

ORDINANCE NO. 828

**AN ORDINANCE TO CREATE SECTION 37
OF THE VILLAGE OF MUKWONAGO MUNICIPAL CODE
PERTAINING TO THE JOINT MUKWONAGO FIRE DEPARTMENT
ORGANIZATION AND MEMBERSHIP**

WHEREAS, the Village of Mukwonago Fire Prevention and Protection code (Section 38) has recently been amended and recreated, and

WHEREAS, the organization and membership of the Joint Mukwonago Fire Department was previously listed in Sections 38-1 and 38-2, which have been recreated by Ordinance 829 creating a new Fire Prevention, Protection, and Control code, and

WHEREAS, the Village determines that the organization and membership of the Joint Mukwonago Fire Department should be in a separate section (Chapter 37) and apart from the new Fire Prevention, Protection, and Control code, and

WHEREAS, the requirements set forth in Section 37 are found to be adequately addressed in the attached Ordinance.

NOW THEREFORE, the Village Board of the Village of Mukwonago, Waukesha and Walworth Counties, Wisconsin, DO ORDAIN AS FOLLOWS:

SECTION I. Section 37 of the Municipal Code of the Village of Mukwonago is created to read as set forth in the attached entitled, "FIRE DEPARTMENT."

SECTION II. SEVERABILITY. The several sections of this ordinance are declared to be severable. If any section shall be declared by decision of a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of other portions of the ordinance.

SECTION III. EFFECTIVE DATE. This ordinance shall take effect as provided for by law.

Passed and adopted this 15th day of June, 2010.

James O. Wagner, Village President

Attest: _____
Paul J. Moderacki, Village Clerk

Date Adopted: June 15, 2010
Date Published: June 23, 2010
Date Effective: June 24, 2010

Chapter 37

FIRE DEPARTMENT

Sec. 37-1. Joint operation of fire department.

Sec. 37-2. Organization and membership of fire department.

Sec. 37-1. Joint operation of fire department.

The village and the Town of Mukwonago have entered into a joint operating agreement for the furnishing of firefighting, fire protection and emergency medical and resuscitation services within the corporate limits of both jurisdictions dated January 8, 1993, as amended, which is on file in the village clerk's office.

Sec. 37-2. Organization and membership of fire department.

(a) Fire department organization and membership.

- (1) The duty of EMS response, firefighting and prevention of fires within the village is delegated to the Mukwonago Fire Department. The fire department's organization and internal regulation shall be governed by the provisions of this section and by written standard operating guidelines (SOG) except as is otherwise provided by law and ordinance.
- (2) The village board (in conjunction with the town board) shall appropriate funds to provide for the operation and for such apparatus and equipment for the use of the fire department as the village board (in conjunction with the town board) may deem expedient and necessary to maintain efficiency and safeguard life and protect property from fire.
- (3) The officers and members of the fire department shall receive such compensation as may from time to time be fixed by the village and town boards or as otherwise set out in village ordinances.
- (4) The fire department is hereby authorized and directed to adopt standard operating guidelines (SOG). Standard operating guidelines shall be the written policies that govern the department members. SOG's are to be created and amended by the SOG committee. The SOG committee shall consist of the fire chief, one captain and four department members. Prior to the adoption of new or amended SOG's the SOG's are to be presented to the staff officers of the department for comment. After the SOG committee reviews the staff officers' comments, the SOG's are to be presented to the membership for approval or disapproval. Finally, to become effective, the SOG's must be presented to the joint fire commission for its review and approval.
- (5) The department shall organize at the option of the chief into two or more companies. The chief may at any time make transfers which he deems necessary between companies. Each of the companies of the department shall be directed by a captain or, in his/her absence, a lieutenant who shall be responsible to the chief.
- (6) A vacancy in the office of the chief shall be filled by appointment by the joint fire commission. The chief shall hold office unless removed for cause after a hearing by the joint fire commission, unless his or her services be sooner terminated by resignation or death. Upon creation of a vacancy of the office of chief, the next highest ranking officer shall perform the duties of the chief until such vacancy has

been filled.

- (7)
 - a. The fire department shall consist of a maximum of 80 members with the following officers: one chief, a first, second and third assistant chief-fire, a captain and lieutenant for each company, a secretary together with as many drivers and firefighters who live or normally work within one mile of the boundaries of the Village or Town of Mukwonago as may be appointed by the chief and approved by the joint fire commission provided that at no time shall the department consist of less than 22 active members.
 - b. A person, to be eligible for any position, shall meet the requirements set forth in the applicable job description.
 - c. Any person desiring to be a member of the fire department may file with the fire chief an application in such form as the village board may prescribe and as approved by the joint fire commission. Each applicant shall also file a certificate of physical fitness from such physician as the joint fire commission may designate. Any application, if approved by the chief, shall be presented to the joint fire commission for consideration of confirmation. All members accepted for membership shall serve a one-year probational period before final acceptance. When prior fire and EMS experience has been proven to the satisfaction of the joint fire commission, the probationary period may be shortened to six months.
 - d. Active membership in the department shall cease at the age of 65 and the member shall become an honorary member of the fire department. The firefighter may petition to the joint fire commission to remain an active member of the fire department. If the joint fire commission by majority vote determines that the firefighter is fit for duty, then the joint fire commission may approve of the person continuing as an active member beyond the age of 65. The joint fire commission may limit or condition the duties of a firefighter if fitness tests show that the individual is unable to perform certain essential firefighting duties.
 - e. All resignations from the department shall be immediately presented to the joint fire commission chairman.
- (8) Any member or officer of the department who has been expelled or demoted for any offense or neglect of duty or insubordination shall have the right to appeal such decision to the joint fire commission to state why such penalty should not be confirmed. The joint fire commission may affirm, modify, or deny the disciplinary determination made by the chief. The fire chief shall, within two business days, report the name of each person suspended, expelled or demoted to the joint fire commission.

(b) *Powers and duties of chief.*

- (1) The chief shall annually appoint fire department members in good standing to act as secretary, fire steward, EMS steward, and fire and EMS record keeper (one

- position).
- (2) The chief shall have general supervision of the department subject to village ordinances and the SOG's of the department and shall be responsible for the personnel and general efficiency of the department.
 - (3) It shall be the duty of the chief to preside at all meetings of the department, to call special meetings, to preserve order, to decide all points of order that may arise and to enforce observance of this section and the SOG's.
 - (4) It shall be the duty of the chief to be present at all fires, to have complete command of and entire responsibility for all firefighting operations, to plan and control the same, to direct the action of the companies when they arrive at a fire, to observe that every company does its duty, to grant leaves of absence at a fire when he may deem it proper and to see that the fire apparatus is kept in proper condition at all times.
 - (5) The chief shall have the power to demote or expel any officer or member of the department for neglect or refusal to perform his departmental duties, such demotion or expulsion to be subject to an appeal to the joint fire commission.
 - (6) Not later than October 1 of each year, the chief shall file with the village clerk a detailed estimate of the appropriations needed for the conduct of the department during the ensuing fiscal year.
 - (7) It shall be the duty of the chief to submit a written report to the village board not later than February 1 of each year, and at such other times as he deems desirable, relating to the conditions of the various pieces of apparatus and appurtenances, the number of fires occurring since the previous report, the date of same and loss occasioned thereby, the number of members of each company, the total number of active members in the department and resignations and expulsions from the department. He shall also report upon the drill and training program of the department, together with other pertinent information, including recommendations of such improvements as he deems proper and necessary for the operation of the department.
 - (8) The chief shall enforce all fire prevention ordinances of the village and state laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and on the activities of the department.
 - (9) The chief shall keep a fire record book of every fire and EMS response to which any company was called and shall enter in such book the locality of fire or EMS response, time alarm was received, cause of fire, where fire started, cause of delay (if any) in responding, method of extinguishment and equipment used, amount of insurance carried on building and contents, estimated fire loss, time fire was extinguished, names of those responding and general remarks.
 - (10) The chief shall keep an inventory of all apparatus and equipment and inventory of all hose showing dates and results of tests on each length, which shall be

individually identified. 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.

- (11) The chief shall perform such other duties as are incumbent on the commanding officer of the fire department.

(c) *Equipment and apparatus.*

- (1) No apparatus shall be used for any purpose except for firefighting or in training therefor, except pursuant to agreements approved by the village board. With the approval of the chief, such apparatus may be used for purposes other than firefighting having in mind the best interests of the village. A written report of all such uses shall be made quarterly to the village board.
- (2) No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the Mukwonago Fire Department, and no vehicle shall be driven over any unprotected hose of any 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.

(d) *Police power of department.*

- (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 chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting firefighters and police officers and those admitted by order of any officer to the department shall be permitted to come. The chief shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of such property, and during the progress of any fire he shall have the power to order the removal or destruction of any property necessary to prevent the further spread of the fire. The chief shall also have the power to cause the removal of all wires or other services where the same impede the work of the department during the progress of a fire.
- (3) It shall be lawful for any firefighter while acting under the direction of the chief or other officer in command to 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 in case 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 duty.
- (4) 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.

(e) *Fire inspector.*

- (1) The chief of the fire department shall hold the office of fire inspector, with power to appoint one or two deputy fire inspectors, who shall perform the same duties and have the same powers as the fire inspector.
- (2) It shall be the duty of fire inspectors to inspect quarterly all buildings, premises and thoroughfares within the business fire district (BFD-2) of the village and to inspect semi-annually all buildings, premises and public thoroughfares within the village limits for the purpose of noting and causing to be corrected any condition liable to cause fire. The inspector shall also investigate and issue permits in accordance with the regulations of the department of commerce for the storage and handling of explosives and inflammable liquids within the village. The chief shall perform such other duties as required by the department of commerce.
- (3) Whenever or wherever in the village any inspection by the fire chief or his deputies reveals a fire hazard, the chief or his deputies shall serve a notice in writing upon the owner of the property giving said owner a reasonable time in which to remove the hazard. In the event that the fire hazard is not removed within the time allowed, it shall be deemed a nuisance. The fire chief or his deputy is authorized to 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.
- (4) The chief shall keep a written record 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 deny the chief or his deputies 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 inspector in the performance of his duty or refuse to observe any lawful direction given by him.

(f) *Penalties.* The penalties for violation of any provision of this chapter shall be a penalty as provided in section 1-12 of this Code.

(g) *Fire protection agreements.* Nothing herein shall prevent the fire department of the Village of Mukwonago from entering into an agreement or agreements to supply fire protection to other adjoining areas outside of the village limits, subject to approval of the village board.