

## CHAPTER 5

### FIRE DEPARTMENT

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#### 5.01 MUNICIPAL FIRE DEPARTMENT

The Town Board and Village Board hereby establish a joint fire department of the municipalities which shall be known as the Eagle Volunteer Fire Department.

The Department shall be responsible for fire protection, emergency medical treatment and transportation, rescue operations and such other duties as assigned by joint resolution of the Town and Village Boards from time to time.

#### 5.02 OPERATION OF FIRE DEPARTMENT

(1) *FIRE COMMISSION* – The Town Board and Village Board hereby establish the Fire Commission.

(a) *COMPOSITION* – The Fire Commission shall be composed of five (5) commissioners, with the Village President appointing one (1) commissioner and the Town Chairman appointing two (2) commissioners, subject to

confirmation by the Village Board for the Village appointments and by the Town Board for the Town appointments. The Village President and the Town Chairman shall automatically be members of the Fire Commission.

(b) TERMS – All terms shall commence on May 1, 1994 and be for one year duration.

(c) DUTIES OF THE FIRE COMMISSION –

(1) Chairperson – The Town Chairman shall be the Chairperson of the Fire Commission and shall preside over the meetings.

(2) Election of Officers – At its first meeting after its creation and thereafter at its first meeting each year, the commission shall choose from its members a vice-chairperson to act in the absence of the chairperson, and a secretary.

(3) Meetings – The commission shall hold monthly meetings on the second Tuesday of each month at the call of the Village Board, Town Board, Commission Chairperson, or vice-chairperson or the Fire Chief or Assistant Fire Chief. Unless otherwise changed by the Commission, meetings shall be held at the Fire Station. The Commission shall keep a record of its proceedings.

(4) Duties - The Commission has duties and responsibilities as established in Wisconsin State Statute 62.13(3)-(5m), as amended from time to time. The Commission shall be responsible for appointing the Fire Chief, however, such appointment shall be after the Commission receives the non-binding recommendation of the firefighters and EMT's.

(d) DUTIES OF THE FIRE CHIEF -

(1) Management - The Fire Chief shall be responsible for the daily management and operation of the Department, subject to policies established and agreed to by both the Town and Village Boards.

(2) Budget – The Chief shall recommend a proposed budget to the Village and Town Boards. The Village and Town Boards will

annually hold meetings between September 15<sup>th</sup> and October 15<sup>th</sup>, to review the budget recommended by the Chief.

(3) Appointments – The Chief shall appoint three (3) assistant chiefs to assist the chief and act in the chief's absence, a minimum of one (1) fire inspector and other subordinates subject to approval by the Fire Commission; however, such appointments shall be after the Chief receives the non-binding recommendation of the firefighters and the EMT's.

(4) Number of Personnel and Compensation – The Chief shall recommend to the Town and Village Boards the number of fire fighting, emergency personnel and other staff needed, and compensation for such personnel, however, such decisions shall be subject to final approval by the Village and Town Boards.

(5) Deputy State Fire Marshall – The Chief shall also perform the duties of the deputy state fire marshal.

### 5.03 ALLOCATION OF COSTS AND OWNERSHIP

#### (1) *OPERATION OF DEPARTMENT MAINTENANCE AND EQUIPMENT PURCHASE –*

The Town and Village shall each pay its share of the Department's budgeted costs for operating the Fire Department and maintenance and purchase of equipment for the Department. Each municipality shall contribute that percent of the equalized value of the municipality compared to the combined equalized value of the two municipalities. (For 1994, these percentages shall be set forth as a contribution by the Town of 63% of the Department's budgeted costs and the Village shall pay 37% of the Department's budgeted costs.) Annually, beginning on January 1, 1995 and each January 1<sup>st</sup> thereafter, this percentage shall be adjusted based upon the equalized values established by the Department of Revenue pursuant to Wisconsin

State Statute 70.57, and transmitted to the Town and Village on the previous August 15 population statistics from the State of Wisconsin.

- (2) *OWNERSHIP OF PERSONAL PROPERTY* – The Town and Village shall own personal property used by the Fire Department as tenants in common. Each municipality shall own that percent of the personal property as that municipality paid to purchase the property. The Department shall keep records showing the dates and cost of each purchase of personal property.
- (3) *BUDGET* – The Fire Department’s budget shall be subject to approval of both the Village and Town Boards. The parties understand that the Town levy is subject to a vote at a special meeting. The amount assessed each municipality under Section 3A of this Ordinance shall be transferred to the appropriate fire department accounts by the settlement dates established in Wisconsin State Statutes 74.23 and 74.25.
- (4) *CAPITAL IMPROVEMENT FUND* – There is hereby established a Capital Improvement Fund for the purpose of providing a systematic method of funding major equipment purchases. Each municipality shall make contributions to the Fund in the same percentage as established in Section 3A of this ordinance. The Fire Chief shall make a request to both the Village and Town Boards to purchase equipment with funds from the Capital Improvement Fund. Disbursements from this account shall be made only after approval by both the Town and Village Boards, with the signatures of both the Town and Village Treasurers.
- (5) *CLAIMS* –
  - (a) *BUDGETED EXPENDITURES* – All claims for payment of Fire Department expenses which are contained within the budget shall be presented to the office of the Fire Chief who shall file copies with the Commission. The Commission may authorize payment of budgeted claims after the Town Clerk or a deputy in the absence of

the clerk, endorses approval of the claim. The clerk may approve claims after having determined that the following conditions have been compiled with:

- (1) That funds are available therefore pursuant to the budget approved by the governing body.
- (2) That the item or service covered by such claim has been duly authorized by the proper official, department head or board or commission.
- (3) That the item or service has been actually supplied or rendered in conformity with such authorization.
- (4) That the claim is just and valid pursuant to law. The comptroller or clerk may require the submission of such proof and evidence to support the foregoing as in that officer's discretion may be deemed necessary.

The Town and Village shall establish one or more accounts solely to be used for the Fire Department's expenditures. Withdrawal from these accounts shall require the signature of the Town Clerk or a deputy in the absence of the clerk after approval of the claim by the Fire Commission. The Town Clerk or a deputy in the absence of the clerk, shall file a list of approved claims, showing the date paid, name of claimant, purpose and amount. This list shall be filed monthly with the Town Board and Village Board.

These accounts shall be audited annually by a certified public accountant designated by the Town and Village Boards. The Clerk or Deputy Clerk shall be covered by a \$5000.00 fidelity bond.

- (b) **NON-BUDGETED EXPENDITURES** – All claims for payment for Fire Department expenses which are not contained within the budget shall be presented to the Fire Chief who shall file copies with both the Town and Village Clerks. Payments of claims for non-budgeted items shall require approval of both Town and Village

Boards with each municipality paying the percentage established in Section 3A of this code.

#### 5.04 DISPUTE RESOLUTION

- (1) If disputes arise between the Village and the Town relating to this ordinance, the Village and Town Boards shall meet and attempt to resolve their differences. If the Boards cannot agree, each Board shall appoint two (2) board members to a conference committee. The conference committee shall meet and agree by a majority vote on any disputed items. The decision of the conference committee shall be binding upon both the Town and Village Boards.
- (2) In the event that the conference committee is unable to resolve a disputed item within 60 days after the matter is referred to the conference committee, either board may request arbitration. The demand for arbitration shall be filed in writing with the other party to this agreement and with the American Arbitration Association. The decision of the arbitrator shall be final and binding. The cost of the arbitrator shall be borne equally by the Village and the Town.

#### 5.05 AMENDMENT/TERMINATION/DISSOLUTION

- (1) *TERMINATION OF PRIOR AGREEMENT* – By adoption of this ordinance the Town and Village terminate the Eagle Fire District Agreement for 1990-1995 as of the effective date of this ordinance.
- (2) *AMENDMENT* – This Ordinance may be amended from time to time by Ordinance enacted by both the Town and Village Boards.
- (3) *DISSOLUTION* – Either the Town Board or the Village Board may dissolve the Department and Fire Commission at any time by giving 180 days prior written notice to the other Board, addressed to the municipal Clerk at the Village or Town Hall and to the Fire Commission. From and after the date of dissolution each municipality shall own those assets, and liabilities in that percent that each

municipality paid for the assest when it was purchased or charged for the liability for the year when it was incurred. In the event of a dispute in valuation of assests or liabilities, each Board shall hire an appraiser at its own cost, the two (2) appraisers shall choose a third appraiser and the three appraisers shall value the assests and liabilities and allocate the assests according to the ownership percentage established in Section 3C of this ordinance and allocate the liabilities to each municipality according to the equalized value of that municipality compared to the equalized value of the combined municipalities for the year the liability was incurred.

The balance of the Equipment Trust Fund shall be divided between the municipalities based upon their respective contributions to the fund. The balance of the fund shall be deemed to consist of contributions made in the inverse order of payment.

Each municipality shall keep its percent of the assests as established and allocated by the appraisers.

## 5.06 POWER OF DEPARTMENT

- (1) The Chief and assistants or officers in command at any fire are hereby vested with full and complete 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 Command Officer on the scene may prescribe certain limits in the vicinity of any fire within which no persons, with the exception of firemen and policemen and those admitted by order of any officer of the department, shall be permitted to come. He 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 and other facilities and the turning 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 AN ADJACENT PROPERTY.* 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 duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firemen in the discharge of their duty.
- (4) *DUTIES 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.

## 5.07 FIRE INSPECTOR DUTIES

- (1) The duty of the Fire Inspector shall follow the requirements of COMM 14, a copy of which is available for inspection at the Village Clerk's Office.
- (2) Whenever or wherever in the Village of Eagle any inspection by the Fire Inspector reveals a fire hazard, the Inspector shall 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. The Fire Inspector is authorized to have the same removed by the Village, and the cost of such removal shall be recovered in an action by the Village against the owner of the property.
- (3) No person shall deny the Fire Inspector free access to any property within the Village 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.

## 5.08 RAPID ENTRY SYSTEM

- (1) The intent of this section is to allow Fire and Emergency Medical Service Personnel to gain immediate entry to certain properties so as to allow the Fire and/or Emergency Medical Service Personnel to perform their duties.
  - (a) **REQUIRED** – All multi-family of three or more units and commercial or manufacturing structures with a monitored or local fire alarm system shall provide a public safety Knox Box system for Fire Department use. The Knox Box shall contain keys to gain necessary access as required by the Chief of the Fire Department including but limited to the following: keys for the elevator return, door openings, elevator rooms, fire alarm boxes, fire alarm room, electric/utility rooms and/or any other key necessary for access to the structure for emergency fire and rescue purposes.
  - (b) **INSTALLATION** – Knox Box systems need to be a Knox Box entry system mounted in an easily accessible location. The Knox Box shall be located not less than 5 feet nor more than 8 feet above grade. If locks are changed, the Fire Department shall be notified immediately. The cost of the Knox Box system and installation is the responsibility of the property owner. If the building alarm system is monitored by an outside agency the access door to the Knox Box shall be connected to the alarm panel so as to activate when the Knox Box door is opened. The Knox Box and installation point shall be a type approved by the Fire Chief.
  - (c) **EXISTING STRUCTURES** – All existing structures subject to this ordinance shall install an approved Knox Box system within one (1) year of the adoption of this ordinance.
  - (d) **PENALTY FOR VIOLATION** - Any person or property owner who does not comply with this ordinance or any permit provision shall,

upon conviction pay a forfeiture of not less than \$25.00 and not more than \$500.00 together with the costs and assessments, and in default of payment, shall be imprisoned in the County Jail, Waukesha, Wisconsin, for a period of time not to exceed thirty (30) days.

#### 5.09 FALSE ALARM RESPONSE

No owner or occupant of structures with alarm systems which alerts the public or a security alarm vendor shall incur more than two (2) false fire or smoke alarms per calendar year. This ordinance shall be enforced by citation issued by proper authority. Any person who violates this ordinance shall, upon conviction, pay a forfeiture of not less than \$200.00 nor more than \$1000 together with costs and assessments. Each violation will be considered a separate offense.

#### 5.10 FIRE ASSISTANCE

Nothing herein shall prevent the Fire Department of the Village and Town of Eagle from entering into an agreement or agreements to supply fire protection to other adjoining areas outside the Village and Town boundaries, subject to the approval of the Fire Commission.

#### 5.11 PENALTIES

The penalties for violation of any provision of this chapter shall be a penalty as provided in section 30.04 of this code.