles shall be established by the Common Council and placed on file with the City Clerk, to be used for assessing a fee under (4).

(3) Fee for Fire Calls in the City

For each fire call to properties located within the City limits, a fee shall be charged to the owner of the property, calculated upon the basis of the hourly wages and benefits fee structure established under (2), above. Such fees assessed under this paragraph shall be paid in full as a special charge for current services rendered and shall be paid within thirty (30) days of the date of billing. Fees remaining unpaid as of the due date shall be handled as described under (5).

(4) Fee for Fire Calls Outside of the City

For each fire call to properties located outside of the City limits, a fee shall be charged to the owner of the property, calculated upon the basis of the hourly wages and benefits fee structure and per call charge for equipment, machinery, and vehicles established as described under (2). Such fees assessed under this paragraph shall be paid in full as a special charge for current services within thirty (30) days of the date of billing. Fees remaining unpaid as of the due date shall be handled as described under (5).

(5) Procedure for Collecting Overdue Special Charges

Each special charge for a fire call that remains unpaid in whole or in part, as of the due date therefor, shall be collected in the manner contemplated under Section 66.0627 (4), Wis. Stats. To this effect, the City Clerk shall certify to the Common Council on or immediately after October 1st of each year, a list of unpaid special charges for fire calls as of October 1st, noting the amount of each unpaid special charge, its due date and the property to which the fire call was made. Upon order of the Common Council each unpaid special charge as of October 1st shall be included in the next tax roll for collection and settlement under Ch. 74, Wis. Stats., as a lien upon the property. Notice the City Clerk in the official newspaper at least one week prior to the meeting at which the Common Council decides to place the unpaid charges on the tax roll. The procedure for collecting fees for services rendered outside of the City limits shall be managed on a case-by-case basis. The City retains the right to either

refer to a collection agency or direct the city attorney to file a claim in Circuit Court for recovery.