

Fire Department
Ordinance 4-18-05-1

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SEC. 5-2-1 FIRE DEPARTMENT ORGANIZATION; GOALS OF THE DEPARTMENT.

- (a) **Fire Department Recognized.** The Volunteer Fire Department of the Village of Monticello and the Towns of Mount Pleasant and Washington (MMPW-FD) is officially recognized as the Fire Department serving the Town of Mount Pleasant, and the duties of firefighting and fire prevention in the Town are delegated to such Department. The MMPW Volunteer Fire Department shall be responsible for the program of fire defense for the citizens and property with the Town of Mount Pleasant.
- (b) **Fire Protection Agreement.** The Town of Mount Pleasant, surrounding municipalities, and the Volunteer Fire Department have entered into a contract under Sec. 66.30, Wis. Stats., for the operation of a Fire District under the management of the Fire Board. Such contract is on file with the Town Clerk and shall govern the operation of the Department and the relation of the Town thereto.
- (c) **Appropriations.** The Town Board shall appropriate funds for Fire Department operations and for such apparatus and equipment for the use of the Fire Department as the Board may deem expedient and necessary to maintain efficiency and properly protect life and property from fire.
- (d) **Goals of the Fire Defense Program.**
- (1) The primary objective of the fire defense program is to serve all citizens, without prejudice or favoritism, by safeguarding, collectively and individually, their lives against the effects of fires and explosions.
 - (2) The second objective of the fire defense program is to safeguard the general economy and welfare of the community by preventing major conflagrations and the destruction by fire of industries and businesses.
 - (3) The third objective of the fire defense program is to protect the property of all citizens against the effects of fire and explosions. All property deserves equal protection, regardless of location or monetary value.
- (e) **Organization.** The Volunteer Fire Department of the Village of Monticello and the Towns of Mount Pleasant and Washington (MMPW-FD) shall consist of the Chief, a First Assistant Chief, a Secretary and a Treasurer and such other officers as may be deemed necessary, together with as many drivers and firemen who live and normally work within the fire district as may be appointed by the Chief and approved by the Fire Board, provided that at no time shall the Department consist of less than twenty-two (22) active members. The Fire Chief shall be selected pursuant to Section 5-2-1(g) of the ordinance.

- (f) **Departmental Bylaws.** The MMPW-FD shall adopt bylaws and amendments thereto for the control, management and government and the regulation of business and proceedings of the Department, which bylaws shall be adopted to a two-thirds (2/3) vote of the members of the Department and shall be subject to approval of the Fire Board.
- (g) **Election of Officers; Vacancies.** The officers of the Department shall be elected annually by the members thereof and confirmed by the Fire Board and shall hold office for a term of one (1) year or until their successors are elected and qualified unless removed for cause by action of the members of the Fire Board. In case of a vacancy in any office, a successor shall be elected by the members and confirmed by the Fire Board and shall hold office until the next annual election.
- (h) **Appointment of Firefighters.**
- (1) **Application.** Any person desiring to be a member of the Fire Department shall file an application with the Secretary in such form as may be required. Each application shall be accompanied by a certificate of applicant's physical fitness from such physician as the Chief may designate.
 - (2) **Appointment.** If the application is approved by the Chief, it shall be submitted to the Fire Department for confirmation.
 - (3) **Qualifications.** No person shall be eligible for recruitment as a member in the Fire Department unless he/she is a resident of the Fire District between the ages of eighteen (18) and forty-five (45) and of good moral character.
 - (4) **Removal.** Members of the Department may be removed or expelled for neglect or refusal to perform departmental duties by a majority vote of the members of the Fire Board after a hearing on the matter and receiving the recommendations of the Chief.
 - (5) **Compensation.** Firefighters shall receive compensation in an amount determined by the Fire Board.
- (i) **Use of Apparatus.** No apparatus shall be used for any purpose except for firefighting, or in training therefore, except pursuant to an agreement approved by the Fire Board after the Chief has given his/her recommendations on such use. With the approval of the Chief, such apparatus may be used for emergency purposes other than firefighting within the district.

SEC. 5-2-2 FIRE BOARD.

- (a) The Fire Board shall consist of seven (7) members with equal voting rights designated as follows:
1. The Village President of Monticello, who will act as chairperson of the Fire Board, and one (1) Village Trustee as appointed by the President and approved by the Village Board;
 2. The Chairperson of the Town of Mount Pleasant and one (1) Town Supervisor as appointed by the Chairperson and approved by the Town Board.
 3. The Chairperson of the Town of Washington and one (1) Town Supervisor as appointed by the Chairperson and approved by the Town Board;
 4. The Fire Chief as elected annually by the Fire Department and approved by the Fire Board.
- (b) The members of the Fire Board shall be appointed annually to serve (1) year terms. The Fire Board shall annually elect a Secretary-Treasurer for the Fire Board. In the absence of the Village President, the Fire Board shall appoint a chairperson of the Board among those present to conduct a meeting. They shall hold meetings as necessary to discharge

their responsibilities, which include the policy-making supervision of the affairs of the Volunteer Fire Department of the Village of Monticello, Town of Mount Pleasant and Town of Washington. They shall advise their respective Village and Town Boards concerning matters affecting the Fire Department, and they shall hear grievances initiated by members or officers of the Fire Department. They shall carry out the duties and have the powers authorized by this Ordinance.

SEC. 5-2-3 IMPEDING FIRE EQUIPMENT PROHIBITED.

No person shall impede the progress of a fire engine, fire truck or other fire apparatus of the MMPW Volunteer Fire Department along the roads of such Town at the time of a fire or when the Fire Department of the Town is using such roads in response to a fire alarm or for practice.

SEC. 5-2-4 POLICE POWER OF THE DEPARTMENT; INVESTIGATION OF FIRES.

(a) Police Authority at Fires

- a. The Chief and assistants or officers in command at any fire are hereby vested with full and complete police authority at fires. 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.
- b. The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting firemen and policemen and those admitted by order of any officer of the Department, shall be permitted to come.
- c. The Chief shall have the power to 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 shall 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 Department during the progress of a fire.

(b) Fire Inspection Duties.

- a. The Fire Chief shall be the Fire Inspector of the Town of Mount Pleasant and shall have the power to appoint one or more deputy Fire Inspectors and shall perform all duties required of the Fire Inspectors by the laws of the State and rules of the Department of Industry, Labor and Human Relations, particularly Section 101.14, Wis. Stats.

State Law Reference: Section 101.14, Wis. Stats.

SEC. 5-2-5 DAMAGING FIRE HOSE PROHIBITED; BLOCKING FIRE LANES.

- (a) Driving Over Fire Hose. No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the MMPW Volunteer Fire Department, and no vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street, road, private driveway or other place, to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.
- (b) No Parking Near Fire. It shall be unlawful for any person, in case of fire, to drive or park any vehicle within one block from the place of fire without the consent and authority of the Fire Chief or any police officer.

SEC. 5-2-6 FIREMEN MAY ENTER ADJACENT PROPERTY

- (a) Entering Adjacent Property. It shall be lawful for any fireman while acting under the direction of the fire chief or any other officer in command to enter upon premises adjacent to or in the vicinity of a building or other property then on fire for the

purpose of extinguishing such fire and in case any person shall hinder, resist or obstruct any fireman in the discharge of his duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firemen in the discharge of their duty.

- (b) Destruction of Property of Prevent the Spread of Fire. During the progress of any fire, the Fire Chief or his assistant shall have the power to order the removal or destruction of any property necessary to prevent the further spread of fire; provided that it is inevitable that, unless such property is removed, other property is in danger of being destroyed by fire.

SEC. 5-2-7 DUTY OF BYSTANDERS TO ASSIST.

Every person who shall be present at a fire 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 in removing or guarding property. Such officer shall have the power to cause the arrest of any person or persons refusing to obey said orders.

SEC. 5-2-8 VEHICLES TO YIELD RIGHT-OF-WAY.

Whenever there shall be a fire or fire alarm or the Fire Department shall be out for practice, every person driving or riding in a motorized or other vehicle shall move and remain to the side of the street until the fire engine and fire truck and other fire apparatus shall have passed.

Adopted this 16 day of May, 2005.

Dean Havens, Chairman

Roger Brugger, 1st Supervisor

Mark Wittenwyler, 2nd Supervisor

Sally Roe, Clerk