

Chapter 30

FIRE DEPARTMENT

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[HISTORY: Adopted by the Village Board of the Village of Iola 2-12-1996 as Title 3, Ch. 2, of the 1996 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Officers and employees — See Ch. 45.
Police Department — See Ch. 50.

Fire prevention — See Ch. 145.

§ 30-1. Establishment; bylaws; organization.

- A. Department recognized. The volunteer fire company known as the "Iola and Rural Fire Department" is hereby officially recognized as the Fire Department of the Village of Iola. The duty of fire-fighting and the prevention of fires in the Village of Iola is delegated to such department. Its organization and internal regulation shall be governed by the provisions of this chapter and by such bylaws adopted by the Department as are approved by the Village Board, except as is otherwise provided by law and ordinance.
- B. Bylaws. The Iola and Rural Fire Department is hereby authorized and directed to adopt bylaws for the control, management and government, which bylaws, after adoption by a $\frac{2}{3}$ vote of the members of the Department, shall not become effective and operative until presented to and approved by the Village Board. Amendments shall be adopted in the same manner. The Village Board shall appropriate funds to provide for operation 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 from fire. The officers and members of the Fire Department shall receive such compensation from the village as may from time to time be fixed by the Village Board.
- C. Organization.
- (1) The Fire Department shall consist of the following officers: one Chief, a First Assistant Chief, a captain for each company, a secretary and treasurer and as many

drivers and fire fighters as may be appointed by the Chief and approved by the Village Board, provided that at no time shall the Department consist of less than 22 active members.

- (2) Any person 18 years and older desiring to be a member of the Fire Department may file with the secretary an application in such form as the Fire Department may require. Each applicant shall also file a certificate of physical fitness from such physician as the Fire Chief may designate. The name of any applicant approved by the Chief as provided in the bylaws shall be presented to the Village Board for confirmation. The village shall pay for medical examination of applicants recommended by the Chief. The bylaws shall prescribe the residency requirements of all members.
- (3) All resignations from the Department shall take the same course as applications for and appointments to membership.
- (4) A vacancy in the office of Fire Chief shall be filled by a majority vote of the Fire Department, approved by the Village Board.
- (5) The Fire Chief shall immediately assume office and shall hold office for one year or until removed for cause by action of $\frac{2}{3}$ of the members of the Village Board, unless sooner terminated by resignation or death.
- (6) The First Assistant Chief and the captains shall be appointed by the Chief from members of the Department.
- (7) The Department shall organize into one or, at the option of the Chief, into two or more companies, of which not less than $\frac{1}{2}$ of the members must be employed in the village. The Chief may, at any time, make transfers between companies which he or she deems necessary.
- (8) Each of the companies of the Department shall be in the charge of a captain who shall be responsible to the Chief.
- (9) The election of the Chief, secretary and treasurer and such social officers as the bylaws may require shall be held at the annual meeting of the Department in such manner as is provided in the bylaws. In case of any vacancy, the Chief shall appoint a member in good standing to fill the office until the next annual election.

§ 30-2. Village Board to authorize fire equipment.

- A. Authorization. The Village Board shall provide such apparatus and equipment for the use of the Fire Department as it may deem expedient and necessary to maintain efficiency and to properly protect life and property from fire.
- B. Other use. No apparatus shall be used for any purpose except for fire-fighting within the village limits and such townships under contract, or in training therefor, except pursuant to an agreement approved by the Village Board after the Chief has given his or her recommendations on such use. With the approval of the Chief, such apparatus may be used for emergency purposes other than fire-fighting within or out of the village.

§ 30-3. Impeding fire equipment prohibited.

No person shall impede the progress of a fire engine, fire truck or other fire apparatus of the Iola Fire Department along the streets or alleys of such village at the time of a fire or when the Fire Department of the village is using such streets or alleys in response to a fire alarm or for practice.

§ 30-4. Police power of Department; investigation of fires.**A. Police authority at fires.**

- (1) 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.
- (2) The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting fire fighters and police officers and those admitted by order of any officer of the Department, shall be permitted to come.
- (3) 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 or she 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.

- (1) The Fire Chief shall be the Fire Inspector of the Village of Iola 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 Commerce, particularly Section 101.14, Wis. Stats.
- (2) While acting as Fire Inspector pursuant to Sec. 101.14(2), Wis. Stats., the Fire Chief, or any officer of the Fire Department designated by the Fire Chief, shall have the right and authority to enter any building or upon any premises in the Village of Iola at all reasonable hours for the purpose of making inspections or investigations which, under the provisions of this Code of Ordinances, he or she may deem necessary. Should the Fire Inspector find that any provisions of this Code relating to fire hazards and prevention of fires are being violated, or that a fire hazard exists which should be eliminated, it shall be his or her duty to give such directions for the abatement of such conditions as he or she shall deem necessary and, if such directions be not complied with, to report such noncompliance to the Village Board for further action.
- (3) The Chief of the Fire Department is required, by himself or herself or by officers or members of the Fire Department designated by him or her as fire inspectors, to inspect all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or an violations of any law or ordinance relating to the fire hazard

or to the prevention of fires. Such inspections shall be made at least once in six months in all of the territory served by the Fire Department and not less than once in three months in such territory as the Village Board has designated or thereafter designates as within the fire limits or as a congested district subject to conflagration, and oftener as the Chief of the Fire Department orders. Each six-month period shall begin on January 1 and July 1, and each three-month period on January 1, April 1, July 1 and October 1 of each year.

- (4) Written reports of inspections shall be made and kept on file in the office of the Chief of the Fire Department in the manner and form required by the Department of Commerce. A copy of such reports shall be filed with the Village Clerk-Treasurer.

§ 30-5. Damaging fire hose prohibited; parking by hydrants; blocking fire lanes.

- A. Over fire hose. No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the village, and no vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street, 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. Parking vehicles near hydrants. It shall be unlawful for any person to park any vehicle or leave any object within 10 feet of any fire hydrant at any time.
- C. 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.

§ 30-6. Fire fighters may enter adjacent property.

- A. Entering adjacent property. It shall be lawful for any fire fighter while acting under the direction of the Fire Chief or any other officer in command to enter upon the 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 fire fighter in the discharge of his or her duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting fire fighters in the discharge of their duty.
- B. Destruction of property to prevent the spread of fire. During the progress of any fire, the Fire Chief or his or her 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.

§ 30-7. 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.

§ 30-8. 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.

§ 30-9. Interference with use of hydrants prohibited.

No person shall occupy any portion of such streets or alleys with a motorized or other vehicle between such fire engine or fire truck or other fire apparatus or any hydrant to which a fire hose may be, or may be about to be, attached.

§ 30-10. Open burning.

- A. Open burning prohibited. No person, firm or corporation shall build any outdoor fire within the corporate limits of the Village of Iola excepting as set forth in Subsection B of this section.
- B. Exceptions:
- (1) Outdoor cooking over a fire contained in a device or structure designed for such use;
 - (2) Controlled burning of grass or similar vegetation for environmental management purposes, with the prior written approval of the Fire Chief;
 - (3) Ceremonial campfire or bonfires, with prior written approval of the Fire Chief;
 - (4) Controlled burning of dry leaves, paper, cardboard, wood and nonoffensive dry yard debris; provided, however, that such burning is:
 - (a) Monitored by a responsible person until the fire has extinguished itself completely;
 - (b) Conducted on days when excessive wind or atmospheric conditions will not result in danger to public health or safety;
 - (c) Located off the public street pavement or street gutter;
 - (d) Located at least 30 feet from any neighboring residence;
 - (e) Not used for covert incineration of offensive substances or materials.
 - (5) Other occasions of desirable outdoor burning not specified by this subsection, but not as an alternative to refuse removal or disposal of which other methods are available, may be granted single occasion approval as in Subsections B(2) and (3) above.
- C. Whenever approval and special permit are granted by the Fire Chief under Subsection B(2), (3) and (5) of this section, the permit may specify and be conditioned on observance of safety restrictions and insurance requirements set forth therein.
- D. Chief may prohibit. The Village President or Fire Chief is permitted to prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous.

- E. Burning on streets. No materials may be burned upon any street curb, gutter or sidewalk.
- F. Liability. Persons utilizing and maintaining outdoor fires shall be responsible for any liability resulting from damage caused by his or her fire. The cost of extinguishing the fire may be recovered from the property owner. In the event the fee is not paid, the charge shall become a lien against the property pursuant to Sec. 66.60(16), Wis. Stats.