

CHAPTER 5

FIRE PROTECTION

[Rep. & recr. #097-24]

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5.01 FIRE DEPARTMENT RECOGNIZED.

The Village of Sturtevant Fire Department (“Fire Department”) is officially recognized as the Fire Department of the Village of Sturtevant. Its purpose shall be to provide fire protection, fire prevention and rescue service to the Village. Its organization and internal regulation shall be governed by the provisions of this chapter and such policies adopted by the Fire Department except as otherwise provided by law and ordinances.

5.02 POLICIES.

The Fire Department shall adopt policies for its control, management and government and for regulation of its business and proceedings, which policies shall not become effective and operative until confirmed by the Village Board. Amendments shall be adopted in the same manner.

5.03 APPROPRIATIONS.

The Village Board shall appropriate funds to provide for operation of fire and rescue and for such apparatus and equipment for the use of the Fire Department as it may deem expedient and necessary to maintain efficiency and properly protect life and property.

5.04 COMPENSATION.

Members of the Fire Department shall receive such compensation from the Village as may from time to time be fixed by the Village Board.

5.05 ORGANIZATION AND MEMBERSHIP.

- (1) The Fire Department shall consist of the following officers: the Director of Public Safety, a part-time Fire Prevention Chief, a Captain, and two Lieutenants, who shall be appointed by the Director of Public Safety, subject to confirmation by the Village Board. Such appointments shall be made by the Director of Public Safety from within the Fire Department when this can be done with advantage, and otherwise from an eligibility pool. In addition to these officers, the Fire Department shall consist of firefighters appointed by the Director of Public Safety from an eligibility pool and confirmed by the Village Board, and a secretary. The number of full- and part-time firefighters shall be determined by the Village Board from time to time.
- (2) The Director of Public Safety shall establish a selection process and eligibility pool for entry level firefighter positions in the Fire Department, as well as for the officers set forth in subsection (1), when the Director of Public Safety does not make such an appointment from within the Department.

- (3) Upon occurrence of a vacancy in the office of Director of Public Safety, the Captain shall perform the duties of the Director of Public Safety enumerated in this chapter until such vacancy has been filled.
- (4) Resignations shall be submitted in writing to the Director of Public Safety at least 10 days prior to the effective date of resignation, and the resigning member shall immediately surrender all assigned equipment. A dismissed firefighter shall surrender all issued equipment immediately following the dismissal. Failure to return equipment will be referred to the Police Department, the Village Attorney, or both, for legal action.
- (5) The Director of Public Safety and non-probationary members of the Fire Department may be suspended, reduced in rank, suspended and reduced in rank, or removed at any time only for just cause under §62.13(5), Wis. Stats., except that a person appointed by the Village Board under §61.65(1)(am)2., Wis. Stats., shall act in place of a board of police and fire commissioners. Probationary members of the Fire Department may have their employment terminated during a probationary period with or without cause and they shall not be entitled to a hearing or review of such termination.

5.06 POWERS AND DUTIES OF DIRECTOR OF PUBLIC SAFETY.

- (1) The Director of Public Safety shall have general supervision of and be responsible for the personnel and general efficiency of the Fire Department.
- (2) The Director of Public Safety shall preside at all meetings of the Department, call special meetings, preserve order, decide all points of order that may arise and enforce a rigid observance of this chapter and Department policies.
- (3) The Director of Public Safety, Captain or any authorized representative shall be present at all emergency scenes, have complete command of and entire responsibility for all operations, plan the control of the same to direct the action of the companies when they arrive at a scene, observe that every company does its duty, grant leaves of absence at a scene when deemed proper and ensure that the fire apparatus is kept in proper condition at all times.
- (4) The Director of Public Safety shall have the power to impose discipline as to any officer or member of the Fire Department for neglect or refusal to perform departmental duties, as long as such discipline does not conflict with subsection 5.05(6) of this Municipal Code.

- (5) Annually, the Director of Public Safety shall file with the Village Clerk/Treasurer a detailed estimate of the appropriations needed for the conduct of the Department during the ensuing fiscal year.
- (6) The Director of Public Safety shall submit a written report to the Village Board not later than March 1 of each year, and at such other times as he/she deems desirable, relating to the conditions of the various pieces of apparatus and appurtenances, number of fires and rescues occurring since the previous report, date of same and loss occasioned thereby, number of members of each company, total number of active members in the Department and resignations and expulsions from the Department. He/she shall also report upon the drill and training program of the Department, together with other pertinent information, including recommendations of such improvements as he/she deems proper and necessary for the operation of the Department.
- (7) The Director of Public Safety shall enforce all ordinances of the Village and State laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and the activities of the Department.
- (8) The Director of Public Safety shall keep a written record of every fire and rescue to which any company was called and shall enter in such record the locality of fire or rescue, time alarm was received, equipment used and names of firefighters responding.
- (9) The Director of Public Safety shall perform such other duties as are incumbent on the commanding officer.
- (10) The Director of Public Safety shall have control of all apparatus used by the Department and shall be responsible for its proper maintenance, and for keeping an inventory of all apparatus and equipment. Repairs may be authorized by the Director of Public Safety with appropriate committee approval.

5.07 APPARATUS USE.

- (1) No apparatus shall be used for any purpose except for emergency operations within the Village limits, or in training therefor, except pursuant to an agreement approved by the Village Board after the Director of Public Safety has given his recommendations on such use. With the approval of the Director of Public Safety, such apparatus may be used for purposes other than fire fighting within the Village. A written report of all such uses shall be made monthly to the Village Board.

- (2) No person shall willfully damage in any manner any fire hose, fire fighting equipment, fire hydrant or fire apparatus belonging to the Village and no vehicle shall be driven over an unprotected hose of a fire department when laid down on any street, private driveway or other place, to be used at any fire or alarm of fire or training without the consent of the Fire Department official in command.
- (3) No person shall willfully damage in any manner any rescue and/or fire fighting apparatus, or any related equipment accessories, including the building in which they are housed. If damage does occur, the appropriate Village personnel shall be notified as soon as possible.

5.08 POLICE POWER OF DEPARTMENT.

- (1) **POLICE POWERS AT ANY INCIDENT.** The Director of Public Safety, Captain or officers in command at any scene are hereby vested with full and complete police authority. Any such officer of the Fire Department may cause the arrest of any person interfering with the operations of the Fire Department at any fire or rescue call.
- (2) **CONTROL AT INCIDENTS.** The Director of Public Safety or other officer in command may prescribe certain limits in the vicinity of any fire within which no persons, except firefighters, law enforcement officers and those admitted by order of any other officer of the Department shall be permitted to come. The Director of Public Safety or other officer in command shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire, to prevent the spreading of fire or to protect the adjoining property. In the progress of any fire, the Director of Public Safety shall have the power to order the removal or destruction of any property necessary to prevent the further spread of the fire. The Director of Public Safety shall also have the power to 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 Fire Department during the progress of a fire.
- (3) **FIREFIGHTERS MAY ENTER ADJACENT PROPERTY.** Any firefighter acting under the direction of the Director of Public Safety 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 no person shall hinder, resist or obstruct any firefighter in the discharge of his/her duty as is herein provided.
- (4) **FALSE FIRE OR RESCUE ALARMS.** No person by any means or in any manner shall give, make or cause anyone else to give or make any false, misleading or

untruthful call or alarm which causes or which is given under such circumstances as to be likely to cause any fire department or rescue equipment to respond with personnel or equipment as if to attend an actual fire or rescue call. (See §9.17 of this Municipal Code)

5.09 FIRE INSPECTOR.

- (1) The Director of Public Safety shall hold the office of Fire Inspector, with power to appoint a part-time Fire Prevention Chief and one or more deputy fire inspectors, who shall perform the same duties and have the same powers as the Fire Inspector.
- (2) Fire inspectors shall inspect all buildings semiannually, except private dwellings, premises and thoroughfares within the Village to determine, locate and correct any conditions liable to cause fires. Such conditions shall include, but shall not be limited to, violations of any and all provisions of the Wisconsin Statutes, the Wisconsin Administrative Code and this Municipal Code relating to fire hazards or to the prevention of fires.
- (3) Whenever or wherever in the Village, any inspection by the Director of Public Safety or his deputies reveals a fire hazard, the Director of Public Safety or the deputies shall serve a notice in writing upon the owner or occupant of the property, giving the owner or occupant a designated time by which to correct or remove the hazard. The owner or occupant shall cause such hazard to be corrected or removed within the time designated. If the fire hazard is not corrected or removed within the time allowed, it shall be deemed a nuisance.
- (4) The Fire Inspector shall keep a written record card of each property inspected, which shall conform to the requirements of the Department of Commerce, and shall make the quarterly report of inspections required by the Department of Commerce.
- (5) No person shall hinder or obstruct the Fire Inspector in the performance of his duty or refuse to perform any lawful direction given by the Fire Inspector.

5.095 PREVENTION INSPECTION FEES.

- (1) An annual fire prevention inspection fee shall be charged to the property owner of each residential, commercial, industrial and institutional building within the Village that is required, by state law, to undergo periodic fire prevention inspections. For purposes of this Section only, “residential” shall mean buildings composed of 4 or more dwelling units.

- (2) The annual fee, the amount of which shall be set from time to time by resolution of the Village Board, shall constitute a special charge against the property, pursuant to Wis. Stats. § 66.0627.
- (3) If not paid by October 15 of each year, the annual fire prevention inspection fee shall be considered delinquent and shall automatically be included in the current or next year's tax roll for collection and settlement under Wis. Stats. Chapter 74.
- (4) All buildings owned by the United States, the State of Wisconsin, Racine County, and the Village of Sturtevant shall be exempt from this fire prevention inspection fee.

5.10 HAZARDOUS WASTE.

See §11.10 of this Municipal Code.

5.11 FEES FOR TRANSPORT IN RESCUE SQUAD.

- (1) DEFINITIONS:

Advanced Life Support has the meaning specified in HFS 110.03, Wis. Admin. Code.

Basic Life Support has the meaning specified in HFS 110.03, Wis. Admin. Code.

Medical Facility means a hospital as defined in §50.33(2), Wis. Stats., or a clinic or office that is used by a physician licensed under Chapter 448, Wis. Stats.

- (2) Any person receiving transport in a Village of Sturtevant Fire Department rescue squad shall be billed by a billing service hired by the Village of Sturtevant within 60 days of such transport; the payment shall be deposited into the general fund, a fee as follows:

- (a) For Advanced Life Support (ALS) services:

Village Resident	\$550.00
Nonresident	\$600.00

- (b) For Basic Life Support (BLS) services:

Village Resident	\$400.00
Nonresident	\$450.00

- (c) Loaded Mileage Charge
\$12.00 Per mile
 - (d) Non-transport Charge
\$100.00 plus supplies/drugs
- (3) Charges for fire calls on highways.
- (a) There is hereby imposed upon and charged a fire call charge to the owner or user at the time of the fire call of the property involved in a fire call response by the Sturtevant Fire Department on any highway within the Village of Sturtevant. The fire call charge shall be in the sum of Five Hundred Dollars (\$500.00) and shall cover the cost of such fire call.
 - (b) The Public Safety Director or Designee of the Village of Sturtevant shall submit statements for such charges to all such owners or users of the property subject to a fire call on such highways as soon as practical following the completion of the fire call. All such charges shall be paid to the Village Clerk, who shall report monthly to the Public Safety Director or Designee as to all such charges as were collected during the preceding month.
- (4) Cleanup of Spills. Any person who possesses or controls a hazardous material or infectious agent which was discharged or who caused the discharge of a hazardous material or infectious agent shall reimburse the Village for actual and necessary expenses incurred by the Village or its agent to contain, remove or dispose of the hazardous substance or infectious agent or take any other appropriate action which is deemed appropriate under the circumstances. There is hereby imposed upon and charged a charge to the owner of the property on which was discharged or user who caused the discharge of a hazardous material or infectious agent at the time of the call and response by the Sturtevant Fire Department and such charge shall be in the sum of Five Hundred Dollars (\$500.00) in addition to the described actual and necessary expenses.

5.12 USE OF BALCONIES AND PATIOS IN RENTAL UNITS.

- (1) PURPOSE. The purpose of this Section is to recognize that the Sturtevant Fire Department has been receiving complaints about the use of gas and charcoal barbecue grills on Balconies and Patios; that the use of barbecue grills and similar equipment within 15 feet of Rental Unit constitutes great potential harm for loss of life and property; and that storage on Balconies, Patios and other Exits interfere with

the ability of the Sturtevant Fire Department to perform its community caretaker duties.

(2) DEFINITIONS.

Balcony. A landing or porch projecting from the wall of a building used as a means of egress, a second Exit and/or a jump platform.

Exit. That portion of a means of egress that is separated from all other spaces of the building or structure by construction or equipment to provide a protected way of passage to leave the building or structure. Exits include exterior Exit doors, Exit passageways, horizontal Exits and separated Exit stairs or ramps.

Patio. A flat surface abutting a Rental Unit, whether constructed of cement or other material, used as a means of egress or as a second Exit.

Rental Unit. A unit held out for rent to the public, whether in an apartment building, duplex or other similar building.

(3) PROHIBITIONS.

- (a) No person shall store or operate a barbecue grill or other similar equipment used for preparing, grilling or cooking any type of food or store gas or charcoal on a Balcony or Patio of a Rental Unit.
- (b) No person shall store or operate a barbecue grill or other similar equipment
- (c) used for preparing, grilling or cooking any type of food or store gas or charcoal within 15 feet of a Rental Unit.
- (d) No person shall place any item or materials on a Balcony that will encumber, obstruct or interfere with its instant use as an Exit in case of fire or other emergency.

(4) ENFORCEMENT.

- (a) A violation of this Section of the Code of Ordinances shall constitute a fire hazard.
- (b) Whenever and wherever in the Village it is determined by any inspection by the Director of Public Safety or other designated person that there exists a violation of this Section, it shall be declared a fire hazard.

- (c) When a fire hazard exists, the Director of Public Safety or other designated person shall serve a notice in writing upon the property owner or other person violating this Section giving the owner or person reasonable time in which to remove the hazard.

- (5) PENALTY. If the fire hazard is not removed within the time allowed, the person found to be in violation of any provision of this Section, or any rule or order promulgated or issued hereunder shall be subject to a forfeiture as provided in Section 25.04 of this Municipal Code. The Village, at its option, may declare the fire hazard a public nuisance if the person fails to remove the fire hazard.

5.15 PENALTY.

Except as otherwise provided, any person found to be in violation of any provision of this chapter or any rule or order promulgated hereunder, shall be subject to a penalty as provided in §25.04 of this Municipal Code.