



**CHAPTER 23**  
**OF THE MUNICIPAL CODE**  
**FOR THE VILLAGE OF**  
**SISTER BAY, WISCONSIN**

**FIRE BOARD & FIRE DEPARTMENT**  
**REGULATIONS**

## CHAPTER 23 – VILLAGE OF SISTER BAY MUNICIPAL CODE

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**FIRE BOARD AND FIRE DEPARTMENT REGULATIONS**

**Sec. 23.1 History/Purpose**

- (1) In the 1930's the Village and the Town agreed to jointly purchase equipment for use in fighting fires in the Village and Town on a 50/50 shared cost basis. The Town and the Village subsequently established a joint Fire Department, and also jointly established what has been referred to as a "Fire Commission" made up of members of their governing bodies to govern the operation of the joint Fire Department. Over the years, the Village and the Town have jointly provided emergency services and fire protection services to the persons and properties within their municipal boundaries through such Fire Department and Fire Commission. It has been, and continues to be, the common belief of the Village and the Town that greater protection against fire losses is afforded through their joint and mutual cooperation.
- (2) The purpose of this Chapter is to establish a Fire Board and Fire Department for the continued joint provision of emergency services and fire protection services by the Village and the Town to the persons and properties within their municipal boundaries, pursuant to the authority granted them by Sec. 66.0301 of the Wisconsin Statutes.

**Sec. 23.2 Definitions**

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Fire Board** means the Sister Bay and Liberty Grove Fire Board.

**Fire Department** means the Sister Bay and Liberty Grove Fire Department.

**Members** means the Fire Chief and all members of the Fire Department.

**Town** means the Town of Liberty Grove located in Door County, Wisconsin.

**Village** means the Village of Sister Bay located in Door County, Wisconsin.

**Town Board** means the Town Board of the Town of Liberty Grove.

**Village Board** means the Village Board of the Village of Sister Bay.

**Sec. 23.3 Official Names**

The official name of the Fire Board shall be the "Sister Bay and Liberty Grove Fire Board." The official name of the Fire Department shall be the "Sister Bay and Liberty Grove Fire Department."

**Sec. 23.4 Municipal Entity**

The Village and the Town hereby jointly establish the Sister Bay and Liberty Grove Fire Board and the Sister Bay and Liberty Grove Fire Department as municipal entities that are agencies of the Village and the Town jointly. By this Agreement and any Resolutions or Ordinances approving or adopting this Chapter, the governing bodies of the Village and the Town hereby delegate to the Fire Board their authority over operation of the Fire Department to the extent expressly stated herein.

**Sec. 23.5 Boundaries/Service Area**

- (1) The boundaries of the area served by the Fire Department shall be the entire incorporated area of the Village, and the entire unincorporated area of the Town.
- (2) The Fire Department may enter into agreements with other municipalities in Door County for mutual fire aid, subject to approval of the Fire Board. Any such agreement previously entered into by the entity previously referred to as the Sister Bay and Liberty Grove Fire Commission is hereby ratified and approved by the Village and the Town, and shall be affirmed by the Fire Board.

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#### Sec. 23.6 Fire Board

- (1) The Fire Board shall be the governing body of the Fire Department and shall have the powers and authority set forth in this Chapter.
- (2) The Fire Board shall elect its Chairman at the first Fire Board meeting following the spring general elections in both the Village and the Town.
  - (a) The term of the Chairman shall be one (1) year.
  - (b) The Chairman shall preside at all meetings, prepare agendas, appoint all committees, authorize all calls for any special meetings and generally perform the duties of the presiding officer.
- (3) Members
  - (a) The Fire Board shall consist of two (2) members from the Village and three (3) members from the Town.
  - (b) Fire Board members may be either elected officials from the Town or Village boards or residents of each municipality as appointed by the Village President or Town Board Chair.
  - (c) At least one (1) member representing the Village and two (2) members representing the Town on the Fire Board shall be elected officials of the Village and the Town.
  - (d) No more than than one (1) member representing the Village of Sister Bay and one (1) member representing the Town of Libery Grove may be non-elected officials.
  - (e) The terms of the Fire Board members shall be as determined by the Village Board and Town Board.
  - (f) No compensation shall be paid to the Fire Board members by the Fire Board for serving on that Board.
- (4) Clerk/Treasurer
  - (a) The Fire Board shall hire a Clerk/Treasurer, who shall not be a member of the Fire Board.
  - (b) The term and compensation of the Clerk/Treasurer shall be determined by the Fire Board.
  - (c) The Clerk/Treasurer shall attend all meetings of the Fire Board and prepare minutes of each meeting.
  - (d) The duties of the Clerk/Treasurer shall be as stated in the Rules of Operation to be adopted by the Fire Board consistent with this Chapter.
- (5) Authority of the Fire Board

The Fire Board shall adopt the Rules of Operation set forth in Exhibit A attached hereto (which is referenced for information purposes only and is not to be considered part of this Chapter) with the caveat that any inconsistent provisions shall be subject to the provisions of this Chapter. Further, all references to "Commission" shall mean the "Fire Board," and the members of the Fire Board are hereby authorized to perform the following tasks:

  - (a) Establish policies, rules and regulations for the operation of the Fire Department.
  - (b) Have overall authority over the Fire Chief and all members of the Fire Department.
  - (c) The appointment of the Fire Chief as voted on by the members of the Fire Department is subject to approval of the Fire Board.
  - (d) Hire a Clerk (or Clerks) for both the Fire Board and the Fire Department.
  - (e) Develop an annual operating budget for the Fire Department and submit such budget to the Village Board and the Town Board for approval.
  - (f) Approve all expenditures of the Fire Department made within the parameters of the operating budget.

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- (g) Have an annual audit made of the financial records of the Fire Department and furnish a copy of the audit to the Village Board and the Town Board.
  - (h) Ensure that the Fire Department operates in accordance with all laws, rules, regulations, and policies concerning fire departments, fire inspections, and first responders.
  - (i) Perform such other duties as are necessary to maintain the operation of the Fire Department in accordance with requirements of law and perform such other duties as are required by the joint agreement between the Village and the Town.
  - (j) Shall review an annual capital equipment plan that outlines the expected capital expenditures for vehicles and equipment as well as the replacement of existing vehicles and equipment. This report shall be submitted to the Village and Town when the annual budget requests are submitted.
  - (k) Shall be considered the employer of record for the members of the Fire Department.
- (6) Meetings
- (a) The Fire Board shall meet at least quarterly. Each meeting shall be noticed in and held in accordance with the requirements of Wis. Stats., Chapter 19 (V), which is commonly known as the “Wisconsin Open Meetings Law.” Copies of the minutes of those meetings shall be provided to the Village Board and Town Board.
  - (b) The Rules of Operation as adopted shall govern the proceedings of the Fire Board, except as may be contrary to Wisconsin Statutes; and in such event, the State Statutes shall prevail. Roberts Rules of Order shall apply in those areas that the Rules of Operation do not cover.

### Sec. 23.7 Fire Chief

- (1) The Fire Chief shall be a member of the Fire Department elected by majority vote of the members of the Fire Department for a term of two (2) years. The member elected shall be subject to approval by the Fire Board. If approval is denied by the Fire Board, the members shall elect another member as Fire Chief, who will be subject to approval by the Fire Board.
- (2) The Fire Chief shall be paid compensation as determined by the Fire Board.
- (3) Duties and Authority of the Fire Chief
  - (a) Responsible for implementing the policies established by the Fire Board.
  - (b) Responsible for promulgating rules and regulations for the operation of the Fire Department.
  - (c) Prepare and present an annual budget.
  - (d) Prepare and present an annual capital equipment purchase plan.
  - (e) Responsible for manning of the Fire Department and all required training, supervision of the Firefighters and First Responders, and overseeing the day-to-day operations of the Fire Department.
  - (f) Shall attend all meetings of the Fire Board in an advisory role.
  - (g) Perform such other duties and responsibilities as required of Fire Chiefs by law.
  - (h) Appoint two (2) Assistant Chiefs, one in charge of the south fire station in the Village and one in charge of the north fire station in the Town.
    1. The Assistant Chiefs shall each be responsible for the supervision of the Firefighters in their respective stations, and shall also be responsible for the maintenance and repair of the Fire Department equipment assigned to their stations.
    2. The Assistant Chiefs shall follow the orders of the Chief as well as the policies, rules and regulations of the Fire Department.

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3. In the absence of the Fire Chief, the Senior Assistant Chief shall assume command, and in the absence of the Senior Assistant Chief, the Junior Assistant Chief shall assume command.
  4. The Assistant Chiefs shall receive such compensation as is determined by the Fire Board.
- (i) Appoint a First Responder Crew Chief who shall be responsible for the supervision of the First Responders, and for the maintenance and repair of the First Responder equipment assigned to their stations. The Crew Chief shall receive such compensation as is determined by the Fire Board.
  - (j) Appoint Captains and Lieutenants, whose duties shall be set forth in the Fire Department Rules of Operation.
  - (k) Appoint a Fire Inspector(s) who shall make all necessary fire prevention inspections in the Village and Town in accordance with law and keep such records of inspections and make such reports to governmental agencies as required by law.
  - (l) Ensure that the Fire Department provides public educational services as required by State Statute.
  - (m) Oversee the applications and eligibility for prospective members of the Fire Department and approve their membership and their promotions.
  - (n) Keep the Fire Board promptly informed of all new members and of all promotions, and keep the Fire Board informed as to additional personnel, insurance and workers compensation matters concerning the members.
  - (o) Keep the Fire Board informed as to all new laws, rules and regulations applicable to the Fire Department.
  - (p) Perform such other duties as required by the Fire Board.
- (4) The Fire Chief shall not be removed from office during the Chief's term except for cause, and after an opportunity to be heard before the Fire Board on specific charges.

#### Sec. 23.8 Members

- (1) New members shall make known their intention to join the Fire Department by contacting the Fire Chief or another member of the Fire Department. A written application shall then be filed with the Fire Chief.
  - (a) Prospective members shall be at least eighteen (18) years of age and hold a valid Wisconsin driver's license.
  - (b) Prospective members shall be subject to such other qualifications as provided by the Fire Department's Rules of Operation.
- (2) Members shall be paid such compensation as determined by the Fire Board. Such compensation shall be subject to all state and federal withholding required by law.
- (3) All members, shall be considered employees "at will" and terminable by the Fire Chief after review by the Fire Board.
- (4) All members shall complete all training requirements of the Fire Department and the State of Wisconsin.
- (5) All members shall comply with the Rules of Operation and all other policies made by the Fire Board and all lawful directives of the Fire Chief.

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### SEC. 23.9 - EQUIPMENT

#### Sec. 23.9 Equipment

- (1) The Fire Department South Station, which is located at 2258 Mill Road, Sister Bay, Wisconsin shall be provided by and located in the Village and shall remain the sole property of the Village, which shall be solely responsible for all maintenance and repairs.
- (2) The Fire Department north station located at 1487 Highway 42, Ellison Bay, Wisconsin shall be provided by and located in the Town and shall remain the sole property of the Town, which shall be solely responsible for all maintenance and repairs.
- (3) All equipment and other personal property of the Fire Department shall be owned by the Fire Board and maintained by the Fire Department. Within sixty (60) days from the date of the adoption of this ordinance the Fire Board shall prepare and submit to the Village and the Town an inventory of vehicles, equipment and personal property with a value of Five Thousand and 00/100 (\$5,000.00) Dollars or greater. Thereafter the Fire Board shall prepare a list of additions and deletions to the list of vehicles, equipment and personal property and shall submit that to the Village and Town along with the annual audit.
- (4) All new equipment purchases not authorized in the annual operating budget shall be approved by the Fire Board.
  - (a) Purchases exceeding the annual operating budget shall be approved by the Village and Town Board prior to purchase.
  - (b) The Fire Chief may purchase or authorize purchases of necessary items for the day-to-day operations of the Fire Department within the operating budget approved by the Village Board and Town Board.
- (5) The Fire Board shall keep insurance on all vehicles, equipment and other personal property of the Fire Department. In addition the Village, Town and the Firefighters Association shall be named as additional insured, affording full protection, subject to reasonable deductibles, against claims, casualties, damages and liabilities incurred in the operation of the Fire Board and Fire Department. The Fire Board shall carry E&O coverage. The Fire Board shall carry all necessary liability and workers compensation coverage on all employees and volunteers.
- (6) The Town of Liberty Grove shall insure the North Fire Station, and the Village of Sister Bay shall insure the South Fire Station upon such terms and limits as each respective board determines to be appropriate.

#### Sec. 23.10 Reserved

#### Sec. 23.11 Budget

- (1) By October 1st of each year the Fire Board shall formulate and approve a budget for the operation of the Fire Department for the following calendar year and submit the budget to the Village Board and the Town Board for approval.
- (2) The cost of the total amount of the annual budget, as approved by the Village Board and the Town Board shall be shared by the Village and the Town on the following basis: one-third (1/3) by the Village, and two-thirds (2/3) by the Town.
- (3) The amounts due from the Village and the Town for the annual budget shall be paid by the Village and the Town to the Fire Board on a quarterly basis on the first day of January, April, July and October of each year.
- (4) The Fire Board shall maintain an emergency account consisting of unspent budgeted funds and revenues in excess of the approved budget in an amount not less than fifteen percent (15%) of the annual expenses. Once the emergency account is funded any budgeted funds not expended

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plus net revenues in excess of the budget in a specific calendar year shall be returned to the Village and the Town in the same ratio as paid. Expenditures from the emergency account shall only be made when the budget is exhausted and the expenses are approved by a majority vote of the Fire Board.

- (5) Funds donated to the Fire Department shall be retained for use by the Fire Department and Fire Board.
- (6) The Fire Board account shall be administered by the Fire Board and maintained by the Clerk/Treasurer.

#### Sec. 23.12 Dispute Resolution

- (1) If disputes arise between the Village and the Town related to this Agreement, the Village and Town Board shall meet and attempt to resolve the differences. If the Boards cannot agree, each Board shall appoint two of their Board Members to an Ad Hoc Conference Committee. The Conference Committee shall meet and agree by majority vote on any disputed items. The decision of the Conference Committee shall be binding upon both the Village and Town Boards.
- (2) In the event that the Conference Committee is unable to resolve a disputed matter within sixty (60) days after the matter is referred to the Conference Committee, either Board may request arbitration pursuant to the provisions of Sec. 788 of the Wisconsin Statutes. The Village and the Town Boards shall select a single arbitrator and the decision of the arbitrator shall be final and binding upon the Boards. The cost of the arbitration shall be borne equally by the Village and the Town. If the Village Board and Town Board are unable to reach an agreement regarding the selection of an arbitrator, each shall name an arbitrator, and the arbitrators so named will select a third arbitrator, who will preside at the arbitration.

#### Sec. 23.13 Dissolution

- (1) Either the Village Board or the Town Board may dissolve the Fire Department and the Fire Board at any time by giving six (6) months prior written notice to the other Board, in care of the Clerk of that unit of government, and to the Fire Board. From and after the date of dissolution, each unit of government shall own those assets and liabilities which are solely titled in the name of each unit of government. Fire Stations and fixtures shall not be subject to apportionment or division and shall belong to the unit of government in which the station is located. The value of jointly owned vehicles and equipment shall be divided in an amount equal to the average of the pro-rata share of contributions from August 24, 1994 to the date of dissolution. In the event of a dispute in valuation of assets or liabilities, each Board shall hire an appraiser at its own cost, and the two appraisers shall choose a third appraiser whose cost shall be shared 50/50 by the Village and the Town. The three appraisers shall value the assets and liabilities and allocate the assets according to the ownership percentage aforementioned, and allocate the liabilities to each unit of government according to the same percentage.
- (2) Upon dissolution, either of the units of government may provide the other unit of government the opportunity to purchase its interest in the assets of the Fire Department at the value fixed by agreement or by appraisal, as described above. In such case the other unit of government shall have a period of sixty (60) days from the date of such provision within which to decide whether or not it desires to purchase such assets. If one unit of government desires to purchase the interest of the other, it shall have a period of time, not exceeding one (1) year from the date of its election, within which to pay the total due the unit of government selling its assets. If both units of government choose not to purchase the assets of the other unit of government, each shall keep



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its percent of the assets as established above. The written notice of decision by the selling unit of government shall be deemed adequate and sufficient security for the other party as a binding commitment during this period of time.

#### **Sec. 23.14 Amendment**

This Chapter may be amended from time to time by agreement of both the Village and the Town. The amended agreement will be considered by the Village and Town for adoption by ordinance.

#### **Sec. 23.15 Reserved**

#### **Sec. 23.16 Legal Advice and Fees**

Except when barred by conflict of interest or when they are otherwise unable to serve, the attorney for the Village and/or the attorney for the Town shall serve as legal representatives for the Fire Board, and charges incurred shall be paid by the Village and the Town in a 1/3 - 2/3 split or as otherwise recommended by the Fire Board. The Village Board and the Town Board may authorize the Fire Board to retain special counsel, or direct that payment be made other than as set forth in this Chapter and/or the budget.