

Chapter 5 – FIRE DEPARTMENT

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5.01 (COMPOSITION OF DEPARTMENT)

The Fire Department shall consist of one fire company which shall be volunteer and regular and shall consist of not more than 50 nor less than 21 persons. Said Fire Company shall include a Fire Chief, Deputy Fire Chief, Assistant Fire Chief, a Captain, three Lieutenants, and a Safety Officer. All members of the fire company, volunteer and regular, must reside within 15 minutes response time of the fire station located at 720 East Blackhawk Avenue, Prairie du Chien, Wisconsin 53821.

5.02 (APPOINTMENTS)

(1) FIRE CHIEF. The Fire Chief shall be appointed by the Police and Fire Commission and shall hold office during good behavior, subject to suspension or removal for cause by the Commission.

(2) SUBORDINATES. The members of the Fire Department shall be appointed by the Fire Chief, subject to approval by the Police and Fire Commissioner, from an eligible list provided by and approved by the Commission and kept on file by the Secretary of the Commission. All members appointed to the Fire Department shall be at least 18 years of age.

5.03 (DEPARTMENT TRAINING)

All members of the Department shall participate in the Department training program in accordance with the Department's bylaws. Department training sessions shall be held twice every month and all members shall be required to attend at least one session per month unless excused by the Fire Chief.

5.04 (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. The office of Fire Chief is a full time position.

(2) 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 Police and Fire Commission.

(3) 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/she may deem it proper, and see that the fire apparatus is kept in proper condition at all times.

(4) **REPORTS TO THE COUNCIL.** Upon request of the Common Council of the City of Prairie du Chien, the Fire Chief shall submit a report to the Council 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/she deems proper and necessary for the operation of the Department.

(5) **ENFORCEMENT OF FIRE PREVENTION LAWS AND ORDINANCES.** The Fire Chief shall enforce all fire prevention ordinances of the City 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.

(6) **RESPONSE RECORDS.** The Fire Chief shall keep a record of all emergency responses to which the Department was called and shall enter in such record the location of incident, the time the request for emergency assistance was received, the nature of the emergency and the cause of the emergency responded to, the amount of insurance carried on buildings and contents, and estimated loss, if the emergency responded to was a fire, the time the emergency situation was nullified, and the names of the fire company personnel responding to the emergency and any general remarks the Fire Chief feels will better explain or amplify on his/her report relative to the incident.

(7) **APPARATUS INVENTORY.** The Fire Chief 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.

(8) **DUTIES AS COMMANDING OFFICER.** The Fire Chief shall perform such other duties as are usually incumbent on the commanding officer of the Fire Department.

5.05 (DEPUTY FIRE CHIEF, POWERS AND DUTIES)

In the absence of the Chief, the Deputy Fire Chief shall take command and perform the duties of the Chief.

5.06 (CONTROL AND USE OF APPARATUS)

(1) The Fire 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 a mutual aid agreement.

5.07 (POLICE POWERS OF FIRE CHIEF)

(1) **POLICE AUTHORITY.** The provisions of §213.095, Wis. Stats., now in effect or hereafter amended, are hereby adopted.

(2) **CONTROL OF FIRES.** The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons except firefighters and police officers and those admitted by order of any officer of the Department shall be permitted to enter. The Fire 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/she may order the removal or destruction of any property necessary to prevent the further spread of the fire. He/she 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 nor obstruct any firefighter in the discharge of his/her duty as is herein before provided, the person so offending shall be deemed guilty of resisting a firefighter in the discharge of his/her duties.

(4) **DUTIES OF BYSTANDERS.** 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 removing or guarding property. Such officer may cause the arrest of any person refusing to obey said orders.

(5) INJURY TO EQUIPMENT PROHIBITED. No person shall willfully 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 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.

5.08 (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.

(2) INSPECTION DUTIES. The Fire Inspectors shall inspect, semiannually, all public buildings and places of employment, as defined in § 101.01, Wis. Stats., within the City limits of the City of Prairie du Chien 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 within the City.

(3) PROCEDURE. Fire Inspection procedures and forms shall be developed in accordance with § 101.14, Wis. Stats., and any amendments thereto, and applicable codes of the National Fire Prevention Association.

(4) WRITTEN RECORD OF INSPECTIONS. The Fire Inspector shall keep a written record of each property inspected, which shall conform to the requirements of all local and state laws or regulations relative to same, and further, the Fire Inspector shall make an annual report of inspections to the Common Council for the City of Prairie du Chien.

(5) CORRECTION OF FIRE HAZARDS. When any inspection by the Fire Inspector or appointed deputies reveals a fire hazard, the Fire Inspector or appointed deputies may serve a notice in writing upon the owner of the property giving said owner a reasonable time within 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 Inspector or the appointed deputies may have the same removed by the City and the cost of such removal shall be recovered in an action by the City 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 appointed deputies free access to any property within the City 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 the Fire Inspector.

5.09 (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, 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. Further, the provisions of §346.455, Wis. Stats., now in effect or hereafter amended from time to time, are by reference adopted herein.

5.10 (TRAFFIC LAWS APPLY TO VOLUNTEERS)

All volunteer firefighters, when responding to a fire call with a private vehicle, shall comply with all traffic regulations, except nonmoving traffic regulations.

5.11 (COMBUSTIBLE MATERIALS PROHIBITED)

No person shall permit on premises he/she controls any empty boxes, waste paper, excelsior, rags or other combustible materials in such quantities or manner as to create a fire hazard.

5.12 (ADMINISTRATIVE CODES ADOPTED)¹

(1) The provisions of the following codes, now in existence and any amendments, additions, or deletions thereto, except penalty provisions, are hereby adopted by reference:

- (a) Wisconsin Administrative Code, Department of Safety and Professional Services, Chapter 307, Explosive Materials
- (b) Wisconsin Administrative Code, Department of Safety and Professional Services, Chapter 310, Flammable and Combustible Liquids
- (c) Wisconsin Administrative Code, Department of Safety and Professional Services, Chapter 314, Fire Prevention
- (d) Wisconsin Administrative Code, Department of Safety and Professional Services, Chapter 340, Gas Systems, Sub-chapter V, Liquefied Petroleum Gas Facilities, and Sub-chapter VI, Liquefied Natural Gas Facilities

(2) There is hereby adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that a certain code known as the National Fire Protection Association (NFPA) 1: Fire Code recommended by the National Fire Protection Association, being particularly the 2009 edition thereof and the whole thereof, of which code not less than one (1) copy has been and now is filed in the office of the Fire Chief and the same is hereby adopted and incorporated as fully as if set out at length herein, and shall be controlling within the limits of the city.

(3) A copy of the above codes shall be maintained in City Hall.

5.13 (GUNPOWDER)

No person shall keep or store more than 10 pounds of gunpowder at any place within the City without the written permission of the Fire Chief. Any dealer permitted to keep at his place of business in excess of 10 pounds of gunpowder shall not keep more than 50 pounds at any one time, and such gunpowder shall be kept in a safely constructed box painted yellow with the word "powder" printed or painted thereon in black letters not less than 5 inches in height and equipped with handles so that same may be readily moved in case of fire, and such box shall be kept in such part of the dealer's place of business as may be directed by the Fire Chief.

5.14 (BURNING REFUSE)

No person shall burn garbage, leaves, rubbish, refuse, trash, or construction debris of any kind within the city limits of the City of Prairie du Chien.

5.15 (OPEN BURNING)

(1) Except as provided in subparagraph (2) below, all persons shall obtain a permit from the Fire Chief before kindling or maintaining any open burning or authorizing the kindling maintaining of any open burning, not otherwise prohibited, within the City limits of the City of Prairie du Chien.

(2) No permit shall be required for recreational fires. Recreational fires shall be defined as a fire in an enclosure specifically designed for ember and flame containment, such as rocked-in pits, fireplaces, and barbecue grills, which allow a fire area of no more than 36 inches in diameter. In addition, such fires shall:

- (a) Use only wood or charcoal as the material to be burned.
- (b) Be maintained so that flames do not exceed 4 feet in height or excessive smoke produced.
- (c) Be under the supervision of an adult at all times; and
- (d) Be no closer than 15 feet to any building or structure.

Fires that do not comply with these requirements shall be extinguished at the discretion of the Fire Chief or the Fire Chief's designee.

5.16 (PENALTIES)²

Any person who violates 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.

5.17 (FIRE SUPPRESSION)³

(1) DEFINITIONS:

¹ Chapter 5.12 - Amended by Ordinance 2012-22

² Chapter 5.16 - Amended by Ordinance 2003-08

³ Chapter 5.17 - Amended by Ordinance 2006-07

- (a) "Working Fire" means any fire requiring the use of an extinguishing agent or the removal of a burning object from a structure.
- (b) "Vehicle" means automobiles, trucks, trucks and trailers, trains, boats, barges, and all other water crafts, snowmobiles, airplanes, motorcycles, and ATVs.
- (c) "Hazardous materials" means those materials set forth in Sections 166.20(1) (e) and 299.80(1) (c), Wis. Stats., or any amendments to same.

(2) The owner of property shall be liable to the City of Prairie du Chien for the actual expense, however, not to exceed \$500.00, incurred by the Prairie du Chien Fire Department under the following circumstances:

- (a) Suppression of any working fire.
- (b) Any vehicle accident that requires fire suppression or extrication of vehicle occupants.
- (c) Any incident involving hazardous materials.

5.18 (KEY LOCK BOXES REQUIRED ON THE EXTERIOR OF CERTAIN STRUCTURES FOR FIRE SAFETY PURPOSES)⁴

(1) The following structures constructed after June 6th, 2007, shall be equipped with a lock box at or near the main entrance or such location as required by the Fire Chief for the City of Prairie du Chien.

- (a) Commercial or industrial structures protected by an automatic alarm system, automatic suppression system, or secured in a manner that restricts access during an emergency.
- (b) All multi-family residential structures that have restricted access through lock doors and have a common corridor for access to the living units.
- (c) Governmental structures and nursing care facilities.

(2) All newly constructed structures subject to this section shall have the key lock box installed and operational prior to the issuance of an occupancy permit, unless the Fire Chief for the City of Prairie du Chien grants a variance and determines that a lock box is not necessary.

(3) The Fire Chief for the City of Prairie du Chien shall designate a lock box system to be implemented within the City and shall have the authority to require all structures as above set forth to use the designated system.

(4) The owner or operator of a structure required to have a lock box shall, at all times, keep a key(s) in the locked box that will allow for access to the structure.

- (a) The City of Prairie du Chien Fire Department will be the only holder of the lock box key.
- (b) The entry keys shall be updated as necessary at the owner's expense and will be checked as part of the fire inspection visits.
- (c) The owner or operator of a structure required to have a key system shall provide to the City of Prairie du Chien Fire Department a list on an annual basis of the emergency contacts in case of an emergency.

(5) Any person who will violate a provision of this section shall be subject to a forfeiture of not less than \$1.00 nor more than \$200.00.

5.19 (FALSE FIRE ALARMS PROHIBITED)⁵

(1) DEFINITIONS. For the purposes of this ordinance, the following definitions apply:

- (a) Fire alarm system: Any assembly of equipment, mechanical or electrical, installed by a fire alarm business, arranged to signal the occurrence of a fire, smoke, water flow or other condition to which the Fire Department may be expected to respond.
- (b) Fire alarm user: A person, firm, partnership, association, corporation, company, or organization of any kind that is in control of any building, structure, or facility where a fire alarm system is installed.
- (c) False alarm: The activation of a fire alarm system through mechanical failure, malfunction, improper installation, improper maintenance, or the negligence of the owner or lessee of the fire alarm system or of his or her employees or agents.
- (d) Year: A twelve (12) month period.

(2) FALSE ALARMS PROHIBITED. No fire alarm user shall cause a false alarm within the corporate boundaries of the City of Prairie du Chien.

⁴ Chapter 5.18 - Amended by Ordinance 2010-08 and Ordinance 2007-09

⁵ Chapter 5.19 - Created by Ordinance 2009-09

(3) FALSE ALARM PENALTIES.

(a) Whenever Fire Department personnel respond to an activated fire alarm system, the fire official in charge of the incident shall determine if the response was caused by a false alarm and shall indicate that fact in the incident report.

(b) The Fire Department shall regularly review incident reports to monitor the accumulation of false alarms at any one (1) location. When two (2) false alarms have occurred at the same location within one (1) calendar year, the Fire Department shall notify the fire alarm user by letter, citing the location and date of each false alarm. The letter shall recommend that appropriate action be taken on the part of the fire alarm user to alleviate the causes of false alarms and shall include a statement that an accumulation of three (3) or more false alarms within one (1) calendar year shall result in a citation.

(c) When three (3) false alarms have occurred at the same location within one (1) calendar year, a minimum penalty of \$100.00 plus costs shall be imposed by the court. The penalty for additional infractions shall increase in \$100.00 increments (4th false alarm - \$200.00 plus costs; 5th false alarm - \$300.00 plus costs, etc.). However, no party shall be issued more than one (1) citation in any twenty-four (24) hour period.

(4) EVIDENCE OF REPAIR ACCEPTED IN LIEU OF PENALTY. An alarm user may submit evidence to the City Administrator that a malfunctioning system has been repaired in lieu of paying a penalty within ten (10) days of the date of issuance of a citation. Evidence such as a receipt from a licensed alarm business with a statement of repairs made to the system is acceptable. If there are repeated problems with a system after a repair or repairs have alleged been made, the City Administrator or his/her designee may refuse to set aside the citation by the Fire Department, at his/her discretion.

(5) FALSE ALARMS THAT QUALIFY FOR PENALTIES. Alarms that qualify for the imposition of a penalty under this section include, but are not limited to:

(a) An alarm caused by improper installation or maintenance of the fire alarm system. This includes, but is not limited to, missing backup batteries, loose connections, and smoke detectors mounted near air vents or otherwise overly sensitive detectors.

(b) An alarm caused by a power outage or storm, as long as there is no evidence that lightning hit the structure or traveled in on power lines or telephone lines.

(c) An alarm caused by the alarm user or alarm company working on the system or testing the system without notifying the alarm company or the Joint Dispatch Center of the issue.

(d) A false alarm set off by the alarm user or an employee.

(e) An occupant conducting a fire drill without notifying the alarm company, the Prairie du Chien Fire Department, or the Joint Dispatch Center.

(f) An alarm caused by an employee of a business or family member of a residence smoking near a detector and setting it off.

(g) An alarm caused by normal cooking where the alarm user could relocate a smoke detector or provide better ventilation.

(h) An alarm caused by dust from construction.

(i) A burglar alarm reported by an alarm company.

(j) An alarm for which there is no explanation. If a cause for the alarm cannot be identified (no pull station was activated, smoke was not present, etc.), there shall be a rebuttable presumption that the system malfunctioned and that the false alarm user is liable.

(6) FALSE ALARMS THAT DO NOT QUALIFY FOR PENALTIES. A penalty shall not be imposed under this section in the following circumstances:

(a) Activation of an alarm caused by a fire, potential fire, or hazardous situation, such as smoke from an overheated stove in a potential fire situation.

(b) A test by the Fire Department or other regulatory agency.

(c) An alarm caused by someone who is not an employee of the alarm user smoking near a detector, unless the alarm user has not attempted to control smoking.

(d) A malicious activation of a pull station by someone who is not an employee of the alarm user, unless management could relocate the pull station or provide protective covers to prevent easy activation.

(e) An alarm caused by unauthorized tampering with an alarm system by someone other than an employee of a business or member of the family occupying a residence where the alarm activates.

(f) A burglar alarm or elevator alarm that is reported as a fire alarm by an occupant. However, if an alarm company reports a burglar alarm as a fire alarm, it qualifies as a false alarm subject to penalty.

(g) A beeping smoke detector in a residence that the occupant has requested the Fire Department to check.

5.20 (BURNING BAN)⁶

(1) When weather conditions make any burning hazardous in the professional opinion of the Fire Chief, then the Fire Chief may declare a burning ban.

(2) No burn permits shall be issued and any outstanding burning permits are void. Further, open burning as permitted under Section 5.15 of this chapter shall be prohibited.

(3) The public shall be notified of any such burning ban by a notice published once in the official city newspaper and posted at City Hall.

⁶ Chapter 5.20 - Created by Ordinance 2012-23