

CHAPTER XIX

FIRE CONTROL

SECTION 19.00. Organization and Regulation of Volunteer Fire Department of the Town of Lyons.

19.01. Recognition. The volunteer members of the Volunteer fire department are hereby officially recognized as the Fire Department of the Town of Lyons and the duty of fire fighting and prevention of fires in the Town of Lyons is delegated to such department. Its organization and internal regulations shall be governed by the provisions of this ordinance and by such by-laws adapted by the Department as are approved by the Town Board, except as is otherwise provided by law and ordinances.

19.02. Authorization. The Town of Lyons Fire Department is hereby authorized and directed to adopt by-laws for the control, management and the regulation of business and proceedings of the Department, which by-laws after adoption by a 2/3rds vote of the members of the department, in good standing, shall become effective and operative when presented to and approved by the Town Board; amendments shall be adopted in the same manner.

19.03. Appropriation of Funds. The Town Board shall appropriate funds to provide for operation and for such apparatus and equipment for the use of the Fire Department as the Board may deem expedient and necessary to maintain efficiency and properly protect life and property from fire and other hazards.

19.04. Emergencies. The Town of Lyons Fire Department is hereby authorized to respond to emergencies other than fires, and the Town Board shall appropriate funds to provide for the operation and such other apparatus and equipment as the Board may deem expedient and necessary.

SECTION 19.10. Organization of Membership.

19.11. Officers. The fire department shall consist of the following officers:

- a. One Chief
- b. Two Assistant Chiefs
- c. Secretary
- d. Treasurer

- e. Three man advisory board
- f. One Captain for each company
- g. Two Lieutenants for each company

19.12. Term. The term of office shall be as follows:

- a. Chief 3 years
- b. First Asst. Chief 2 years; 2nd Asst. Chief 1 year
- c. Secretary 3 years
- d. Treasurer 3 years
- e. Advisory Board 3 years (one each year elected)
- f. Captains Appointed by Chief
- g. Lieutenants Appointed by Chief

19.13. Annual Meeting. The annual meeting of officers shall take place at the regular meeting in the month of July.

19.14. Membership. The total membership, at no time, shall be less than 24 members.

19.15. No Person shall be considered as a member unless he/she is 18 years of age and a resident of Lyons Township, or a connecting township that does not have a Fire Department, or with the approval of the Fire Department Executive Board, and Fire Chief.

19.16. Vacancy. A vacancy in the office of Chief shall be filled by an election of a majority vote of the members of the Fire Department.

19.17. Termination of Membership. Active membership in the department for members shall cease upon:

- a. Resignation
- b. Change of residence to outside area
- c. Death
- d. Failure to abide by this ordinance or the by-laws of the Department

19.18. Companies. The department shall organize into one or, at the option of the Chief, into 2 or more companies. The Chief may at any time make transfers which he deems necessary between companies.

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

SECTION 19.20. Power and Duties of Chief. The Chief of the Fire Department:

- a. shall have general supervision of the department, subject to this ordinance and the by-laws of the department, and shall be responsible for the personnel and general efficiency of the department.
- b. shall preside at all meetings of the department, to call special meetings, to prescribe order, to decide all points of order that may arise and to enforce a rigid observance of this ordinance and by-laws of the Department.
- c. shall be present at all fires, if possible, to have command of and responsibility for all fire fighting operations, to plan the control of the same, to direct the action of the companies, and to grant leaves of absence at a fire when he may deem it proper and to see that the fire apparatus is kept in proper condition at all times.
- d. shall have the power to demote or expel any officer or member of the Fire Department for neglect or refusal to perform his departmental duties.
- e. shall not later than September 15 of each year, file with the Town Clerk a detailed estimate of the appropriation needed for the conduct of the department during the ensuing fiscal year, and a report relating to the condition of the various pieces of apparatus.
- f. shall enforce all fire prevention ordinances of this Town and state laws and regulations pertaining to fire prevention.
- g. shall keep a record of every call to which a company was called.
- h. shall perform such other duties as are incumbent on the commanding officer of the fire department.

SECTION 19.30. Equipment.

19.31. Responsibility. The chief shall have control of all equipment and apparatus used by the department and shall be responsible for its proper maintenance. The chief shall submit a listing to the Town Clerk of all equipment by August 1 of each year.

19.32. Use. No apparatus shall be used for any purpose except for fire fighting within the town limits, or in training thereof, except pursuant to an agreement approved by the Town Board, except when the

Chief has given his recommendation on such use. With the approval of the Chief, such apparatus may be used for emergency purposes other than fire fighting.

SECTION 19.40. Police Power of Department.

19.41. Power. The Chief and assistant 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.

19.42. Limits. The fire chief may prescribe certain limits in the vicinity of any fire within which no person, except fire department personnel, 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 progress of any fire. He shall also have the power to turn off all electric and other services where the same impedes the work of the department during the progress of the fire.

19.43. Entry of Buildings. It shall be lawful for any fireman while acting under the direction of the chief or other officers in command to 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 hereinbefore provided, the person so offending shall be deemed guilty of resisting firemen in the discharge of their duties.

19.44. Assistance. 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. Such officer shall have the power to cause the arrest of any person or persons refusing to obey said order.

19.45. Warning Devices. The chief shall have the power to authorize the use of red lights and siren on private vehicles in accordance with the Wisconsin Statutes.

SECTION 19.50. Fire Inspector.

19.51. Designation. The chief shall hold the office of fire inspector, with the power to appoint one or more deputy fire inspectors who shall perform the same duties and have the same powers as the fire inspector.

19.52. Duties. The fire inspectors shall inspect all buildings, premises, and public thoroughfares, except the interior of private dwellings, for the purpose of ascertaining and causing to be corrected

any conditions liable to cause fire, or any violation of any law or ordinance relating to the fire hazard or to the prevention of fires, such inspections shall be made twice a year in the territory served by the fire department.

19.53. Reports. Written reports of inspections shall be made and kept in file in the office of the fire chief of the fire department in the manner and form required by the State.

19.54. Fire Hazard. Whenever or wherever in the town of Lyons 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 said owner a reasonable time in which to remove the hazard. In the event that the fire hazard is not removed within the time allotted, 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.

SECTION 19.60. Meetings. The fire department shall hold a meeting and drill once each month on a date designated by the chief.

SECTION 19.70. Regulation of Fire and Smoke.

19.71. Regulation of Open Fire. No person shall kindle or start an open fire or permit the same to burn within 30 feet of the nearest wall of any building or wooden structure, or in any street or alley. Every person who kindles or starts an open fire shall supervise or cause to have supervised, the burning of the same until such fire is completely extinguished.

19.72. Regulation of Contained Fire. Any fire kindled or started or permitted to burn within 30 feet of the nearest wall of any building or wooden structure shall be contained in a substantial burner constructed of metal, concrete or brick, which burner shall be so screened or covered as to prevent the escape therefrom of burning embers. No person shall kindle or start a fire or permit the same to burn in any such burner except between the hours of 12:00 o'clock noon and 7:00 o'clock p.m. of Monday to Friday, inclusive of each week, and the hours of 8:00 o'clock a.m. and 7:00 o'clock p.m. of Saturday and Sunday of each week.

19.73. Hours. No person shall kindle or start an open or contained fire or permit the same to burn except between the hours of 12:00 o'clock noon and 7:00 o'clock p.m. of Monday through Friday, inclusive, of each week, and the hours of 8:00 o'clock a.m. to 7:00 o'clock p.m. on Saturday and Sunday.

19.74. Exceptions. The provisions of this ordinance shall not apply to the creation and maintenance of fires in the discharge of governmental function being supervised and attended by the town dump

custodian or members of the town fire department or highway maintenance crews.

SECTION 19.80. Fire Prevention Code. The following provisions of the Wisconsin Administrative Code are hereby adopted by reference:

- a. Chapter IND 1 - Safety
- b. Chapter IND 8 - Flammable and Combustible Liquids
- c. Chapter IND 65 - Fire Prevention
- d. Chapter ILHR 7 - Explosive Materials
- e. Chapter ILHR 11 - Liquified Petroleum Gases
- f. Chapter ILHR 15 - Cleaning and Dyeing
- g. Chapters ILHR 50 through 64, both inclusive - Building and Heating, Ventilating and Air Conditioning Code
- h. Chapter ILHR 221 - Spray Coating

COPY

RESOLUTION 09-18

WHEREAS, the Town of Lyons currently has a Fire Control Ordinance which includes Fire Prevention Code by reference to Wisconsin Administrative Code.

WHEREAS, the State of Wisconsin has made changes to the Wisconsin Administrative Code.

WHEREAS, the Town Board wishes to update Fire Control Ordinance to adopt certain aspects of the Wisconsin Administrative Code.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Lyons amends Chapter 19, Section 19.80 of the Code of Ordinances to read as follows:

SECTION 19.80 FIRE PREVENTION CODE


The following provisions of the Wisconsin Administrative Code are hereby adopted by reference:

COMM 14 Fire Prevention Code.

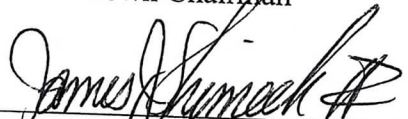
NFPA 1 Uniform Fire Prevention Code, most recently adopted edition.

Motion made and seconded on this 9th day of November 2009 at a meeting of the Town Board of the Town of Lyons.

ATTEST


Town Clerk


Town Chairman


Supervisor


Supervisor

