

ORDINANCE 703-050724

Amending and Recreating Chapter 28 of the Village Code of Ordinances, Fire Department. Reorganizing the Fire Department to Enhance and Expand Emergency Services Capacity in the Village of Waterford.

WHEREAS, The Village Board has for many years worked with surrounding communities to maximize fire response efficiency, and continues this commitment into the future and;

WHEREAS, The Village of Waterford has existing MABAS and Automatic Aid Agreements with a number of Volunteer Fire Departments and Companies, and;

WHEREAS, The Village of Waterford has a call volume of approximately 1000 calls for service per year, with approximately 80% of those calls being for EMS related emergencies, and;

WHEREAS, the Village of Waterford Fire Department receives approximately 13 Structure Fire Calls and 26 Car Accident Calls per year for service within the Village's corporate limits, and;

WHEREAS, the Village Board has established for several years a license for Paramedic Level Ambulance service provision with its authority under Wis Stat 62.133, and;

WHEREAS, the Village Board seeks to both maintain and enhance the level of Emergency Medical Care offered to its residents, given the rural location of Waterford, it's lack of a hospital, and considering the transport distance to Children's Hospital, Cath Labs, Stoke Centers, Trauma Centers, and Definitive Care and;

WHEREAS, to affect an expanded level of Emergency Medical Services in the Village of Waterford, a reorganization of the Fire Department organized under Chapter 28 of the Village of Waterford Code of Ordinances is necessary, and;

WHEREAS, under Wis. Stat. 62.13(5m)(b) reorganization of offices is necessary; and,

WHEREAS, Emergency Medical Services were previously provided under Chapter 28 of the Village's Code of Ordinances, those duties and responsibilities are now separated and assigned to a new Emergency Services Department under Chapter 29 of the Village Code of Ordinances

NOW THEREFORE, BE IT ORDAINED, that Chapter 28 of the Village of Waterford's Code of Ordinances amended and recreated as follows:

Chapter 28 Fire Department

[HISTORY: Adopted by the Village Board of the Village of Waterford as Chapter 5 of the 1998 Code; amended in its entirety 1-14-2013 by Ord. No. 600. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Fire Commission — See Ch. 5.

Emergency management — See Ch. 17.

Burning — See Ch. 100.

Firearms and explosives — See Ch. 131.

Hazardous materials — See Ch. 137.

Subdivision of land — See Ch. 235.

**§ 28-1 Fire Department authorized.
[Amended 9-28-2015 by Ord. No. 631]**

The Village of Waterford, pursuant to its powers to act for the good order and the health, safety and welfare of the public under §§ 61.34, 61.64, 61.65, 62.13, and 101.14, hereby authorizes and organizes the Waterford Fire Department as the Fire Department of the Village; and the duties of firefighting, fire prevention, fire inspection (which may be provided by contract by the Village Board) and training therefor, and the operation and maintenance of firefighting equipment. Its organization and regulation shall be governed by the provisions of the Wisconsin Statutes, Wis. Admin. Code ch. SPS 330, Fire Department Safety and Health Standards, this chapter, and by the guidelines adopted by the Village Board. The Chief shall have control of the Department for the benefit of the Village as set forth in § 28-6. The Fire Commission shall have the authority to hire, promote and discipline the members of the Department as set forth in § 5-5 of this Municipal Code.

§ 28-2 Fire prevention.

The Village of Waterford, pursuant to its power to act for the health and welfare of the public, and in order to protect the public, employees, firefighters and property from the hazards of fire and explosion, hereby adopts Wis. Admin. Code ch. SPS 314, Fire Prevention, in its entirety. Except as provided therein, ch. SPS 314 applies to the use and operation of all public buildings and places of employment and adopts a National Fire Prevention Code, with modifications. The Fire Chief and fire inspectors shall be responsible for enforcement as provided herein.

§ 28-2.1 Rapid-entry key boxes.

- A. Definitions. "Rapid-entry key boxes" are hereby defined as access boxes, as rapid-entry lock box devices or material lock boxes such as those provided by the Knox Box Company currently in use by this Department.
- B. Rapid-entry key boxes required. Pursuant to Wis. Admin. Code ch. SPS 314 and the National Fire Prevention Code adopted therein, the Village of Waterford Fire Department elects to require the use of rapid-entry key boxes as set forth in this section.
 - (1) Where required. Rapid-entry key boxes shall be required on all multifamily dwellings of four families or more that have a common entrance or share a common area accessible by all occupants. Rapid-entry key boxes shall be required on all assisted senior housing and community-based residential facilities, industrial and commercial facilities as designated by this Department and any location where entry to the property is secured in whole or part by a fence, gate, wall, or connected buildings, or as otherwise directed by this Department. Entry key override switches shall be required on any exit door at any location which uses a card reader entry system and/or magnetic door lock security system.

- (2) Location. The Fire Chief shall approve the location prior to installation of any rapid-entry key box. Rapid-entry key boxes shall be located on the front of a building near the main entrance at grade level, unless otherwise directed by the Chief.
- (3) Contents. The owner, agent or on-site manager shall provide the appropriate keys to the building to be placed in the rapid-entry key box. New keys shall be provided when any locks are changed. Examples of keys to be provided are:
 - (a) A master key or keys to locked points of egress, whether interior or exterior.
 - (b) Keys to locked mechanical rooms.
 - (c) Keys to locked elevator rooms.
 - (d) Keys to elevator controls.
 - (e) Keys to fire alarm panels or equipment.
- (4) Compliance. This section applies to all buildings and businesses set forth in Subsection **B(1)** that are new construction, currently under construction, or, because of a change of use, an addition, or remodeling must apply for a certificate of occupancy. Compliance with this section is required prior to the grant of an occupancy permit.
- (5) Costs and ordering. Property owners shall be responsible for all costs of purchase and installation of any rapid-entry key box, key override switch or other material required by this section. The Village of Waterford Fire Department shall supply forms for ordering any rapid-entry key box, key override switch or material required by this section.

§ 28-3 Department finances.

- A. Appropriations. The Village Board shall annually appropriate funds to provide for Department operations and for such apparatus and equipment for the use of the Fire Department to properly protect life and property through adoption of the Village's annual budget.
- B. Gifts and other contributions. The Fire Department shall submit gifts, donations, contributions or gratuities received by such Department or any branch thereof from any source to the Village Treasurer to be used for the benefit of the Department as designated by the Village Board.
- C. Compensation. The officers and members of the Fire Department shall receive such compensation from the Village as may be authorized by the Village Board through its annual budget.
- D. Cost recovery.
 - (1) Pursuant to Wis. Stats. § 61.34, the Village may charge reasonable fees for Fire Department responses on streets and highways to nonresidents, provided that Town of Waterford residents may not be billed if the response occurs in the service area of the Town that the Village Fire Department covers by contract and the Town is billed for the call under the contract. When Wis. Stats. § 61.65(8) is applicable, the Village may apply to the State of Wisconsin Department of Transportation for reimbursement of unpaid response fees on state highways.
 - (2) Fees charged pursuant to this section shall be in an amount approved by the Village Board and set forth in the Fee Schedule.

§ 28-4 Organization.

- A. Composition. The Fire Department shall consist of part-time, paid per call, paid on call, and volunteer

firefighters, and shall have one Chief and two Assistant Chiefs and such other members as are authorized by the Village Board through its Annual Budget and Board approved Standard Operating Guidelines. Other Village employees shall serve in a reserve capacity on the Department as members, and when certified and/or licensed by the State of Wisconsin, with front line firefighting operations.

- B. Appointment of officers and members. The Chief shall be appointed by the Fire Commission. The officers and members of the Department shall be appointed by the Chief, subject to confirmation by the Fire Commission, pursuant to the Standard Operating Guidelines of the Department and the Rules of the Commission. The appointments shall be forwarded to the Village Board for its information. **[Amended 9-28-2015 by Ord. No. 631]**
- C. Operating Standards. The Department shall be organized as a Volunteer Department, Substantially under the Standards as outlined in NFPA 1720, “Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Volunteer Fire Departments”, except that the Department and its Chief shall not have authority over Emergency Medical Operations. The Village Board shall have exclusive authority over the Standard Operating Guidelines, which will be implemented by the Fire Chief.

§ 28-5 Members. (CIVIL SERVICE SYSTEM).

- A. Application. Any person desiring to be a firefighter on the Department shall file an application with the Village. No person shall have their application denied on the basis of Color, Creed, National Origin, Religion, or Sex. The Village Board shall establish Job Qualifications, Job Descriptions and Positions. The Fire Commission shall establish the Application process via its Rules and Regulations.

§ 28-6 Fire Chief.

- A. Qualifications. To be eligible for the office of Chief, a person must meet the requirements set forth in the job description for the position.
- B. Appointment. The Chief shall be appointed by the Fire Commission and shall hold office for a term of two years unless his or her services be sooner terminated for cause as described in Wis. Stats. § 62.13(5)(em) by the Fire Commission, or by resignation or death. **[Amended 9-28-2015 by Ord. No. 631]**
- C. Powers and duties.
 - (1) General supervision. The Chief shall be the highest-ranking officer and shall have general supervision of the Department, which supervision shall be subject to and not conflict with this chapter. The Chief shall be responsible for the fire prevention, training and firefighting responsibilities of the Department. The Chief shall hold and maintain Wisconsin Emergency Services Instructor certifications and shall serve as the lead training officer for the Department.
 - (2) The Chief shall report to the Village President; the Village President may delegate the Chief’s reporting to the Village Administrator. The Chief shall work with the Village Administrator and all Department Heads and other Village employees for the good of the Village. The Village Board is the final authority on all matters of public policy.
 - (3) Disciplinary actions. See § 28-7.
 - (4) Department budget. The Chief, along with the Village Treasurer and Village Administrator, shall administer the Departmental Budget. The Chief shall be responsible for timecard signoff for the Department under Wis Stat. 62.12(8)(b). The Chief shall not schedule employees for shifts that would cause a change in employee classification from part time to full time without prior budget amendment by the Village Board.

- (5) Reports.
 - (a) Annual. The Chief shall submit a written report to the Village Board not later than August 1 of each year, relating to the condition of each piece of apparatus and equipment, the number of firefighters of the Fire Department, the total number of active firefighters in the Department and resignations and expulsions from the Department. The Chief shall also report upon the drill and training program of the Department. The Chief shall provide a written report monthly for the Village Board packet detailing number of Fire Calls, and the number of Firefighters that attended each call.
 - (b) Monthly. The Chief shall keep an accurate and complete record of all of the fire alarm activity and the loss occasioned thereby, together with such other data as may be prescribed from time to time by the Village Board. Such report shall be collated monthly, and a written report shall be presented to the Village Board monthly.
- (6) Enforcement of fire prevention ordinances. The Chief shall enforce all fire prevention ordinances of the Village and all state laws and regulations pertaining to fire prevention and fire inspection, shall keep citizens informed of fire prevention methods and of the activities of the Department, and shall provide fire education services pursuant to Wis. Stats. § 101.14(2)(cm). The Village Board shall provide for the duties of fire inspection imposed by § 101.14(2), which may be by paid employee or contracted services.
- (7) Alarm records. The Chief shall keep a record of every fire to which the Department was called and shall record the location of the fire, the time the alarm was received, the cause of the fire, where the fire started, the cause of delay (if any) in responding, the method of extinguishment and equipment used, the names of the members responding and general remarks.
- (8) Apparatus inventory. The 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, and shall participate in new item purchases.
- (9) Duties of commanding officer. The Chief shall perform the duties required of his position by state law and the Wisconsin Administrative Code, shall appoint committees regarding fire matters, and shall perform such other duties as are usually incumbent on the commanding officer of the Fire Department.
- (10) Recruitment, Training and Retention of Firefighters. The Chief Shall work with the Village Administrator and other Village Staff on the recruitment of firefighters. The Chief shall make every effort to welcome prospective firefighters, and shall help them with training and advancement of their careers by encouraging pursuit of additional training and certifications, including entering the service. The Chief shall work to retain firefighters by maintaining a culture of community service. The Chief shall work with the Village Administrator to ensure that new applicants have an opportunity to be sponsored for Wisconsin Firefighter I training, and existing members may be sponsored for additional certification for the overall advancement of the Department and service to the Community.

§ 28-7 Disciplinary action.

[Amended 9-28-2015 by Ord. No. 631]

- A. Grounds for disciplinary action. The Fire Commission may take disciplinary action against, pursuant to the provisions of Subsection **B**, any member of the Department who has violated any rule or regulation of the Village, as set forth in the Personnel Manual, the Standard Operating Guidelines, or in other rules or regulations. The Village Administrator shall be informed of such action.

- B. Procedure. Upon complaint or information and belief that any member of the Department has violated any provision of this section, charges may be filed with the Fire Commission by the Chief, a member of the Commission, the Commission as a body, or any aggrieved person. Such charges shall be in writing and shall be filed pursuant to Wis. Stats. § 62.13(5). The Chief or the Commission may suspend a Department member pending the disposition of the charges. The Commission shall act pursuant to Wis. Stats. § 62.13(5) and Commission rules and regulations.

§ 28-8 Use and care of apparatus.

- A. Use. The Chief shall have use of Fire equipment owned by the Village and shall be responsible for proper maintenance of equipment assigned to the Department. Emergency repairs may be authorized by the Chief, a report thereon to be given to the Village Board.
- B. Use. Equipment shall be used for firefighting, training of Volunteer Firefighters or for the general good of the Village.
- C. Applicability of state emergency vehicles regulations. The provisions of Wis. Stats. §§ 346.03 and 346.19, relating to the operation and control of emergency vehicles, and Wis. Stats. §§ 347.38(4) and 347.25(1), relating to equipment on emergency vehicles, are adopted by reference and made a part of this section as though set forth in full. The drivers of emergency vehicles shall use extreme caution and drive according to the existing conditions.
- D. Injury to equipment. No vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street, private driveway or other place without the consent of the officer in command at the scene. No person shall willfully injure any hose, hydrant or fire apparatus belonging to the Village.

§ 28-9 Authority of Department at fires.

- A. Police powers at fires. 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. Control of fires. The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting firefighters, rescue personnel and police officers and those admitted by order of any officer of the Police or Fire Department, may come. The Chief may cause the removal of any property whenever it becomes 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 may order the removal or destruction of any property necessary to prevent the further spread of the fire. The Chief may also cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impede the work of the Department during the progress of a fire.
- C. Firefighters may enter property. Any firefighter acting under the direction of the Fire Chief or other officer in command may enter upon premises in the vicinity of any building or other property then on fire for the purpose of extinguishing such fire; and if any person hinders, resists or obstructs any firefighter in the discharge of his duty as herein provided, the person so offending shall be deemed guilty of resisting firefighters in the discharge of their duties.
- D. The Fire Chief may not remove the Village Administrator, Village President, or Village Board members from any Fire Emergency Scene, as each of them is entrusted under local ordinance and/or State Statute to superintend the good operation of the Village; monitoring operations is a critical part of the scope of responsibilities of the Village Administrator, Village President and Village Board.

§ 28-10 Fire inspectors.

- A. Appointment and compensation.

- (1) Appointment. The Village Board may provide for fire inspection services by contract, or by paid employees. If the Village Board provides for fire inspection services by paid employees, The Fire Chief shall provide for fire inspections required by Wis. Stats. § 101.14 by appointing fire inspectors, subject to confirmation by the Fire Commission.
- (2) Compensation. The compensation of the fire inspectors and other conditions of employment shall be established by the Village Board.

(3) The fire inspectors shall be under the authority of and report to the Fire Chief.

B. Inspections.

(1) The Chief shall require that the fire inspectors perform inspections as required by Wis. Stats. § 101.14 to determine and cause to be eliminated any fire hazard or any violation of any law relating to fire hazards or to the prevention of fires.

(2) The inspections required under Subsection **B(1)** shall be made at least one in each nonoverlapping six-month period in every calendar year.

(3) The inspectors shall also investigate the storage and handling of explosives and flammable liquids within the Village.

(4) Fire inspection fees.

(a) Fire inspection fees shall be charged to the property owner of record for each public building and place of employment for and/or within which fire inspection is required by state law, code or regulation, including but not limited to all commercial and industrial buildings, all buildings containing a commercial or industrial use, all residential structures containing a common area, all residential structures having a fire alarm system, and any other building for which inspection is mandated, at an annual rate per separate business space or other applicable use located within a building, in an amount set by the Village Board. These fees shall apply to taxable property and tax-exempt property alike.

[1] "Public building" and "place of employment" are defined as set forth in Wis. Stats. § 101.01. A residential structure is defined as a public building when it is a structure for use by three or more tenants. A common area in a residential structure includes, but is not limited to, a common corridor, hallway, stairway, basement, cellar, vestibule, atrium, community room, laundry room, swimming pool room, or entry area.

[2] All buildings, structures, and premises owned by the Village government, the town government, the state government, the public school districts, and the United States government shall be exempt from the annual fire inspection fee.

(b) The annual fire inspection fee shall constitute a special charge for current services against the property pursuant to Wis. Stats. § 66.0627. The special charges shall be shown in the Fee Schedule and the fee for each property shall be included on the property tax bill and collected as set forth in Wis. Stats. § 66.0627 and Wis. Stats. ch. 74. No administrative fee shall be charged. **[Amended 7-9-2018 by Ord. No. 664]**

C. Record of inspections. The fire inspectors shall make and keep records of each property inspected in the manner and form required by the State Department of Safety and Professional Services under Wis. Stats. § 101.14. Monthly and quarterly reports of inspections conducted and citations issued shall be submitted to the Fire Chief for presentation to the Village Board.

D. Correction of fire hazards. When any inspection by a fire inspector reveals a fire hazard, the inspector

may serve a notice, in writing, upon the owner of the property, giving such owner a reasonable time in which to remove the hazard, and may require the removal of explosives, flammable liquids or similar hazards within 24 hours. Repairs or alterations necessary to remove the hazardous condition shall be made within the time allowed at the expense of the owner. If the fire hazard is not removed within the time allowed, the fire inspector shall issue a citation. The hazard shall be deemed a nuisance, and the fire inspector may 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 and may also be entered in the tax roll as a special charge against the property.

- E. Entering on premises. The fire inspectors shall be allowed to enter property for the purpose of inspection pursuant to Wis. Stats. § 101.14(1)(b) and (bm). No person shall deny an inspector free access to any property within the Fire Department's jurisdiction at any reasonable time for the purpose of making fire inspections. No person shall hinder or obstruct a fire inspector in the performance of duty or refuse to observe any lawful direction given by the inspector.

§ 28-11 (Reserved)

§ 28-12 Violations and penalties.

Any person who shall violate any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in Chapter 1, Article II, of this Municipal Code and/or as provided in the Fire Prevention Code adopted in this chapter.

Passed and adopted: 7th of May, 2024

BY ORDER OF THE VILLAGE BOARD

Don Houston, President

ATTEST:

Rachel Ladewig, Clerk