

**FINAL**

Ordinance [#39]

**ORDINANCE TO CREATE A FIRE PROTECTION & PREVENTION DEPARTMENT**

**CHAPTER 39**

- 39.01 Prior Ordinances Repealed
- 39.02 Fire Department Recognized
- 39.03 Organization
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**39.01 PRIOR ORDINANCES REPEALED**

- (1) Chapter 39, Creating Town Fire Department, is hereby repealed and replaced as follows.  
By way of further effectuating and clarifying the purpose of this Chapter 39, the Town Board further clarifies that this Ordinance shall govern the operation and affairs of the Town of Wheaton Fire Department to be known as Wheaton Fire & Rescue (Department), is hereby established for the Town of Wheaton.

**39.02 FIRE DEPARTMENT RECOGNIZED**

- (1) **RECOGNITION.** Under the authority of Wis. Stat. § 60.55(1) the Town of Wheaton hereby recognizes and establishes the Town of Wheaton Fire Department, which shall be a Department of government of the Town of Wheaton. The duty of fire protection and fire prevention in the town is hereby delegated to the Town of Wheaton Fire Department an Emergency Government Unit of the Town of Wheaton, Chippewa County Wisconsin.

**39.03 ORGANIZATION**

- (1) The Town of Wheaton Fire Department's purpose and mission is to preserve and protect life and property in the Township of Wheaton, Chippewa County Wisconsin; provide assistance to all other cities, villages and townships thru mutual aid agreements; provide for the protection of life and property through inspections and enforcement of all fires;

provide, within reason, search, rescue, and/or assistance to all other emergencies; and when available, respond to requests from other Fire Departments, EMS, Law Enforcement, State or Federal agencies.

- (1) The Town of Wheaton Fire Department shall consist of the following positions: one Fire Chief, one Deputy Fire Chief, one EMS Captain / Health and Safety Officer, one Training/Incident Safety Officer, Fire Inspectors, and Captains for a total of 40 members including all Fire fighters or Fire fighters/EMRs/EMTs and Associate members All paid stipend positions shall be approved with the affirmative vote of a quorum of the Town Board.
- (2) The Fire Chief is appointed by the Town of Wheaton Board Chair, approved by majority vote of the Town Board. The Fire Chief shall take and file the Oath of Office with the Town Clerk within five days after notification of appointment, as per Wis. Stats. § 60.31(1). The Fire Chief shall hold his/her office during “good behavior” subject to suspension or removal by The Town Board for “cause”. The Fire Chief’s performance is evaluated annually by the Town Board and subject to periodic Performance Reviews as needed.
- (3) The Fire Chief shall appoint all subordinates set forth in 62.13 subsection (4)(a).
- (4) Rates of pay for all positions shall be determined by the Town Board and may not be amended or modified without the affirmative vote of a quorum of the Town Board. The Fire Chief may provide recommendations to the Town Board for the compensation or rates of pay for any Subordinates, as that term is defined in Wis. Stat. § 62.13(4). The Fire Chief rate of pay and compensation shall be set by the Town Board.
- (5) Any disciplinary action or demotion/termination taken by the Fire Chief in regard to a subordinate, the subordinate may appeal to the Town Board per Bylaws of Wheaton Fire & Rescue. Any disciplinary action or demotion/termination taken by the Town Board in regard to the Fire Chief will follow Wis. Stat. § 62.13(3).

#### **39.04 TOWN FINANCIAL ADMINISTRATIVE POLICIES AND PROCEDURES**

- (1) The Town of Wheaton Fire Department shall obtain monies for revenue and expenditures from an annual budget previously agreed upon by the Fire Chief and the Town Board. The revenue funds provided for the budget will be obtained through Tax Levy or grants. All disbursements shall be paid by check from the Town of Wheaton, issued by the Town Clerk and approved by the Town Treasurer and Town Board. No cash transactions are allowed. The Town Board does allow budgeted items to be purchased by the Fire Chief through a Town of Wheaton credit card when Town of Wheaton purchase orders are not accepted.
- (2) The Town of Wheaton Fire Department or Town of Wheaton may also receive additional monies through donations and/or fundraisers.
- (3) Authorization for separate Town of Wheaton Fire Department Association Funds

- (4) The Town of Wheaton Fire Department members shall be allowed to maintain separate financial accounts in any public depository in the name of their association. The association shall have exclusive control over the deposit and expenditure of any funds raised, donated, or otherwise. These funds shall remain the property of the association.
- (5) All Fire Department donations given directly to the Town of Wheaton are to be reviewed and accepted by the Town Board before donation work can start.
- (6) All Fire Department donation(s) funds given directly to the Town of Wheaton are to be utilized by the Town Board for the agreed upon donation use unless the donor(s) submit in written form a change for the donation funds.
- (7) All Fire Department donation(s) funds given directly to the Town of Wheaton are required to be tracked in the Town of Wheaton budget under revenue account Fire Department Donations and expense account Fire Department Donation Expenditures or Fired Up Day Expenses.

### **39.05 FIRE CHIEF**

- (1) **EMPLOYMENT STATUS.** The Fire Chief shall be a part-time salaried, through Stipend, employee of the Town. The wage shall be determined by the Town Board. These funds shall come from and be provided for in the Town's Annual Fire Department Budget.
- (2) **QUALIFICATIONS.** Qualifications for the position of Fire Chief shall be in the job description, subject to revisions, as approved by the Town Board.
- (3) **DUTIES, RESPONSIBILITIES, POWER, AND AUTHORITY.** The Fire Chief shall have the following authority and responsibilities:
  - a. **Code Enforcement.** The Fire Chief shall enforce the Wisconsin Statutes, the Wisconsin Administrative Code, and Department rules and regulations in matters relating to fire prevention, code enforcement, public education, and fire suppression within the Town. It shall be the duty of the Fire Chief to direct the operation of the Fire Department.
  - b. **Department Operations.** The Fire Chief shall provide for the general condition and efficient operation of the Fire Department and the training of members.
  - c. **Attendance at Meetings.** The Fire Chief shall attend all official meetings of the Department whenever possible. The Fire Chief or other management designee will attend Town Board meetings. The Fire Chief is encouraged to maintain membership in the WI St. Fire Chief's Association and the WI St. Fire Firefighters Association.

**d. Mutual Aid Agreements.** The Fire Chief shall seek, administer, and maintain mutual aid agreements with neighboring jurisdictions. The Fire Chief shall submit mutual aid agreements to the Town Board for approval.

**e. Rules, Regulations, and Standard Operating Guidelines (SOG's).** The Fire Chief shall prepare rules, regulations, and SOG's for the proper operation of the Fire Department. Such rules, regulations, and SOG's shall be in addition to the provisions of this Ordinance. Rules, regulations, and SOG's promulgated by the Fire Chief shall be approved by the Town Board before becoming effective. All members of the Department shall be provided with access to all such rules, regulations, and SOG's once they become effective. Department SOG's shall be reviewed and updated annually. The Fire Chief shall also make sure all employees receive a copy of the employee's job description and that each employee signs and returns the acknowledgement page.

**f. Reports.** The Fire Chief shall submit a monthly call report, number of department members, and monthly financial report to the Town Board at each regular monthly Town Board meeting. The Fire Chief is responsible for submitting an Annual Report to the Town Board on condition of all apparatus and equipment and current projected replacement schedule prior to the Town annual budget planning.

**g. Record Maintenance.** The Fire Chief shall be the custodian of all records of the Fire Department required by the Town Board, Town Ordinances, and the Statutes of the State of Wisconsin.

**h. Equipment.** The Fire Chief shall be responsible for Department equipment and maintenance and maintaining the serviceability of department equipment and vehicles. The Fire Chief shall determine the needs of the Fire Department in evaluating the use of current equipment, assessing, and researching the need of additional equipment that would be necessary to protect Town residences and businesses. Any additional apparatus or equipment that would be placed on the replacement schedule report requires town board approval.

**i. Attendance at Fire and Rescue Calls.** In accordance with the Standard Operating Guidelines of the Department, the Fire Chief or the Chief's designee shall attend all fires in the Town and elsewhere when the Department has responded to render mutual aid to another department. At every emergency call, when present, the Fire Chief shall oversee the department and shall direct and supervise the work of the personnel and the use of the apparatus and equipment. If the Fire Chief or the Chief's designee is unavailable, the highest-ranking officer of the Department in attendance shall have the same powers and duties as the Chief.

**j. Supervisor of Fire Department Employees.** The Fire Chief shall have the power to handle personnel matters, including discipline, appointments,

suspensions, demotions, or terminations of any officer or member of the Department for just cause.

**k. Job Descriptions.** The Fire Chief shall create and maintain job descriptions for all positions except Fire Chief and Deputy Fire Chief with review and approval by Town Board.

**l. Other Duties.** The Fire Chief shall perform other duties as are incumbent upon him as the commanding officer of the Fire Department and as may be directed from time to time by the Town Board pertaining to the fire department.

**m. Arson Reports.** The Fire Chief shall report all fires in which arson is suspected to the County Sheriff's Department and the State Fire Marshall.

**n. Fire Inspection and Inspection Records Maintenance.** In accordance with section COMM 14.02(2) of the WI Admin. Code, the Fire Chief shall be responsible for the conduct and documentation of fire safety inspections within the Town.

**o. Billing.** The Fire Chief or Fire Chief's designee shall submit Town of Wheaton invoice with fire department response information for services rendered by the Fire Department to the Town Clerk. All billing will be pursuant to Town of Wheaton Resolution 2024-02, Establishing Fire Services Rates, or any such Resolution or Ordinance which replaces or supersedes such resolution as passed by the Town Board.

**p. Vacancy.** A vacancy in the office of Fire Chief shall be filled by the succession plan of the fire department. The Fire Chief succession plan in order of succession is the Deputy Fire Chief then Captain.

**39.06 DEPUTY FIRE CHIEF.** The Duties and Responsibilities of Deputy Fire Chief are to be established with a job description by the Fire Chief in cooperation with the Town Board

**39.07 TRAINING/INCIDENT SAFETY OFFICER, CAPTAINS, FIRE FIGHTERS, AND FIRE INSPECTOR.** The Duties and Responsibilities of Training/Incident Safety Officer, Captains, Fire Fighters, and Fire Inspector are to be established with job descriptions by the Fire Chief and Deputy Fire Chief in cooperation with the Town Board.

**39.08 EMS CAPTAIN / HEALTH AND SAFETY OFFICER.** The Duties and Responsibilities of EMS Captain / Health and Safety Officer are to be established with a job description by the Fire Chief in cooperation with the Town Board.

**39.09 FIRE FIGHTER/EMR/EMTs.** The Duties and Responsibilities of Fire Fighter/EMR/EMTs are to be established with job descriptions by the Fire Chief and EMS Captain / Health and Safety Officer in cooperation with the Town Board.

**39.10 STATEMENT OF PURPOSE.** The Town of Wheaton Fire Department has been established as part of the emergency services to be provided by the Town of Wheaton under the authority of the Town of Wheaton, Chippewa County Wisconsin and will be governed and administered by this Ordinance, other Ordinances or Policies set by the Town Board in cooperation with the Fire Chief, State directed Standard Operating Guidelines, and applicable State Law.

Adopted this \_\_\_\_ day of \_\_\_\_, \_\_\_\_.

By the Town Board:

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Eugene Gutsch, Town Chair

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Alice Droske, Town Supervisor

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Ken Books, Town Supervisor

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Mary Rudd, Town Supervisor

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Mark Kohls, Town Supervisor

Attest:

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Town Clerk