

**CHAPTER 5**  
**FIRE DEPARTMENT**  
**(UPDATED 10 January 2023)**

- 5.01 Composition of Department
- 5.02 Appointments
- 5.03 Government of Department
- 5.04 Compensation
- 5.05 Department Budget
- 5.06 Powers and Duties of Chief
- 5.07 Control and Care of Apparatus
- 5.08 Police Power of Department
- 5.09 Fire Inspectors
- 5.10 Village Fire Prevention Code; Adoption of Codes
- 5.11 Right of Way
- 5.12 Traffic Laws Apply to Volunteers
- 5.13 Activities Organization and Fund Raising
- 5.14 Open Burning Regulated
- 5.15 Hazardous and Other Spills
- 5.16 Emergency Medical Service
- 5.20 Penalty

**5.01 COMPOSITION OF DEPARTMENT.** The Department shall be known as the "Village of Port Edwards Fire Department" and shall consist of the Fire Chief and such subordinates as may be authorized by Department bylaws.

**5.02 APPOINTMENTS.**

- (1) FIRE CHIEF. See sec. 1.02 of this Code.
- (2) OTHER OFFICERS; SUBORDINATES. Other officers and subordinates shall be ~~appointed~~ promoted by the Fire Chief ~~when not elected in accordance with Department bylaws,~~ with the approval of the Police and Fire Commission.

**5.03 GOVERNMENT OF DEPARTMENT.** The Department shall be governed by the bylaws of the Department, Village ordinances ~~and~~, resolutions, the Police and Fire Commission rules and the Wisconsin Statutes.

**5.04 COMPENSATION.** Members of the Department shall receive compensation in the amount and in the manner determined from time to time by the Village Board.

**5.05 DEPARTMENT BUDGET.** The Fire Chief shall file with the Village Administrator, as requested, a detailed estimate of the appropriations needed for the conduct of the Department during the ensuing fiscal year.

**5.06 POWERS AND DUTIES OF CHIEF.**

- (1) GENERAL SUPERVISION. The Chief shall have the general supervision of the Department, which supervision shall be subject to and not conflict with this chapter and the bylaws of the Department. The Chief shall provide or be accountable for the safety of the members of the Department. The Chief shall also obey all lawful written orders of the Village President as approved by the Village Board.
- (2) PRESIDING OFFICER. The Chief or, in his absence, the highest-ranking staff officer shall preside at all meetings of the Department, call special meetings, preserve order, decide all points of order that may arise, and enforce the provisions of this chapter and the bylaws.
- (3) COMMAND OF FIREFIGHTING OPERATIONS. The Chief or, in his absence, the highest-ranking line officer shall be present at all fires, if possible, and have complete command and entire accountability for 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 Department equipment is kept in operable condition at all times.
- (4) DISCIPLINARY ACTION. The Fire Chief shall, in accordance with the Department bylaws, have the power to suspend, demote, ~~expel~~ or otherwise discipline members of the Department, subject to the determination by the Police and Fire Commission. A non-probationary fire employee may only be terminated after a hearing held before the Police and Fire Commission. ~~appeal to the Village Board.~~
- (5) ENFORCEMENT OF FIRE PREVENTION ORDINANCES. The Chief shall enforce all fire prevention ordinances of the Village and the State laws and regulations pertaining to fire prevention and shall have a formal fire prevention program.
- (6) FIRE RECORDS. The Chief shall keep fire records, using the State form, of every fire to which the Department was called.
- (7) APPARATUS INVENTORY. The Chief shall keep an inventory of all apparatus and equipment.
- (8) DUTIES AS COMMANDING OFFICER. The Chief shall perform such other duties as are usually incumbent on the commanding officers of fire departments.

**5.07 CONTROL AND CARE OF APPARATUS.**

- (1) The Fire Chief shall have control of all apparatus used by the Department and shall be accountable for its operable maintenance. Emergency repairs may be authorized by the Chief or, in his absence, the highest-ranking officer available. If additional funds are needed for repairs, a request shall be made to the Village Board.
- (2) No apparatus shall be used for any purpose except for firefighting that is within the Village limits or in training therefore, except pursuant to contracts and mutual aid agreements approved by the Village Board. The Chief may authorize the use of apparatus for civic purposes.

**5.08 POLICE POWER OF DEPARTMENT.**

- (1) **POLICE AUTHORITY AT FIRES/EMS CALLS.** The Fire Chief and his assistants or officers in command at any fire are hereby vested with full and complete police authority. Any member of the Department may report to the proper authorities any person failing to give the right of way to the Fire Department in responding to the fire or EMS call.
- (2) **CONTROL OF FIRE DEPARTMENT EMERGENCIES.** The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons except firefighters, EMS personnel and police officers and those admitted by order of the Chief shall be permitted to enter. The 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, the Chief may order the removal or destruction of any property necessary to prevent the further spread of the fire. The Chief 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.
- (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 when the Chief reasonably believes such entry is required for the protection of persons or property. If any person shall hinder, resist or obstruct any firefighter or EMS personnel in the discharge of his duty, as is hereinbefore provided, the person so offending shall be deemed guilty of resisting the firefighter or EMS personnel in the discharge of his duties.
- (4) **DUTIES OF BYSTANDERS.** Every person who shall be present at a fire or EMS call 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 removing or guarding property. Such officer may cause the arrest of any person refusing to obey such orders.
- (5) **DAMAGE OR DESTRUCTION OF EQUIPMENT PROHIBITED.** No person shall willfully damage or destroy, in any manner, any equipment belonging to the Fire Department or the Village 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 place to be used at any fire or alarm of fire without the consent of the Fire Department official in command.

**5.09 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.** Fire Inspectors shall inspect, according to State regulations, all buildings, premises and public thoroughfares within the Village limits for the purpose of noting and causing to be corrected any conditions liable to cause fires. 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 all explosives and inflammable liquids within the Village.

- (3) **WRITTEN RECORD OF INSPECTIONS.** The Chief shall keep a written record of each property inspected, which shall conform to the requirements of the State Department of Commerce and shall make a report of such inspections available upon request.
- (4) **CORRECTION OF FIRE HAZARDS.** When any inspection by the Fire Chief or Deputy Inspector reveals a fire hazard, the Chief or the Deputy Inspector may serve a notice in writing upon the owner of the property giving the 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 Chief or the Deputy Inspector may have the same removed by the Village, and the cost of such removal shall be recovered in an action by the Village against the owner of the property and may also be entered on the tax roll as a special charge against the property.
- (5) **ENTERING ON PREMISES.** No person shall deny the Fire Inspector or the Deputy Inspector free access to any property within the Village at any reasonable time for the purpose of making fire inspections. No person shall hinder or obstruct the Fire Inspectors in the performance of duties or refuse to observe any lawful direction given by the Inspector or Deputies.

**5.10 VILLAGE FIRE PREVENTION CODE; ADOPTION OF CODES.** The following chapters of the Wisconsin Administrative Code, Rules of the Department of Commerce, are hereby adopted by reference and made a part of this Code.

COMM 10	Flammable and Combustible Liquids Code
COMM 11	Liquefied Petroleum Gas Code (Gold)
COMM 12	Liquefied Petroleum Gas Handbook (Blue)
COMM 14	Fire Prevention Code
COMM 16	Wisconsin State Electrical Code
COMM 20-25	Uniform Dwelling Code
COMM 28	Detection and Alarm Systems
COMM 30	Fire Department Health and Safety Standards
COMM 50-64	Building and Heating Ventilating and Air Conditioning Code
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 Liquefied 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 Wisconsin Fire Chiefs Guide Book

Copies of all applicable Federal, State and County codes, statutes and ordinances used in the operations of the Fire Department 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.

- 5.11 RIGHT OF WAY.** The officers and members of the Fire Department, with their fire equipment of every kind, when going to or are on duty at a fire, shall have the right of way over all other vehicles upon Village streets when giving visual and audible signal, and the operator of any other vehicle, whether motor or otherwise, upon the approach of such emergency vehicles, shall immediately drive such other vehicle as far as possible to the right of the thoroughfare and shall keep such vehicle stationary until such emergency vehicles shall have passed. Except when actually responding to a fire alarm or other emergency call, or when on duty at a fire, the emergency vehicles of the Fire Department shall, however, have no special right of way or other privileges of any kind, but shall be subject to all traffic regulations applicable to other vehicles.
- 5.12 TRAFFIC LAWS APPLY TO VOLUNTEERS.** All firefighters and EMS personnel, when responding to a fire call or EMS call with a private vehicle, shall comply with all traffic regulations.
- 5.13 ACTIVITIES ORGANIZATION AND FUND RAISING.**
- (1) **ACTIVITIES ORGANIZATION.** Members of the Department may organize an activities organization and elect officers provided that social activities are not funded from Village funds unless approved by the Village Board.
  - (2) **FUND RAISING.** The members may raise funds for special activities. Monies raised by members shall be kept in a special fund and used as directed by the membership, and shall be audited annually by the Village Auditor.
  - (3) **PROPERTY OWNERSHIP.** The Department membership may own property and equipment purchased by monies earned by fund raising events. If the membership disbands through a majority vote of its members, all apparatus, equipment, buildings and land shall become the property of the Village.
- 5.14 OPEN BURNING REGULATED.**
- (1) **PROHIBITED BURNING.** It shall be unlawful to burn leaves and trash of any kind.
  - (2) **RECREATIONAL BURNING.** Open recreational burning is permitted in a fire pit; a minimum 3-sided enclosure; or a gas, electric or charcoal kettle, subject to the following:
    - (a) The fire is monitored by a responsible person until the fire is extinguished or burns out.
    - (b) The fire is not lit on windy days or when atmospheric conditions will endanger the public health or safety.
    - (c) The fire is located off the public right of way and in excess of 30 feet from the residence of another.
    - (d) The fire is not used for the covert burning of plastic, rubber, garbage or other offensive materials.
  - (3) **BURNING BY PERMIT.** Burning permits for burning brush in nonresidential areas may be issued by the Fire Chief. Burning permits for residential areas may be approved by the Village Board.
  - (4) **LIABILITY.** Any person open burning, whether permitted or not, which results in a response by the Village Fire Department shall be billed for the cost of such response.
- 5.15 HAZARDOUS AND OTHER SPILLS.** See Ch. 9 of this Code.
- 5.16 EMERGENCY MEDICAL SERVICE.** Emergency medical service is provided pursuant to a contract approved by the Village Board.
- 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.