**Town of Fifield**

**Fire Department Bylaws**

Under the authority of Wisconsin Statute Sec. 66.55(1)(a)1, the Town Board of the Town of Fifield shall provide for fire and emergency protection by creating and maintaining the Fifield Fire Department #1, also known as the “Fifield Volunteer Fire Department,” and the Fifield Fire Department #2, also known as the “Pike Lake Volunteer Fire Department,” (collectively referred to herein as the “Departments”). The original bylaws, approved on August 6, 1998, were amended on January 8, 2009; those bylaws are hereby amended to read as follows.

**ARTICLE 1**

**Objectives and Purpose**

 **Section 1.01. Objectives.** The objectives and purpose of the Departments shall be to prevent, detect, and suppress fires and related fire hazards, to assist in other emergencies including, but not limited to, medical emergencies, auto or civil defense, and the inspection of property in the Town for compliance with regulations.

 **Section 1.02. Goals.**

* 1. The primary objections 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.

 **Section. 1.03. Adoption of Wisconsin Administrative Code and NFPA.**

1. Wisconsin Administrative Code. The Town adopts and incorporates the following provisions of the Wisconsin Administrative Code Department of Safety and Professional Services; these provisions are adopted and incorporated as though fully set forth herein, including any future modifications, revisions, or amendments: (1) Wis. Admin. Code Ch. SPS 314 Fire Prevention, and (2) Wis. Admin. Code Ch. SPS 361.05 Adoption of the International Code.
2. National Fire Protection Association Codes. The Town adopts and incorporates the following codes of the National Fire Protection Association (NFPA); these codes are adopted and incorporated as though fully set forth herein, including any future modifications, revisions, or amendments: (1) NFPA 1 Fire Code, (2) NFPA 54 National Fuel Gas Code, (3) NFPA 58 Liquefied Petroleum Gas Code, and (4) NFPA 101 Life Safety Code.

 **Section 1.04. Place of Keeping Records.** The records and documents required by law to be kept by the Departments permanently shall be kept at the Departments’ principal offices. All records shall be kept a minimum of seven (7) years in accordance with Wisconsin Open Records Law. The Departments shall keep records on the following categories: (1) finances, (2) personnel, (3) investigations, (4) equipment, (5) policies and procedures, (6) training, (7) inspections, (8) communications, and (9) fire incident and emergency services. Any medical records or documents kept regarding EMS shall be kept in accordance with applicable laws, including HIPPA.

 **Section 1.05. Ordinance, Bylaws, and Policies and Procedures.** In the event that these bylaws should conflict with the ordinances of the Town, the ordinances shall supersede. In the event that these bylaws should conflict with the policies and procedures, these bylaws shall supersede.

**ARTICLE 2**

**Membership and Officers**

 **Section 2.01. Officers.** Each Department shall have the following officers: one (1) Chief, one (1) Assistant Chief, one (1) Captain, one (1) Safety Officer, one (1) EMS Service Director, and as many Lieutenants as the Chief shall deem desirable. Further, each of the Chiefs shall appoint one (1) maintenance officer, who then must be confirmed by the Town Board.

 **Section 2.02. Membership.**

* 1. Appointment. Any person desiring to be a member of the Department may file an application with the Chief in such form as the Town Board may require. Each applicant may also be asked file a certificate of physical fitness from any such physician as the Town Board may designate or recognize. The Chief shall review any and all such applications and make a report to Town Board so that the Town Board may determine whether to confirm such appointment by the Chief.
	2. Residency. If a situation occurs where a member, whether firefighter or EMS, lives in another municipality but is near enough to the Fifield Town Line in the discretion of the Chief, he or she may be accepted as a member subject to the process and requirements stated herein. Any such member may serve as the Chief or any other officer.
	3. Qualifications. All new firefighters shall complete a Firefighters One training course within two (2) years of becoming a member of the Department in addition to any other training as deemed necessary by the Chief and applicable law. All new EMS members shall complete all training and education as deemed necessary by the Chief and applicable law. All Department members shall complete all continuing education per local, state, and federal guidelines. All applicants must be at least eighteen (18) years of age. At the age of sixty-five (65), all members may be required to submit to an examination and evaluation of physical fitness and health for further membership in the Department.
	4. Records. All application materials shall be kept on file by the Chief of each Department for each person who becomes a member during their membership and a minimum of seven (7) years thereafter. Other applications shall be kept on file for a minimum of seven (7) years.
	5. Resignations. All resignations from the Departments shall take the same course as applications for and appointments to membership.
	6. Staffing. Both Departments will comply with Wisconsin Administrative Code SPS 330 requirements of staffing, training, and safety.
	7. Classifications. The Departments may, at the discretion of the Chief, create a second-class of membership for those wishing to serve on the Departments but who are unable to carry out all of the regular duties whether due to licensure, physical abilities, or any other reason. The Chief shall assign such second-class members to whatever duties and/or responsibilities the Chief deems appropriate, consistent with federal, state, and local laws.
	8. Probationary Membership. The Departments and Town Board may, in their discretion, admit a member on a probationary basis for such a term and under such conditions as deemed advisable in its discretion. The length and conditions of any such probationary admission shall be provided to the probationary member in writing. The Departments and Town Board may, if necessary, amend or extend any such probationary admission.
	9. Leaves of Absence. Leaves of absence may be granted by the Chief for reasons acceptable to the Chief. Further, the Chief or ranking officer may excuse any member for absence from fires, meetings, or other occasions of notified of good and valid reasons.

 **Section 2.03. Election.**

1. Term. The term of each officer shall be for two (2) years. All active members, both firefighters and EMS, present at the election meeting shall be entitled to vote. There shall be no voting by proxy except in emergency circumstances and only with the preapproval of the Chief.
2. Election Cycles. Elections shall be held every two (2) years. Elections for Department #1 shall be held in odd years and elections for Department #2 shall be held in even years.
3. Nominations. Nominations for officers shall be accepted on the first meeting in October and elections will be held on the first meeting in November, with the terms beginning on January 1 of the following year.
4. Ties. In the event of a tie for any election, the Town Board shall break the tie and decide the winner by majority vote of the Town Board.
5. Invalid Elections. Any complaint of an invalid election for failure to follow proper election procedure as set forth in the Town ordinances and/or these bylaws shall be made in writing to the Town Board. The Town Board will then determine whether the election was properly held. Should the Town Board determine that the election was improperly held, the election shall be null and void; the current officers prior to the election shall remain in office. The Department shall then take nominations for those offices at the next available meeting, with a special election to follow. Such a special election does not alter or change the election cycle set forth herein.

 **Section 2.04.** **Vacancy.**

1. Vacancy of Chief. In the event of a vacancy in the office of the Chief, the next ranking officer shall act as Chief until the Town Board shall appoint an acting Chief. The Town Board may appoint an acting Chief. The Department shall then take nominations for the office of Chief at the next available meeting, with a special election to follow. Such a special election does not alter or change the election cycle set forth herein.
2. Vacancy of Other Officer. In the event of a vacancy in any office other than the Chief, the Chief shall appoint a member to fill the vacancy. The Department shall then take nominations for those offices at the next available meeting, with a special election to follow. Such a special election does not alter or change the election cycle set forth herein.

 **Section 2.05. Removal of Chief.** The Chief shall immediately assume office and shall hold office until removed for cause, including but not limited to neglect or refusal to perform duties, after a hearing by action of two-thirds of the members of the Town Board, unless his/her services be sooner terminated by resignation or death. In the event of any such removal, the procedures set forth in Section 2.04(a) above shall apply.

 **Section 2.06. Discipline.** Any member or officer of the Department who has been disciplined, expelled, or demoted for any offense, neglect of duty, or insubordination at any fire or drill shall have the right to appear before the Town Board and state why such penalty should not be confirmed. The Town Board may, by two-thirds (2/3) vote, amend or reverse any such discipline imposed by the Chief. Any member may be disciplined for any of the following: (1) commission of a crime, (2) insubordination or disobedience, (3) intoxication or impairment, (4) unlawful use of controlled substances, (5) neglect of duty or disobedience of any Department order, (6) chronic absence without leave, (7) incapacity for duty, either mental or physical, (8) breach of any discipline previously imposed, (9) communicating confidential Department business without permission, (10) untruthfulness, or (11) violation of policies and procedures. All discipline will be administered in accordance with Wisconsin Statute Sections 61.65 and 62.13.

 **Section 2.07. Equipment.** No members of the Department shall drive, carry or cause to be driven, carried or transported any Department vehicle or equipment without obtaining the necessary prior permission. Each member shall be personally responsible for all Department gear and equipment in their possession. Unauthorized use of another member’s personal equipment is prohibited. All members driving equipment must have the appropriate license through the Wisconsin Department of Motor Vehicles.

 **Section 2.08. Complaints from the Public.** If a complaint is reported by the public to any officer or the Town Board, the Chief or responding officer shall investigate and complete a report concerning the complaint. The report shall include the following: the complainant’s name, address, contact information, name of any witnesses, name of the member against whom the complaint was made, location and time of the alleged incident, the nature of the alleged incident, and a complete statement of the facts, including potential witness statements. The Chief shall submit the report for review to the Town Board along with his or her recommendations. A written response shall then be provided to the complainant.

**ARTICLE 3**

**Policies and Procedures**

**Section 3.01. Policies and Procedures.** The Departments shall adopt policies and procedures for the control and management of the individual departments, subject to the approval of the Town Board. Amendments shall be adopted in the same manner. Such policies and procedures shall not be inconsistent with the bylaws or the Town ordinances and in the event of a conflict, the bylaws and/or the Town ordinances shall control over such policies and procedures. The members shall follow and adhere to any such adopted policies and procedures.

**Section 3.02. Private Vehicle Use.** Each Department shall establish a policy and procedure addressing emergency response by authorized persons using personal private vehicles.

**Section 3.03. Acknowledgement.** Each member of the Departments shall sign a document acknowledging receipt and understanding of the policies and procedures. This acknowledgment shall be kept in the member’s individual file with the Departments.

**ARTICLE 4**

**Duties of Chief**

 **Section 4.01. General supervision.** The Chief shall have general supervision of the Department, subject to the Town ordinances and these bylaws of the Department and shall be responsible for the personnel and general efficiency of the Department.

**Section 4.02. Duties at meetings.** The Chief shall preside at all meetings of the Department, call special meetings, preserve order, decide all points of order that may arise and enforce a rigid observance of the Town ordinances, these bylaws, and the policies and procedures.

 **Section 4.03. Duties at fires.** The Chief shall be present at all fires, have complete command of and entire responsibility for all firefighting operations, plan the control of the same, direct the action of the companies when they arrive at a fire, observe that every company 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.

 **Section 4.04. Power to demote or expel.** The Chief may demote or expel any officer or member of the Department for neglect or refusal to perform his or her departmental duties and such demotion or expulsion to be subject to appeal to the Town Board.

 **Section 4.05. Duty to file budget estimate.** Not later than October 1 of each year, the Chief shall file with the Town Clerk a detailed estimate of the appropriations needed for the conduct of the Department during the ensuing fiscal year.

 **Section 4.06. Duty to report.** The Chief shall submit a written report to the Town Board not later than February 1 of each year and at such other times as he/she 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, the total number of active members in the Department and resignations and expulsions from the Department. The Chief shall also report upon the drill and training program of the Department, together with other pertinent information, including recommendations of such improvements as the Chief deems proper and necessary for the operation of the Department.

 **Section 4.07. Duty to enforce fire prevention ordinances.** The Chief shall enforce all fire prevention ordinances of this Town 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.

 **Section 4.08. Fire record.** The Chief shall keep a fire record of every fire to which any Department was called and shall enter in such record the locality of fire, time alarm was received, cause of fire, where fire started, cause of delay (if any) in responding, method of extinguishment and equipment used, estimated fire loss, time fire was extinguished, names of those responding and general remarks. Consistent with State law, the Chief shall investigate the cause, origin, and circumstances of every fire and provide such information as may be necessary to the Wisconsin Department of Safety and Professional Services.

 **Section 4.09. 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.

 **Section 4.10. Oath of Office.** The Chief shall take the oath of office as required under Wisconsin Statute Section 62.09(1) and (4) before assuming office. The oath of office shall take substantially the following form:

STATE OF WISCONSIN, County of Price

I, the undersigned, who have been elected (or appointed) to the office of Chief, but have not yet entered upon the duties thereof, swear (or affirm) that I will support the constitution of the United States and the constitution of the state of Wisconsin, and will faithfully discharge the duties of said office to the best of my ability. So, help me God.

Subscribed and sworn to before me this \_15th\_\_ day of \_\_\_\_February \_\_\_\_, \_\_\_\_\_2022\_\_\_\_\_ (year)

**ARTICLE 5**

**Duties of Other Officers**

**Section 5.01. Assistant Chief.** The Assistant Chief shall coordinate with the Chief on all operations of the Department. The Assistant Chief will, in the absence of the Chief, assume all responsibilities and have all powers of the Chief.

**Section 5.02. Safety Officer.** The Safety Officer will oversee the safety during all Department operations.

 **Section 5.03. EMS Service Director.** The EMS Service Director shall serve and oversee the EMS members for training and records along with ordering EMS equipment and supplies, in conjunction with the Chief.

**ARTICLE 6**

**Fire Inspector**

**Section 6.01. Appointment.** The Fire Inspector shall be appointed by the Chief. The Fire Inspector shall have the power and ability to appoint one or more Deputy Fire Inspectors. The Chief may appoint themselves as the Fire Inspector and, if that occurs, such appointment shall be subject to the approval of the Town Board. The Fire Inspector may be an officer, person, or entity.

**Section 6.02. Right to Enter.** While acting as Fire Inspector, the Fire Inspector or their deputies shall have the authority to enter any building or upon any premises within the Town at all reasonable hours for the purpose of making inspections or investigations which, under the provisions of the Town ordinances, the Fire Inspector may deem necessary. No person shall deny the Fire Inspector or their deputies free access to any property within the Town at any reasonable time for the purpose of making fire inspections. No person shall hinder or obstruct the Fire Inspector in the performance of their duties or refuse to observe any lawful direction given by the Fire Inspector.

**Section 6.03. Duty of Fire Inspectors.** The Fire Inspector shall perform all duties required by the laws and regulations of the State of Wisconsin including, but not limited to, Section 101.14 Wis. Stats. The Fire Inspector shall inspect annually or when deemed necessary all buildings, premises (except for the inside of private dwellings), and public thoroughfares within the Town for the purpose of noting and causing to be corrected any condition liable to possibly cause fire. The Fire Inspector shall also investigate the storage and handling of explosives, combustible, and flammable liquids within the Town.

**Section 6.04. Removal of Fire Hazards.** Whenever the Fire Inspector or their deputies discovers a fire hazard, the Chief, Fire Inspector, or their deputies shall serve a notice in writing upon the owner of the property giving the owner a reasonable time in which to remove the hazard. If the fire hazard is not removed within the time allowed, it shall be deemed a nuisance. The Fire Inspector or their deputies may have the same removed by the Town and the costs thereof shall be recovered in an action by the Town against the owner of the property. The Town may elect to impose those costs as a special assessment.

**Section 6.05. Records of Inspections.** The Chief shall keep a written or electronic record of each property inspected which shall conform to the requirements of the Department of Safety and Professional Services and shall make the annual report of inspections required by DSPS. All fire inspection records shall include, at a minimum: (1) owner name, (2) address, (3) occupant name, (4) occupant address, (5) occupancy type, (6) structural information, (7) potential hazards, (8) on-site inspection records, and (9) communications regarding the occupancy.

**ARTICLE 7**

**Meetings and Training**

**Section 7.01. Meetings.** The Department members shall meet up to four (4) hours per month for business and training. The training will consist of a mandatory two (2) hours per month. The business meeting will be a mandatory meeting of the Chief and other officers, with other members’ attendance voluntary. These meetings may be held on separate days or may be combined into a single meeting. The Chiefs will advise the Town Board of the Departments’ meeting schedules.

**Section 7.02. Locations.** The meetings shall be held at the respective Department headquarters or any other such place as the Chief may designate.

**Section 7.03. Open Meetings.** The Department shall comply with open meetings laws, Wis. Stat. Sec. 19.83(1), as applicable. Meeting shall be governed by the applicable sections of Roberts Rules of Order.

**Section 7.04. Special Meetings.** The Chief may call a special meeting of the Department at any time. Further, a special meeting may be called by written request of any three (3) members eligible to vote.

**ARTICLE 8**

**Appropriations and Budget**

**Section 8.01. Appropriations.** The Town Board shall appropriate funds to provide for operation and for such apparatus and equipment for the use of the Departments as it may deem expedient and necessary to maintain efficiency and properly protect life and property from fire. The Town Board may also, by contract, secure the cooperation of fire departments within adjacent municipalities.

**Section 8.02. Budget.** The Chief shall file with the Town Clerk, by October 1 of each year, a detailed estimate of the appropriations needed for the conduct of the Department during the ensuing fiscal year.

**Section 8.03. Acquisitions and Disposal of Property.** All purchases over an amount set by the Town Board must be approved by the Town Board in advance. All purchases must be reported to the Town Board and all purchases must be submitted by the original invoice only, with no copies being allowed or accepted. All approved invoices shall be paid by the Town Clerk. All purchases made within the annually approved budget shall be considered approved by the Town Board and needs no further approval. Any emergency acquisitions can be made, in the discretion of the Chief, with approval of the Town Board to follow as soon as possible. The Departments shall also have the ability to dispose of property belonging to the Departments which is deemed no longer useful or needed. The Chief shall recommend the manner of disposition of any property no longer deemed useful whether by sale, auction, donation, or discarding.

**Section 8.04. Compensation.** Compensation for all officers, firefighters, and EMS personnel shall be set by the Town Board. Compensation for initial training will be paid only after the member has served on the Department for two (2) years. The Town Board may waive this two (2) year period because of hardship on a case-by-case basis upon application by the member to the Town Board.

**Section 8.05. Private Funding Allowed.**

* 1. Social club. Members of the Department may organize a social club, provided that social activities are not funded from Town funds or any reimbursement for firefighting or EMS.
	2. Fund-raising. The social club may raise funds for social activities, provided that any advertising clearly states the purpose the funds are being raised for.

**ARTICLE 9**

**Agreements**

**Section 9.01. Agreements.** Any and all agreements for mutual aid, cooperation, or similar agreements shall be subject to the approval of the Town Board.

**ARTICLE 10**

**Amendments**

**Section 10.01. Amendment of the Bylaws.** These bylaws may only be amended by the Town Board after the issue has been on at least two (2) public meeting agendas. These bylaws may then be amended by a majority vote of the Town Board.

**Article 11**

**Adoption**

**Section 11.01. Adoption.** These bylaws have been approved by the Town Board, after meetings with the amendment of the bylaws on the agenda on February 1, 2022, and February 15, 2022. These bylaws shall take effect immediately and supersede any previous bylaws that may exist.

\_\_\_\_\_William Felch\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

William Felch

\_\_\_\_\_James Hintz\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

James Hintz

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Bonita Salm