

Ordinance No.13

An Ordinance to Establish and Regulate the Volunteer Fire Department and EMS Unit

Section 1 – Title and Purpose

This ordinance is entitled an Ordinance to Establish and Regulate the Volunteer Fire Department and EMS Unit. The purpose is to provide guidance in the establishment and operation of both the Volunteer Fire Department and the EMS Unit.

Section 2 – Statutory Authority

The Town Board of the Town of Dewey, Portage County, Wisconsin, has the specific authority under s. 61.34(1), Wis. Stats., and s. 60.55, Wis. Stats., to adopt an ordinance to address the following in regard to Fire Protection and Emergency Medical Care.

Section 3 – Adoption of Ordinance

The Town Board, by this Ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority for the Town Board to establish and regulate the Volunteer Fire Department and Emergency Medical Services (EMS) Unit in the Town of Dewey. A Public Hearing was held before the adoption of this Ordinance and notice of the hearing was given by publication of a Class 1 Notice, under Ch. 985, Wis. Stats.

Section 4 – Town of Dewey Volunteer Fire Department

A) Scope and Reference

(1) Scope – It is the goal of the Fire Department to provide fire protection and rescue service to the Town of Dewey. It is the goal of the EMS Unit to provide emergency medical care to the Town of Dewey. This coverage may extend outside of the Town as requested by other fire or EMS departments on either a “mutual aid” basis or an “automatic aid” basis. Coverage shall be continuous 24 hours a day, 365/366 days a year.

(2) Reference – The Town of Dewey Volunteer Fire Department, will hereinafter in this ordinance be known as the “Department”. The Town of Dewey EMS Unit will function under the Charter of the Town of Dewey Volunteer Fire Department. The Town of Dewey EMS Unit will hereinafter in this ordinance be known as the “Unit”. This Unit will operate as a division of the Fire Department.

B) Membership

- (1) Any person living in the town, a reasonable distance from the town, or work near the town, who holds a valid driver license, and has not been convicted of a felony, and is eighteen (18) years of age, may be eligible to join the Department and/or Unit as a probationary firefighter/EMT. Someone who spends a considerable amount of time, for example, someone who is employed within the town, and able to respond to calls may also be considered for membership. All applicants are subject to a full background check. References may be checked, and other circumstances will be taken into consideration for employment. Under special circumstances and with written parental approval a probationary seventeen (17) year old may be sponsored by the Department and/or must be eighteen (18) years of age by the completion of the course. Any probationary staff will be required to attend and complete all necessary applicable courses as soon as the courses are available. Probationary staff will be on a one (1) year probation period. After the one (1) year probationary period, an evaluation will be conducted by the Chief and Officers for firefighters to determine if the individual has met the criteria of the Department. After the one (1) year probationary period, an evaluation will be performed by the Unit's EMS Captain and the Fire Chief for EMS staff, who will determine if the individual has met the criteria of the Unit. If criteria has been met, the individual will be instated as a full (non-probationary) member. If the criteria has not been met, the probation may be extended, the Department and/or Unit may ask for the individual's resignation, or the employment may be terminated.
- (2) Trained applicants wishing to transfer into the Department and/or Unit must meet the "Membership (1)" criteria above and complete a six (6) month probation period. After the probation period the probationary staff will be evaluated as explained in the "Membership (1)" section.
- (3) If a member's driver's license is revoked or suspended, they will be unable to drive any apparatus, or respond in their own vehicle unless approved by the State of Wisconsin. Notification of revocation or suspension of a license must be reported immediately to the Fire Chief by a firefighter and to the EMS Captain by EMS staff.
- (4) Any misconduct will be reviewed by the Chief (EMS Captain for EMS staff) and possibly other Department/Unit Officers as needed for a fair process. The Department and/or Unit is authorized to take proper disciplinary action as deemed appropriate, up to and including termination. Any misconduct that results in arrest or criminal conviction will be reviewed under the guidance of Wis. Stats. s. 111.355, as may be amended from time to time and shall be interpreted according to controlling Wisconsin case law. All disciplinary action by the Department and/or Unit is subject to review or an appeal to the Town Board.
- (5) Firefighters and EMS staff are required to act in an appropriate and professional manner when representing the Department and/or Unit.
- (6) The Department is authorized to add "auxiliary members" to support both the Department and Unit. The auxiliary may establish separate operating policies and guidelines or fall in line with the department without such policies and procedures. All conditions of employment are the same as the department, with the auxiliary being capped at 25 members. Auxiliary members are not firefighters nor EMT's and are not authorized to perform as either. The role of the auxiliary is support in activities such as, fund-raising, routine maintenance, cleaning, and returning equipment to service-able use (with proper

training), and canteen services, to name some examples. Members may only support at an emergency scene with direct approval or request of the Chief or Incident Commander. The auxiliary may establish its own officer structure with oversight by the Fire Chief, ultimately the Town Board.

Employment with the Department and/or Unit is At-Will. No guarantee or right to be employed is expressed in any manner for any position.

C) Officers

(1) The Fire Chief shall be appointed by the Town Board. The Chief shall receive an annual salary and shall not be a part of the Department's point system. The Chief shall set all Policies and Standard Operating Procedures/Guidelines for the Department and oversee/approve such for the EMS Unit. The Town Chairperson has daily supervision of the Fire Chief, but ultimately the Fire Chief reports to the Town Board.

(2) All officers other than the Chief will be appointed by the Chief. Firefighters wishing to fill any Department officer vacancy or any Unit member wishing to fill a Unit officer vacancy can present their qualifications to the Chief and they will be considered for the vacancy. All members of the Department or Unit will be notified when there is a vacancy for an officer's position before the position appointment is made. The Town Board may exercise authority to validate any Officer appointment made by the Chief. The Town Board may also impose discipline or remove the Chief or any Officer from office with or without cause.

(3) The Fire Chief and EMS Captain shall meet annually with the Town Board to review their operations, or more often at the request of the Town Board.

D) Department Meetings

(1) Schedule – Meetings will be held on the first and third Tuesday of each month. The first meeting will be a business meeting and the second will be a training meeting. There may be training conducted at a business meeting and business conducted at a training meeting, but the primary goal of each meeting will be met.

(2) Order – The meeting will be brought to order by the Chief. The Chief will chair the meetings. In the absence of the Chief, the highest ranking officer will chair the meeting. Minutes will be read and acted on. The Chairperson will announce subjects for discussion. All members will be allowed to provide their opinion on all subjects. A second opportunity to voice an opinion will be given only after all members have been given an opportunity to voice their opinion once. If an issue is not resolved in a reasonable amount of time, the issue will be tabled until a future meeting. After discussion has concluded, the members present will vote following a motion to do so. The majority vote will rule. When there is no more business, a motion will be acted on to adjourn the meeting.

(3) Unexcused absences may be cause for dismissal from the Department. Absence due to work on their primary job is excused. Firefighters are to notify the Chief or Assistant Chief when they will be absent. A leave of absence may be granted for various reasons as determined by the Chief.

(4) Firefighters must attend six (6) training sessions each year. In addition, all members of the Department are expected to maintain training according to State and National standards, along with industry best practice. This is primarily done by participating in Department training sessions, but also by attending external training, conferences, and other similar opportunities.

(5) Firefighters will receive points for attending meetings, fires, maintenance activities, special events, training, etc. Points shall be accumulated from November 1 to October 31. Members will be paid for each point during the month of December of each year. Additional details of the point system will be covered in the Department Policy.

E) Unit Meetings

(1) Schedule – Meetings will be held on the fourth Tuesday of each month.

(2) Order – The meeting will be brought to order by the EMS Captain. The EMS Captain will chair the meeting. In the absence of the EMS Captain, the senior EMT will chair the meeting. Minutes will be read and acted on. The Chairperson will announce subjects for discussion. All members will be allowed to provide their opinion on all subjects. A second opportunity to voice an opinion will be given only after all members have been given an opportunity to voice their opinion once. If an issue is not resolved in a reasonable amount of time, the issue will be tabled until a future meeting. After discussion has concluded, the members present will vote following a motion to do so. The majority vote will rule. When there is no more business, a motion will be acted on to adjourn the meeting.

(3) Unexcused absences may be cause for dismissal from the Unit. Absence due to work on their primary job is excused. EMS staff are to notify the EMS Captain if they will be absent. A leave of absence may be granted for various reasons as determined by the EMS Captain.

(4) EMS members must attend no fewer than six (6) training sessions each year. In addition, all members of the Unit are expected to maintain training according to State and National standards, along with industry best practice. This is primarily done by participating in Unit training sessions, but also by attending external training, conferences, and other similar opportunities.

(5) Unit members will receive points for attending meetings, calls, special events, training, etc. Points shall be accumulated from November 1 to October 31. Unit members will be paid for each point during the month of December of each year. Additional details regarding the point system will be found in the Unit Policy.

F) Finances – Budget

(1) Funding – The primary funding will come from the Annual Municipal Budget. Other monies may be accepted from grants, individuals, organizations, businesses, and fundraising events. The Chief has ultimate spending authority for the Fire Department and the EMS Unit after their budgets have been approved by the Town Board. The budgets will be reviewed monthly as part of the Town Board's monthly review of the town's financial reports.

(2) Budget - In October of each year the Department and Unit shall submit to the Town Board a budget for the next year's operation for approval. The budget shall include a summary of the current year budget, itemized proposed incomes and expenses for the following year.

Upon town board approval of the budget, the Department and the Unit are authorized to spend their budgeted monies as approved. Should the need arise to amend the approved budget, the Chief shall notify the Town Chairperson. Should there be a need to exceed the approved budgeted expense amount, prior to exceeding that amount, the Department or Unit shall receive Town Board approval.

(3) Credit Card - The Chief, the EMS Captain and any other Department or Unit member approved by the Town Board shall be an authorized holder of a Town credit card. The Chief, the EMS Captain and any other Department or Unit member approved by the Town Board will be required to follow the procedures outlined in the Town of Dewey Spending Authorization Policy.

(4) Purchase Receipts - Any person authorized by the Chief to make purchases on behalf of the Department shall submit those receipts to the Chief for review. The Chief, in a timely fashion, shall file all receipts with the Town Clerk. Any person authorized by the EMS Captain to make purchases on behalf of the Unit shall submit those receipts to the EMS Captain for review. The EMS Captain, in a timely fashion, shall file all receipts with the Town Clerk.

(5) Fund Raising – The Department and/or Unit shall keep records of all income and expenses related to any fundraising done by the Department/Unit. All funds shall be turned over to the Town Treasurer in a timely manner. All receipts and bills from any fund raising event shall be turned over to the Town Clerk in a timely manner.

(6) Fees For Service – The Department is authorized to charge for services by following the Town of Dewey Fire Department Services Reimbursement Policy. Monies received will be turned over to the Town Treasurer and will be entered in the Department Budget by the Town Clerk. All other fees for service are handled on a case-by-case basis (example: special events).

G) Records/Reports

(1) Minutes/Records – The Department and Unit shall maintain and keep on files copies of all meeting minutes. The Department/Unit shall also maintain and keep on file all records such as training records, vehicle maintenance records, audits, call records, and any other records required by the State of Wisconsin. The Wisconsin Open Meetings and Open Records laws shall apply.

(2) Point System Log – The Department and Unit Point System Logs shall be posted in a manner that Department/Unit members can review it for accuracy.

(3) Annual Report – The Chief shall be responsible for submitting the Department's Annual Report to the Town Board by March 15th of each year summarizing the Department's previous year's activities. The EMS Captain shall be responsible for submitting the Unit's Annual Report to the Town Board by March 15th of each year summarizing the Unit's previous year's activities.

H) Insurance Coverage

(1) All of the Town of Dewey Volunteer Fire Department insurance coverage shall be included as part of the Town of Dewey's total insurance coverage package.

I) Personnel Protective Equipment

1) Firefighters and EMS staff are required to utilize all the Personnel Protective Equipment provided for them by the Town whenever they respond to the scene of an emergency or they are partaking in a training exercise that the Chief or Officer in charge determines the use of such equipment is appropriate.

J) Equipment

1) The Department/Unit will provide the equipment necessary to the member to do his/her job. This equipment is the property of the Department/Unit, ultimately, the Town of Dewey. It is the member's responsibility to take care of this equipment, replenish supplies (supplied by the Unit), and notify the Chief/EMS Captain if a repair/replacement of an item may be necessary. Upon retirement, resignation or termination for any reason, the member must return this equipment back to the Department/Unit.

Section 5 – Police Powers of the Fire Chief

The Fire Chief is granted, by statute, limited police powers to protect the life and health of the public, determine the cause of a fire, and conduct emergency operations.

Powers Include:

A) Inspection Warrants (s. 66.122, s.66.123, s.165.10, and s.755.045, Wis. Stats.) Any state, county, city, village, or town officer, agent or employee charged under statutes or municipal ordinance with powers or duties involving inspection. A municipal judge may issue such warrants. When there is no time to secure a warrant, such as for investigations that occur during and immediately after a fire, or for searches of public buildings open to the public, a warrant is not required.

B) Information on Fire Loss (ss.165.55 (14), Wis. Stats.) Require an insurer to furnish any information in its possession specifically relating to fire loss.

C) Evacuate neighborhood and command needful assistance for the suppression of fires.

D) Enter Property or Premises (s. 213.095, Wis. Stats.) while in the act of fire suppression or rendering Emergency Medical Services (EMS).

E) Declare Activities To Be Hazardous And Order Activities To Cease Or Be Corrected.

(ss. 101.14 (1) & (2), Wis. Stats.) Where activities are related to the cause of fire or infringe on life safety in the event of fire.

Section 6 – Citation Authority

Citation Authority

The goal is to achieve voluntary compliance with fire prevention rules and regulations.

Unfortunately, some individuals will challenge the system. Enforcement of the fire code can be accomplished using either Compliance Orders (ex: 101.14) or Municipal Citations (see Ordinance No.2).

Compliance Orders: Compliance orders issued under the authority of Chapter SPS 314 may be prosecuted by the County District Attorney or referred to the Safety and Professional Services and Attorney General. They are most useful when the situation is likely to be resolved without prosecution or may be followed up by a municipal citation. Prosecution may be cumbersome and takes time. Detailed information must be collected to make the process complete. Penalties are not fixed, and negotiation is common.

Municipal Citations: Municipalities may create citations for ordinance violations (s. 66.113, Wis. Stats.) A penalty structure is created, and fines or even jail time may be imposed. The local district attorney, municipal attorney or municipal court prosecutes citations. The DA may modify the penalty up or down. Generally, fire prevention citations are preceded by a compliance order. Be sure to check the statutory reference for the information about the appeal process. Many municipalities use a format used by law enforcement officers (which asks for birth date, etc.) to collect information. If information cannot be obtained from responsible party, the WI Department of Transportation can assist.

Any person who shall violate any of the provisions of this ordinance or fail to comply therewith, or who shall fail to comply with such an order affirmed or modified by the Fire Chief, within the time herein, shall severally, for each and every such violation and noncompliance respectively, shall be subject to the Forfeiture Schedule adopted as part of Ordinance No.2, plus any cost associated to the citation incurred by the town to prosecute. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

Section 7 – Discrimination

The Town of Dewey Town Board, the Town of Dewey Volunteer Fire Department (Firefighters) and the Town of Dewey Volunteer Fire Department (EMS Unit) will not discriminate against anyone on the basis of gender, race, creed, age, religion, sexual preference, or any other protected group. Any allegations of discrimination should be reported immediately to the proper authorities.

Section 8 – Severability

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provisions of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be deemed affected.

Section 9 – Effective Date

This ordinance shall become effective upon its publication and/or posting in the manner set forth in s. 60.80, Wis. Stats.

Adopted this day of
By the Town Board of the Town of Dewey, Portage County

Maurice King, Chairperson

Dennis Meis, Supervisor

Leroy Pukrop, Supervisor

Attest: _____
Angela Lochinger, Clerk