

# TOWN OF HARTLAND

## Shawano County, Wisconsin

# ORDINANCE 2012-01: FIRE PREVENTION AND PROTECTION

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- [Sec. 14-1. - Fire department recognized.](#)
- [Sec. 14-2. - Bylaws.](#)
- [Sec. 14-3. - Appropriations.](#)
- [Sec. 14-4. - Compensation.](#)
- [Sec. 14-5. - Organization.](#)
- [Sec. 14-6. - Powers and duties of chief.](#)
- [Sec. 14-7. - Control and care of apparatus.](#)
- [Sec. 14-8. - Authority of department at fires.](#)
- [Sec. 14-9. - Insubordination.](#)
- [Sec. 14-10. - Fire inspectors.](#)
- [Sec. 14-11. - Open burning.](#)
- [Sec. 14-12. - Fire prevention.](#)
- [Sec. 14-13. - Emergency medical services.](#)
- [Sec. 14-14. - Fire service charges.](#)

#### Sec. 14-1. - Fire department recognized.

This ordinance is enacted by the Town of Hartland, Shawano County, Wisconsin (hereinafter the "Town").

The Bonduel area fire department (hereafter fire department) is officially recognized as the fire department of the village Town, and the duties of fire fighting and fire prevention in the Town are delegated to such fire department.

#### Sec. 14-2. - Bylaws.

The fire department shall adopt bylaws for its control, management and government and for regulating the business and proceedings of the department, which bylaws, after adoption by a two-thirds vote of the members of the department, shall not become effective until approved by the fire commission. Amendments shall be adopted in the same manner.

#### Sec. 14-3. - Appropriations.

The Town Board shall appropriate funds for fire department operations and for such apparatus and equipment for the use of the department as the board may deem expedient and necessary to maintain efficiency and properly protect life and property from fire.

#### Sec. 14-4. - Compensation.

The officers and members of the fire department shall receive such compensation as set forth in the Village/Town of Hartland fire department agreement.

#### Sec. 14-5. - Organization.

- (a) *Generally.* A joint board of fire commissioners (hereafter the fire commission) is hereby created. Said fire commission shall consist of, have appointments made to said fire commission and have the duties and responsibilities set forth in the Village/Town of Hartland fire department agreement.
- (b) *Composition.* The fire department shall consist of the officers and members as set forth in the constitution and bylaws of said fire department.
- (c) *Selection of officers.* The selection of officers and the duties of said officers are set forth in the constitution and bylaws of said department.
- (d) *Membership.* The membership of the fire department shall consist of those members who are elected pursuant to the provisions of the constitution and bylaws of said fire department.

#### Sec. 14-6. - Powers and duties of chief.

- (a) *Disciplinary actions.* The chief may demote or expel any officer or member of the department for neglect or refusal to perform his departmental duties or for nonresidence, subject to an appeal from such demotion or expulsion to the fire commission as provided in [section 14-9](#).
- (b) *Department budget.* Not later than October 1 of each year, the fire commission shall file with the Town clerk-treasurer, a detailed estimate of the appropriations needed for the conduct of the department during the ensuing fiscal year.
- (c) *Reports.* The chief shall submit a written report to the fire commission not later than February 1 of each year and at such other times as the chief deems desirable relating to the condition of various pieces of apparatus and appurtenances, the number of fires occurring since the previous report and the date of the same and the 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 such other pertinent information, including recommendations for improvements, as the chief deems proper and necessary for the operation of the department.
- (d) *Enforcement of fire prevention ordinances.* The chief shall enforce all fire prevention ordinances of the Town and state laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and on the activities of the department.
- (e) *Fire record book.* The chief shall keep in a fire record book records of every fire to which the department was called and shall enter in such book the locality 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 method of extinguishment and the equipment used, the amount of insurance carried on the building and its contents, the estimated fire loss, the time the fire was extinguished, the names of the men responding and general remarks.
- (f) *Apparatus inventory.* The chief shall keep an inventory of all apparatus and equipment and an inventory of all hose, showing dates and results of tests on each length, which shall be individually numbered.
- (g) *Duties of commanding officer.* The chief shall perform such other duties as are usually incumbent on the commanding officer of a fire department.

**Sec. 14-7. - Control and care of apparatus.**

- (a) **Chief responsible.** 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 the chief.
- (b) **Use.** No apparatus shall be used for any purpose except for fire fighting, or in training therefore, except pursuant to an agreement approved by the fire commission after the chief has given his recommendations on such use. With the approval of the chief, such apparatus may be used for emergency purposes within the designated fire fighting area or where we have mutual agreements. A written report of all such uses shall be made quarterly to the fire commission.
- (c) **Injury to equipment.** No person shall willfully injure any hose, hydrant or fire apparatus belonging to the Bonduef area fire department and no vehicle or railroad equipment shall be driven over any unprotected hose of the department when laid down on any street, private driveway, track or other place to be used at any fire or alarm of fire without the consent of the department official in command.

**Sec. 14-8. - Authority of department at fires.**

- (a) **Police powers at fires.** The chief and assistant chief or the officers in command at any fire shall have full and complete police authority at fires.
- (b) **Control at fires.** The fire chief may prescribe certain limits in the vicinity of any fire within which no person except firefighters and police officers and those admitted by order of any officer of the department may come. The chief may cause the removal of any property whenever it becomes necessary for the preservation of such property from fire or to prevent the spread of fire or to protect the adjoining property and, during the progress of any fire, he may order the removal or destruction of any property necessary to prevent the further spread of fire. He may also 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.
- (c) **Entering premises.** Any firefighter 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 to extinguish such fire and, if any person hinders, resists or obstructs a firefighter in the discharge of his duty as herein provided, the person so offending shall be guilty of resisting a firefighter in the discharge of his duties.

**Sec. 14-9. - Insubordination.**

Any member or officer of the department who has been expelled or demoted for any offense or neglect of duty or insubordination at any fire or drill may appear before the fire commission and state why such penalty should not be confirmed. The fire commission may, by a three-fourths vote of the members, order the chief to reinstate the member or officer. The secretary-treasurer shall report the name of each person expelled or demoted to the fire commission. See also [section 14-6\(d\)](#).

**Sec. 14-10. - Fire inspectors.**

- (a) **Fire chief to be fire inspector.** The fire chief shall hold the office of fire inspector and may appoint one or more deputy fire inspectors, who shall perform the same duties and have the same powers as the fire inspector.
- (b) **Duty of inspector.**
  - (1) **Inspections required.** The fire inspector shall inspect quarterly all buildings, premises and thoroughfares within the fire limits and inspect semi-annually all buildings, premises and public thoroughfares within the Town to note and cause to be corrected any conditions liable to cause fires. Repairs or alterations necessary to remove a hazardous condition shall be made within a reasonable time at the owner's expense. The inspector shall also investigate the storage and handling of explosives and flammable liquids within the Town.
  - (2) **Special inspection warrant.** If consent to entry to personal or real properties which are not public buildings or to portions of public buildings which are not open to the public has been denied, the fire inspector shall obtain a special inspection warrant under Wis. Stats. §§ 66.0119 and 66.0119(3).
- (c) **Record and reports of inspections.** The fire inspector shall keep a written record card of each property inspected which shall conform to the requirements of the state department of commerce and shall make the quarterly report of inspections required by such department.
- (d) **Correction of fire hazards.** When any inspection by the fire inspector or his deputy reveals a fire hazard, the inspector or his deputy may serve a notice in writing upon the owner of the property, giving such 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 and the fire inspector or his deputy may 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 and may also be entered in the tax roll as a special charge against the property.
- (e) **Compliance with fire inspector.** No person shall deny the fire inspector or his deputy free access to any property within the Town at any reasonable time to make fire inspections. No person shall hinder or obstruct the fire inspector in the performance of his duty or refuse to observe any lawful direction given by him.

**Sec. 14-11. - Open burning.**

- (a) [Please see Town of Hartland Open Burning Ordinance for regulations governing this aspect of Fire Prevention.](#)

**Sec. 14-12. - Fire prevention.**

- (a) **State administrative code adopted.** The following chapters of the state administrative code relating to fire protection and prevention are adopted and, by reference, made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any chapter of the state administrative code, incorporated herein by reference, is required or prohibited by this section:

Wis. Admin. Code ch. COMM 10	Flammable and combustible liquids code
Wis. Admin. Code ch. COMM 11	Liquified petroleum gas code (gold)
Wis. Admin. Code ch. COMM 12	Liquified petroleum gas handbook (blue)
Wis. Admin. Code ch. COMM 14	Fire prevention code
Wis. Admin. Code ch. COMM 16	Wisconsin state electrical code
Wis. Admin. Code chs. COMM 20–25	Uniform dwelling code
Wis. Admin. Code ch. COMM 28	Detection and alarm systems
Wis. Admin. Code ch. COMM 30	Fire department health and safety standards
Wis. Admin. Code chs. COMM 50–64	Building and heating ventilating and air conditioning code
Wis. Admin. Code ch. COMM 70	Historic building code
NFPA 10	Portable fire extinguishers
NFPA 13	Installation of sprinkler systems
NFPA 30	Flammable and combustible liquids code

NFPA 30A	Auto and marine service station code
NFPA 58	Storage and handling of liquified petroleum gases
NFPA 70	National electric code
NFPA 80	Fire doors and windows
NFPA 101	Safety to life from fire in buildings and structures
NFPA 101M	Alternative approaches to life safety
NFPA 211	Chimneys, fireplaces, vents and solid fuel burning appliances
NFPA 385	Tank vehicles for flammable and combustible liquids
NFPA 395	Standard for the storage of flammable and combustible liquids on farms and isolated construction projects
NFPA 1031	Fire inspector professional qualifications state fire chiefs guide book

Copies of all applicable federal, state and county codes, statutes and ordinances used in the operations of the fire department and emergency medical services are adopted by reference and are on file in the office of the fire chief or are available through federal, state, county, or village government and the national fire prevention association.

(b)

*Conflicting provisions.* In case of a conflict between the provisions of this section or between this section and existing Town ordinances, the strictest provisions shall apply.

(c)

*Copies to be on file.* Copies of the chapters of the Wisconsin Administrative Code enumerated in subsection (a) of this section shall be available for inspection during reasonable hours in the clerk-treasurer's office.

[Code 2000, § 5.12]

**Sec. 14-13. - Emergency medical services.**

Emergency medical services shall be supplied by the Bonduel area emergency medical service and the county ambulance service.

[Code 2000, § 5.13]

**Sec. 14-14. - Fire service charges.**

(a)

*Authority.* The Town acts pursuant to its authority and fire administration powers granted under the Wisconsin Statutes

(b)

*Purpose.* This section is enacted to ensure that persons most directly benefited by provision of emergency services pay toward that expense and reduce the burden on the general property taxpayer.

(c)

*Charges for service.* The Town board adopts the following policies with regard to the type of service rendered:

(1)

*Wild fire.* As set forth in Wis. Stats § 26.01 et seq., the costs of fire protection for a wild fire shall be charged back to the owner whose property is directly protected by the fire service. If more than one property is protected, each shall pay a portion of the total charge for service which shall be divided equally unless the fire department billing or statement to the clerk-treasurer specifies more exactly the protection afforded to each. In the event the wild fire was not intentionally set by the owner or occupant of any such property, or said fire is set on the land of another where the owner had no control, only labor charged shall be billed to the owner of said property. Except as shown herein, a qualifying fire that was intentionally set shall be paid by the person that took such action, to the extent practical, but this provision does not prevent recovery from other owners whose property benefits from firefighting services.

(2)

*Residential fires.* The owner of any type of property served, except where this section provides a different procedure or rule, shall pay the actually firefighting cost.

(3)

*Industrial, commercial and public authority fires.* The Town board anticipates that fires at these locations can involve more expense to extinguish. The use of foam or other expensive materials is more likely than with a residential fire. There is a greater likelihood of a different class of fire requiring a response different from a typical home fire. Hazardous materials are more likely to be involved. As a result, the person receiving firefighting services shall be liable for the actual expense associated with actions of any department providing fire protection services. These fees shall cover all costs for protection to any owner resulting from a fire originating at this site.

(4)

*Billing procedure.* If more than one property is protected, each owner shall receive a portion of the total charge for service which shall be equally divided unless the fire department billing or statement to the clerk-treasurer specifies more exactly the protection afforded to each parcel. The charge back shall include labor, any special materials charge and any specified equipment charge. However, no billing shall exceed the actual cost, administrative fee, interest and collection charges. The Town board may revise its expense schedule from time to time, taking into account actual expenses for wages, benefits, equipment, building costs and other current indicators of service costs.

(5)

*Carbon monoxide or smoke alarm (false alarm).* In the event a carbon monoxide and/or smoke alarm goes off in a residential property, the owner of the property shall pay actual costs of the call after the second incidence within one year.

(6)

*JAWS.* In the event a JAWS unit is utilized or brought to the scene for removal from a vehicle or structure, this charge shall be billed to the owner. This charge is in addition to the fire call billing limits set forth herein when both types of service used.

(7)

*Vehicle fire.* Charges for fire protection in response to a vehicle fire or threat of fire are charged to the vehicle owner who drove said vehicle or granted permission for another to drive it. Actual expenses for vehicle, labor and special materials shall be billed back to said owner, along with any towing or disposal charge if the Town or contracted department provided such service.

(8)

*Ambulance.* Charges lawfully paid by the Town for ambulance service shall be billed back to the party receiving service to the extent lawful.

(9)

*Administrative fee.* To cover the costs of bill preparation, mailing and accounting, the Town board may separately set a fee.

(10)

*Rescue not fire related.* Charges lawfully billed to the Town and paid by it from actions of its joint fire department or a law enforcement agency, or an agent of either such organization, related to rescue efforts shall be billed back to the person benefited. Such efforts may involve fire department personnel and/or equipment used by the Town or in conjunction with law enforcement efforts.

(d)

*Rates.* Unless another specific schedule is adopted, the Town shall charge at the rate the Town board has approved as its cost, as charged under mutual aid provided by another department, or where the Town is lawfully billed by a contractor. Actual rates set forth in such agreements and shown on billings related to service provided in response to particular incidents shall be used to establish the base amount due plus administrative cost.

(e)

*Interest.* Bills not paid within 30 days shall have an interest charge of 18 percent per annum added to the balance due, calculated daily, from the date of original billing. The Town billing shall include information about the interest charge.

(f)

*Special charges.* Properties served by fire protection services that fail to pay any billing shall have the balance due placed as a special charge against the property so served. Town billings shall indicate this procedure shall occur if payment not made. At the time of passage, ambulance services may not result in a special charge, and JAWS unit charges would only apply if a direct benefit to the real estate being protected can be shown. The charge shall include interest calculated to December 15.

**TOWN OF HARTLAND BOARD**

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ROBERT WOLDT, CHAIRMAN

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FRANK HELLER, SUPERVISOR

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JAY TESCHKE, SUPERVISOR

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Attested: Roy A. Brodhagen, Clerk

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DATE