

CHAPTER 5
FIRE DEPARTMENT

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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.

b) The EMS Division Chief shall be hired by the City Council.

5.03 REGULATIONS. a) Members of the Department, with the exception of the Emergency Medical Service Division, shall be governed by the bylaws of the Department, the resolutions and ordinances of the City, the lawful orders of the Council and the Mayor, and the Wisconsin Statutes.

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 created by the EMS Division 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 affect 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 EMS Division Chief.

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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 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 Chief 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 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 deems proper and necessary for the operation of the Department.

(4) **ENFORCEMENT OF FIRE PREVENTION LAWS AND ORDINANCES.** He 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.** He 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.** He 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.

(7) **DUTIES AS COMMANDING OFFICER.** He 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 Chief, the Assistant Chief shall take command and perform the duties of the Chief. In the absence of both the Fire Chief and the Assistant Chief, the highest ranking officer or firefighter shall be in charge.

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5.08 CONTROL AND USE OF APPARATUS. (1) 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.

(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 which have contracted with the City for fire protection or in municipalities with which the City has entered into mutual aid agreements. Upon the approval of the Chief, such apparatus may be used for emergency purposes within the City and participating municipalities.

5.09 POLICE POWER OF DEPARTMENT. (1) **POLICE AUTHORITY AT FIRES.** The Chief and his assistant or officers in command at 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 policemen and those admitted by order of any officer of the Department 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, he may order the removal or destruction of any property necessary to prevent the further spread of the fire. He 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 work of the Department 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 duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firefighters in the discharge of their duties.

(4) **INJURY TO EQUIPMENT PROHIBITED.** No person shall will-fully injure 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 place 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 power to appoint one or more Deputy Fire Inspectors, who shall perform the same duties and have the same powers as the Fire Inspector.

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(2) **INSPECTION DUTIES.** The Fire Inspectors shall inspect, semiannually, all public buildings and places of employment, as defined in §101.01(2), Wis. Stats., within the City and participating towns 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 explosives and inflammable 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 Commerce.

(4) **WRITTEN RECORD OF INSPECTIONS.** The Chief shall keep a written record file of each property inspected which shall conform to the requirements of the State Department of Commerce 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 deputies reveals a fire hazard, the Chief or his deputies may serve a notice, in writing, upon the owner of the property 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 and the Fire Chief or his 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 and may also be entered on the tax roll as a special charge against the property.

(6) **ENTERING ON PREMISES.** No person shall deny the Fire Inspector or his deputies 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 duty or refuse to observe any lawful direction given by him.

5.11 CITY 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:

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| (1) | COMM | 7 | Explosive Materials |
| (2) | COMM | 10 | Flammable and Combustible Liquids |
| (3) | COMM | 11 | Liquefied Petroleum Gases |
| (4) | COMM | 12 | Liquefied Natural Gas |
| (5) | COMM | 13 | Compressed Natural Gas |
| (6) | COMM | 14 | General Fire Hazards |
| (7) | COMM | 15 | Cleaning and Dyeing |
| (8) | COMM | 32 | Safety |
| (9) | COMM | 50-65 | Building, Heating, Ventilating and Air Conditioning |
| (10) | COMM | 69 | Fee Structure |
| (11) | COMM | 221 | Spray Coating |

A copy of the above codes are on file in the office of the Fire Chief.

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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 are on duty at a fire, shall have the right of way over all other vehicles upon City streets or town roads, and 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, but shall be subject to all traffic regulations applied to other vehicles. Emergency vehicles responding to a call, and exceeding the posted speed limit, shall have all emergency lights and siren in operation.

5.14 TRAFFIC LAWS APPLY TO VOLUNTEERS. All volunteer fire-fighters, when responding to a fire call with a private vehicle, shall comply with all traffic regulations, except nonmoving traffic regulations.

5.15 BURNING REGULATIONS. See sec. 9.16 of this Code and Wis. Adm. Code COMM 14.03(9)-

5.16 AMBULANCE SERVICE. Rescue service for the City and participating town residents shall be provided by the Black River Emergency Medical Service

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.