

CHAPTER 5

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FIRE DEPARTMENT 5.01

5.01 COMPOSITION OF DEPARTMENT. The Black River Falls Fire Department shall consist of the Fire Chief, a First Assistant Chief, a Second Assistant Chief, a Third Assistant Chief, a First Captain, a Second Captain, and a Third Captain and as many Firefighters as may be appointed by the Chief. The Emergency Medical Service (EMS) Division shall be a sub-unit of the Black River Falls Fire Department.

5.02 APPOINTMENTS. (1) FIRE CHIEF. The Fire Chief shall be appointed by the Council and the Rural Fire Board. A committee to select a new Fire Chief shall be appointed by the Mayor. The committee shall consist of the City of Black River Falls Hiring Committee, the Rural Fire Board Chairperson, a Rural Fire Board member, and an active member of the Fire Department. This committee shall make a recommendation to the Council and the Rural Fire Board for their approval. The Chief shall be a full-time employee of the City. The term of office for the Fire Chief shall be until resignation or removal for just cause.

(2) SUBORDINATES. a) The Assistant Chiefs and Captains of the Fire Department shall be appointed by the Fire Chief. These positions shall be reviewed annually by the Fire Chief. These are part-time positions with compensation determined by the Council and the Rural Fire Board.

5.03 REGULATIONS. a) Members of the Department, except for the Emergency Medical Service Division, shall be governed by the bylaws and Operating Guidelines of the Department, the resolutions and ordinances of the City, the lawful orders of the Council and the Mayor, Wisconsin Statutes, and Wisconsin Department of Safety and Professional Services Chapter 330.

b) The Emergency Medical Service Division shall be governed by the personnel policies of the City of Black River Falls, any applicable collective bargaining agreement, and any policies/Standard Operating Guidelines created by the Fire Chief and approved by the Council.

c) Any By-Laws of the Emergency Medical Service Division existing prior to July 1, 2014, shall have no effect and shall be null and void.

5.04 DEPARTMENT TRAINING. a) All members of the Department, with the exception of the Emergency Medical Service Division, shall participate in the Department training program in accordance with the Department's bylaws.

b) All employees of the Emergency Medical Service Division shall comply with training requirements as established under the policies created by the Fire Chief.

5.05 DISCIPLINARY ACTION. The Fire Chief shall have the power to suspend, demote, expel, or otherwise discipline members of the Department, subject to appeal to the Council.

5.06 FIRE CHIEF; POWERS AND DUTIES. (1) GENERAL SUPERVISION. The Fire Chief shall have the general supervision of the Department, which supervision shall be subject to and not in conflict with this chapter and the rules and regulations of the Department.

(2) COMMAND OF FIRE FIGHTING OPERATIONS. The Fire Chief or his/her designee shall be present at all fires, if possible, and have complete command and entire responsibility of all firefighting operations, plan the control of the same, direct the action of the Department when it arrives at a fire, observe that the Department does its duty, grant leaves of absence at a fire when he may deem it proper, and see that the fire apparatus is kept in proper condition at all times.

(3) REPORTS TO THE COUNCIL AND THE RURAL FIRE BOARD. On or about October 1 of each year, the Fire Chief shall submit to the Council and the Rural Fire Board a proposed budget for the coming year and a report relating to the conditions of all fire apparatus and the drill and training program of the Department, together with other pertinent information, including recommendations for such improvements as he/she deems proper and necessary for the operation of the Department.

(4) ENFORCEMENT OF FIRE PREVENTION LAWS AND ORDINANCES. The Fire Chief shall enforce all fire prevention ordinances of the City and participating Towns and the State laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and on the activities of the Department.

(5) FIRE RECORD BOOK. The Fire Chief shall keep a fire record book of every fire to which the Department was called and shall enter in such book the location of the fire; the time the alarm was received; the cause of the fire; where the fire started; the cause of delay, if any, in responding; the amount of insurance carried on buildings and contents; estimated fire loss; the time the fire was extinguished; the names of the firefighters responding; and general remarks.

(6) APPARATUS INVENTORY. The Fire Chief shall keep an inventory of all apparatus and equipment and an inventory of all hoses, showing dates and results of tests on each length, which shall be individually numbered.

(7) DUTIES AS COMMANDING OFFICER. The Fire Chief shall perform such other duties as are usually incumbent on the commanding officer of the Fire Department.

5.07 ASSISTANT CHIEF, POWERS AND DUTIES. In the absence of the Fire Chief, the First Assistant Chief shall take command and perform the duties of the Fire Chief. In the absence of both the Fire Chief and the First Assistant Chief, the highest-ranking officer or firefighter shall be in charge.

5.08 CONTROL AND USE OF APPARATUS. (1) The Fire Chief shall control all apparatus used by the Department and be responsible for its proper maintenance. The Fire Chief may authorize emergency repairs.

(2) Unless approved by the Fire Chief and the Mayor, no apparatus shall be used for any purpose except for firefighting within the City limits or in training, therefore, except in towns that have contracted with the City for fire protection or in municipalities with which the City has entered into mutual aid agreements. Upon the Fire Chief's approval, such apparatus may be used for non-emergency purposes within the City and participating municipalities including, but not limited to, parades and other public relations events.

5.09 POLICE POWER OF DEPARTMENT. (1) **POLICE AUTHORITY AT FIRES.** The Fire Chief and his/her assistant or officers in command of any fire are hereby vested with full and complete police authority. 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) **CONTROL OF FIRES.** The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons except firefighters and police officers and those admitted by order of any officer of the Department shall be permitted to enter. The Fire Chief may 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, they may order the removal or destruction of any property necessary to prevent the further spread of the fire. They may also cause the removal of all wires or other facilities and the turning off of all electricity, gas, or other services where the same impedes the Department's work during the progress of a fire.

(3) **ENTERING PREMISES.** Any firefighter, while acting under the direction of the Fire Chief or other officer in command, may 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, if any person shall hinder, resist or obstruct any firefighter in the discharge of his/her duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firefighters in the discharge of their duties.

(4) **DAMAGE TO EQUIPMENT PROHIBITED.** No person shall willfully damage in any manner any hose, hydrant, or fire apparatus belonging to the City and no vehicle or railroad equipment shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway, track, or other places to be used at any fire or alarm of fire without the consent of the Fire Department official in command.

5.10 FIRE INSPECTORS. (1) **FIRE CHIEF TO BE FIRE INSPECTOR.** The Fire 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.

(2) **INSPECTION DUTIES.** The Fire Inspectors shall inspect all public buildings and places of employment, as defined in §101.01, Wis. Stats. 101.14 and SPS 314.01(13), within the City and participating towns for the purpose of noting and causing to be corrected any conditions liable to cause fires. Pursuant to SPS 314.01 (13) (7), the chief of the fire department is authorized to reduce the frequency of fire inspections required under SPS 314.01(13) to at least once per calendar year, provided the interval between those inspections does not exceed fifteen (15) months. The Chief of the Fire Department may require or conduct more frequent inspections than required under this subsection. Repairs or alterations necessary to remove the hazardous condition shall be made within a reasonable time at the expense of the owner. The Inspector shall also investigate the storage and handling of explosives and flammable liquids

(3) **PROCEDURE.** Fire inspection procedures and forms shall be developed in accordance with §101.14, Wis. Stats., and applicable codes of the Wisconsin Department of Safety and Professional Services.

(4) **WRITTEN RECORD OF INSPECTIONS.** The Fire Chief shall keep a record file of each property inspected, conforming to the State Department of Safety and Professional Services requirements, and shall make the annual report of inspections required by said Department.

(5) **CORRECTION OF FIRE HAZARDS.** When any inspection by the Fire Chief or his/her deputy reveals a fire hazard, the Chief or his/her deputy may serve a notice, in writing, upon the property owner giving said owner a reasonable time in which to remove the hazard. If the fire hazard is not removed within the time allowed, it shall be deemed a nuisance. The Fire Chief or his/her deputy may have the same removed by the City or town, and the cost of such removal shall be recovered in an action by the City or town against the owner of the property. It may also be entered on the tax roll as a special charge against the property.

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- (6) **ENTERING ON PREMISES.** No person shall deny any Fire Inspector free access to any property within the City or 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 his/her duty or refuse to observe any lawful direction given by the Fire Inspector.

5.11 CITY FIRE PREVENTION CODE; ADOPTION OF CODES. The following chapters of the Wisconsin Administrative Code, Department of Safety and Professional Services Commerce, are hereby adopted by reference and made a part of this Code:

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| (1) | SPS | 307 | Explosive Materials |
| (2) | SPS | 302 | Fee Schedule |
| (3) | SPS | 340 | Gas Systems |
| (4) | SPS | 314 | Fire Prevention |
| (5) | SPS | 323 | Building, Heating, Ventilation, and Air Conditioning |
| (6) | SPS | 328 | Smoke Detectors and Carbon Monoxide Detectors |
| (7) | SPS | 330 | Fire Department Safety and Health Standards |
| (8) | SPS | 332 | Public Employee Safety and Health |

The above codes are available online.

5.12 ACCIDENTAL SPILLS OF HAZARDOUS OR DETRIMENTAL SUBSTANCES.

See sec. 9.22 of this Code.

5.13 RIGHT OF WAY OF FIRE APPARATUS. The officers and members of the Fire Department, with their fire equipment of every kind, when going to or on duty at a fire, shall have the right of way over all other vehicles upon City streets or town roads. The operator of any other vehicle, whether motor or otherwise, upon the approach of such fire apparatus, shall immediately drive such other vehicle as far as possible to the right of the thoroughfare and shall keep such vehicle stationary until such fire apparatus shall have passed. Except when actually responding to a fire alarm or other emergency call, or when on duty at a fire, the apparatus and vehicles of the Fire Department shall, however, have no special right of way or other privileges of any kind and shall be subject to all traffic regulations applied to other vehicles. Emergency vehicles responding to a call exceeding the posted speed limit shall have all emergency lights and siren in operation.

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5.14 TRAFFIC LAWS APPLY. When responding to a call for service with a private vehicle, all Fire Department members and employees, including EMS personnel, shall comply with all traffic regulations, except non-moving traffic regulations.

5.15 BURNING REGULATIONS. See sec. 9.16 of this Code and Wisconsin SPS 314

5.16 AMBULANCE SERVICE. Emergency medical service for the City and participating town residents shall be provided by the EMS Division of the Black River Falls Fire Department.

5.17 ACCESS BOXES. Access boxes of the approved type (KNOX® brand) shall be installed for all structures or areas that have a fire alarm system, an automatic fire suppression system, or where access may be difficult due to security.

5.20 PENALTY. Any person who shall violate any provision of this chapter or any order, rule, or regulation made hereunder shall be subject to a penalty, as provided in sec. 25.04 of this Code.