

Ordinance 2015-03
FIRE PROTECTION
Amended August 13, 2025

The Town Board of the Town of Phelps does hereby establish and recognize the Phelps Area Volunteer Fire Department as the fire department of the town. Its organization and internal regulation shall be governed by the provisions of this ordinance and by such bylaws adopted by the fire department as are approved by the Town Board, except as is otherwise provided by law and ordinance.

SECTION 1

- 1) The purpose of this fire department shall be to prevent fires, to safeguard the lives and property of all the people in the town, and to implement fire suppression and fire rescue operations when called upon to do so for the saving of life, property, and resources.
- 2) The fire department is hereby authorized and directed to adopt bylaws for the control, management and government and for the regulation of business and proceedings of the department, which bylaws, after adoption by a majority vote of the members of the department shall not become effective and operative until presented to and approved by the town board. Amendments shall be adopted in the same manner.

SECTION 2 – MEMBERSHIP AND ORGANIZATION; [amended 9-14-22 Ord 2022-05]

- 1) The Phelps Area Volunteer Fire Department will be organized as a single Town Fire Department and should contain no less than 20 active members.
- 2) The organization and general operations of the Fire Department will be determined by the elected fire department officers in accordance with this ordinance and the bylaws of the department.
- 3) Any person desiring to be a member of the fire department may file, with the secretary, an application in such form as the town board may require.
- 4) Any nominee for membership shall be presented to the Phelps Town Board for a comprehensive background check and a medical evaluation procedure approved by the Town Board. If nominee is currently a member of the town crew, a medical evaluation is not required.

SECTION 3 – FIRE CHIEF

- 1) No member of the department shall be eligible for the office of chief who has not been a member of the department for at least 2 years.
- 2) The chief shall be presented to the Town Board after being elected by majority vote of the fire department.
- 3) The chief shall hold office for a term of 2 years.
- 4) If cause presents itself, the chief may be removed after a hearing and by majority vote of the town board.
- 5) Upon creation of a vacancy of the office of chief the ranking officer shall perform the duties of the chief until such vacancy has been filled.

SECTION 4 - POWERS AND DUTIES OF CHIEF

- 1) The chief shall have general supervision of the department, subject to this ordinance and the bylaws of the department and shall be responsible for the personnel and general efficiency of the department.
- 2) It shall be the duty of the chief to 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 bylaws.
- 3) It shall be the duty of the chief to be present at all fire calls if possible, to have complete command of an entire responsibility for all firefighting operations, to plan the control of the same, to direct the action of the companies when they arrive at a fire, to observe that every company does its duty, 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.

- 4) As required by the Town Board, the chief shall file with the town clerk a detailed estimate of the appropriations needed for the conduct of the department during the ensuing fiscal year.
- 5) It shall be the duty of the chief to submit annually a written report to the town board not later than April 1st of each year, relating to the conditions of the various pieces of apparatus and appurtenances, the number of fires occurring since the previous report, the date of same and loss occasioned thereby, the number of members of each company, the total number of active members in the department and resignations and expulsions from the department. The chief shall also report upon the drill and training program of the department, together with other pertinent information, including recommendations of such improvements as he/she deems proper and necessary for the operation of the department.
 - a. This report shall be presented at a joint meeting between the town board and the leadership of the fire department.
- 6) The chief shall enforce all fire prevention ordinances of this town and state laws and regulations pertaining to fire prevention and shall keep citizens informed of fire prevention methods and on the activities of the department.
- 7) The chief shall keep, or cause to be kept, a fire record book of every fire to which any company was called and shall enter in such book to locality of fire, time alarm was received, cause of fire, where fire started, cause of delay (if any) in responding, method of extinguishment and equipment used, estimated fire loss, time fire was extinguished, names of members responding and general remarks.
- 8) The chief shall keep, or cause to be kept, an inventory of all apparatus and equipment and an inventory of all hose showing dates and results of test on each length, which shall be individually identified.
- 9) The chief shall perform such other duties as are incumbent on the commanding officer of the fire department.

SECTION 5 – BUDGET

- 1) As required by the Town Board, the chief shall file with the town clerk a detailed estimate of the appropriations needed for the conduct of the department during the ensuing fiscal year.
- 2) The town board 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.

SECTION 6 – VOLUNTEER FUNDS

- 1) Adopted pursuant to authority of s. 66.0608, Wis. Stats. for the purpose of authorizing Volunteer Funds to be held in the name of the Phelps Area Volunteer Fire Department.
- 2) Volunteer Funds means funds of a municipality that are raised by employees or personnel of the municipality's fire department, by volunteers, or by donation to the fire department for their benefit.
- 3) The fire department, through its Fire Chief, is hereby granted exclusive control over the expenditure of the Volunteer Funds of those departments. This authority is granted without limitation as to amount or type of funds. They are subject to the following:
 - a. Expenditures withdrawn from the account require authorization granted by majority vote of the department during the presentation of the monthly financial statement. Such withdrawals and expenditures may be made for any purpose.
 - b. The Fire Chief shall provide the Town Board with quarterly statements at the end of March, June, September and December of each calendar year. Each quarterly statement shall be accompanied by a copy of each month's statement from the bank or other financial institution. Statements shall be provided within thirty (30) days of the end of the calendar quarter. The statements shall include a detailed itemization of all receipts, expenditures and the balance on hand at the end of the quarter. The source of all funds and the identity of the payee for each disbursement shall be set forth.
 - c. The financial records and accounts of the department shall be annually audited and reconciled by the Town Board.

SECTION 7 – COMPENSATION

- 1) The officers and members of the fire department shall receive such compensation from the town as may from time to time be fixed by the town board.
- 2) Worker's Compensation
 - a. All members of the Fire Department will be covered under the Town's Worker's Compensation Insurance Plan.
- 3) Length of Services Awards (LOSA) Retirement Plan

SECTION 8 – EQUIPMENT AND APPARATUS

- 1) All equipment and fire fighting apparatus will become the property of the Town and will include any and all buildings purchased or constructed for the purpose of housing such equipment and apparatus.
- 2) 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 an officer of the department or the Town Crew Foreman.
- 3) No apparatus shall be used for any purpose except for fire fighting, or in training thereof, except after the chief has given approval on such use.
- 4) No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the Town of Phelps, and no vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway or other place to be used at any fire or alarm of fire, without the consent of the fire department official in command.

SECTION 9 – POLICE POWERS OF THE FIRE DEPARTMENT

- 1) The 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.
- 2) The fire chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting fire and police 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 spreading of fire or to protect the adjoining property, and during the progress of any fire the chief shall have the power to order the removal or destruction of any property necessary to prevent further spread of the fire. The chief shall also have the power to 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) It shall be lawful for any firefighter 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 firefighter in the discharge of their duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firefighters in the discharge of their duty.
- 4) Duties of bystanders to assist:
 - a. 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 orders.

SECTION 10 – MUTUAL AID

- 1) It is the policy of the Town of Phelps to contract with neighboring fire departments in a mutual aid agreement. Any property owner requesting fire protection directly from any fire department other than Phelps shall be responsible for the full costs billed from other fire departments unless the additional departments were requested to respond at the request of Phelps under the mutual aid agreement
- 2) Mutual aid and fire service shall be rendered without charge to all member municipalities. Should any fee be requested by any municipality, it must be done so in advance and worked out between the municipalities in agreement separate from this document.

- 3) Each member municipality authorizes its fire chief to render and request mutual aid, including rescue squad service to other municipalities participating in the mutual aid agreement to the extent available personnel and equipment are not required for adequate protection of its own municipality. The judgement of the fire chief or commanding officer in his absence, as to the available amount of aid, personnel or equipment shall be followed.
- 4) Liability
 - a. Each member municipality shall assume the liability imposed by law for the operation of its own vehicles and equipment, the acts of its own fire fighters and equipment and for the worker's compensation benefits due its own fire fighters.
- 5) A list of all mutual agreements held by the Town of Phelps shall be kept by the chief of the Fire Department and shall be provided upon request.

SECTION 11 – REIMBURSEMENT FOR FIRE CALLS ON HIGHWAYS

Pursuant to s. 60.557 Wis. Stat., the fire department may request reimbursement of the following:

- a. *If a town incurs costs for a fire call by responding to a vehicle fire on a county trunk highway, the county maintaining that portion of the highway where the vehicle was located at the time of the fire shall reimburse the town up to \$200 for the costs if the town submits written proof that the town has made a reasonable effort to collect the cost from the insurer of the person to whom the fire call was provided or from the person to whom the fire call was provided, except that the town may attempt to collect the cost from the person only if the town is unsuccessful in its efforts to collect from the person's insurer or if the person has no insurer. If the town collects the cost from an insurer or such person after the county reimburses the town, the town shall return the amount collected to the county.*
- b. *If a town incurs costs for a fire call on a state trunk highway or any highway that is a part of the national system of interstate highways and maintained by the department of transportation, the department of transportation shall reimburse the town up to \$500 for the costs, even if the fire equipment is not actually used, if the town submits written proof that the town has made a reasonable effort to collect the cost from the insurer of the person to whom the fire call was provided or from the person to whom the fire call was provided, except that the town may attempt to collect the cost from the person only if the town is unsuccessful in its efforts to collect from the person's insurer or if the person has no insurer. If the town collects the cost from an insurer or such person after the department reimburses the town, the town shall return the amount collected to the department.*

SECTION 12 - FIRE PREVENTION

- 1) FIRE INSPECTION PROGRAM History: [amended 11/13/2024]; [amended 08/13/2025]
 - a. The Fire Chief is authorized to conduct the Fire Inspection Program. The Fire Department will include one or more fire inspectors as approved by the Town Board to conduct the fire inspections to ensure the 2 percent state tax refund from fire insurance premiums.
 - b. The Town Board shall include as part of the yearly budget the fire insurance refunds.
 - c. It shall be the duty of fire inspectors to inspect at least annually and shall not exceed 15 months between these inspection intervals, except those requiring quarterly inspections, all buildings, premises and public thoroughfares within the town limits for the purpose of noting and causing to be corrected any condition liable to cause fire. The inspector shall also investigate the storage and handling of explosive and inflammable liquids within the town.
 - d. Whenever or wherever in the Town of Phelps any inspection by the fire chief or the fire inspectors reveals a fire hazard, the chief or the fire inspectors 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 chief or fire inspector 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.

- e. The fire inspector/s shall keep a written record of each property inspected which shall conform to the requirements of the industrial commission and shall make a report of the inspections required by the industrial commission.
- f. No person shall deny a fire inspector free access to any property within the town at any reasonable time for the purpose of making fire inspections. No person shall hinder or obstruct the fire inspector in the performance of their duty or refuse to observe any lawful direction given by them.
- g. The Phelps Fire Department will conduct fire inspections utilizing the most recent version of NFPA 1, typically published every 5 years and this ordinance shall reflect the most current version is being followed when conducting fire inspections.

2) SINGLE OR DOUBLE DWELLING CHIMNEY FIRES

- a. Chimneys and vents which have been subjected to a chimney fire shall not be reused until inspected and approved by the Fire Department or an authorized agent. This approval shall be in writing.

SECTION 13 – VIOLATION OF ORDINANCE

Any person, firm or corporation that shall violate any of the provisions of this ordinance shall forfeit not more than \$100.00 and the cost of prosecution, and in default of payment or the fine and costs of prosecution, shall be imprisoned in the county jail until said fine and the cost of prosecution are paid, but not to exceed 20 days. Each day's violation of the provisions of the ordinance shall constitute a separate offense.

SECTION 14 – SEVERABILITY

- 1) If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.
- 2) The provisions of this ordinance shall be deemed severable, and it is expressly declared that the County/Town would have passed the other provisions of whether or not one or more provisions may be declared invalid.
- 3) This ordinance will be reviewed as deemed necessary.
- 4) This ordinance can be modified and/or repealed at any time should just cause be found for excessive violation and issues of harm and safety to the public or the environment.

SECTION 15 – EFFECTIVE DATE

Following passage by majority vote of the Phelps Town Board, this ordinance shall take effect the day after the date of publication or posting as provided by sec. 60.80, Wis. Stats.

Adopted this 13th day of August 2025



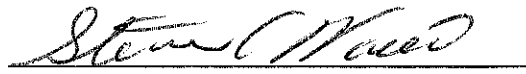
Steve Doyen, Chairman



Maureen Robinson, Supervisor



Jeremy Ryan, Supervisor



Steve Waier, Supervisor



Dave Selby, Supervisor

ATTEST: 

Sheryl Ward, Clerk/Treasurer