**ORDINANCE NO. 22-\_\_\_104\_\_\_\_\_\_\_\_**

**Ordinance No. 22- \_104\_\_\_\_\_\_\_: FIRE PREVENTION.**

The Town Board of Supervisors of the Town of Fifield ordains the creation of Ordinance No. 22-\_\_104\_\_\_\_\_, “Fire Prevention,” of the Municipal Code, as follows:

Section 1: Ordinance No. 22- \_\_104\_\_\_\_\_\_ of the Municipal Code of the Town of Fifield is hereby created to read as follows:

 CHAPTER . **FIRE PREVENTION.**

**Section 1. Fire Department Organization, Goals, and Incorporation of Other Codes.**

1. **Fire Departments Established.** The Town of Fifield shall have two Fire Departments, both under the authority of the Town of Fifield, responsible for the program of fire defense for the citizens and property within the Town of Fifield. There shall be a Fire Department #1, known as the Fifield Volunteer Fire Department, and a Fire Department #2, known as the Pike Lake Volunteer Fire Department (collectively referred to as the “Departments,” including their respective EMS functions). The duty of the Departments shall be that of firefighting and the prevention of fires in the Town of Fifield and other townships in Price County contracting for the services of the Departments. The Department boundaries shall be:
	1. Department #1- Fifield Volunteer Fire Department: T39N-R2E, R1E and R1W; and
	2. Department #2- Pike Lake Volunteer Fire Department: T39N-R3E and T40N-R3E.
2. **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.
3. **Bylaws.** The Town of Fifield shall adopt bylaws for the control, management, and government and for the regulation of business and proceedings of the Departments. These bylaws shall be adopted by a two-thirds (2/3) vote of the Town Board of Supervisors of the Town of Fifield. Amendments shall be adopted in the same manner. The bylaws shall not be inconsistent with this Chapter and, in the event of any conflict between this Chapter and the bylaws, this Chapter shall control.
4. **Adoption of Wisconsin Administrative Code and NFPA Codes.**
	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.
	3. Violations of the incorporated regulations and codes shall constitute a violation of this Chapter.
	4. Conflicting regulations. Whenever the regulations in this Chapter or the codes adopted herein are in conflict with each other or more or less restrictive than other regulations or restrictions imposed by other provisions of the statutes or other ordinances, the regulations which are more restrictive or impose a higher standard or requirement shall govern.

**Section 2.** **Appropriations and Budget.**

1. **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.
2. **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.
3. **Acquisitions.** 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.
4. **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.
5. **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.

**Section 3. Membership and Officers.**

1. **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.
2. **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 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. 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.
	3. Resignations. All resignations from the Department shall take the same course as applications for and appointments to membership.
	4. Staffing. Both Departments will comply with Wisconsin Administrative Code SPS 330 requirements of staffing, training, and safety.
3. **Election.**
	1. Term. The term of each officer shall be for two (2) years. All active members, both firefighters and EMS, shall be entitled to vote.
	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. Invalid Elections. Any complaint of an invalid election for failure to follow proper election procedure as set forth in this Chapter and/or the 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.
4. **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.
5. **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.
6. **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.

**Section 4. 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 this Chapter and in the event of a conflict, the bylaws and/or this Chapter shall control over such rules and regulations.

**Section 5. Duties of Chief.**

1. **General supervision.** The Chief shall have general supervision of the Department, subject to this Chapter and the bylaws of the Department, and shall be responsible for the personnel and general efficiency of the Department.
2. **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 this Chapter, the bylaws, and the policies and procedures.
3. **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.
4. **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 departmental duties, such demotion or expulsion to be subject to appeal to the Town Board.
5. **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.
6. **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.
7. **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.
8. **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.
9. **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 6. Police Power of Department; Investigation of Fires.**

1. **Authority at fires.** The Chief and his/her assistants or officers in command at any fire or emergency call are hereby vested with full and complete police authority at fires or emergency calls. Any officer of the Department may cause the arrest of any person failing to give the right-of-way to the Department in responding to a fire or emergency call.
2. **Specific authority at fires.** The Chief may prescribe certain limits in the vicinity of any fire within which no person, excepting firefighter and police officer and those admitted by order of any officer of the Department, shall be permitted to come. The 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 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 impedes the work of the Department during the progress of a fire.
3. **Firefighter may enter adjacent property**. Any firefighter or EMS member, while acting under the direction of the 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 no person shall hinder, resist or obstruct any firefighter or EMS member in the discharge of his duty.
4. **Destruction of Property to Prevent the Spread of Fire.** During the progress of any fire, the Chief or officer in command shall have the power to order the removal or destruction of any property deemed necessary to prevent the further spread of fire; provided that it is reasonably inevitable that, unless such property is removed, other property is in danger of being destroyed by fire.
5. **Duties of Bystanders to Assist.** Every person who shall be present at a fire or emergency call shall be subject to the orders of the Chief or officer in command and may be required to render assistance in fighting the fire or in removing or guarding property. Such officer may cause the arrest of any person or persons refusing to obey such orders.

**Section 7. Impeding Fire Equipment Prohibited.** No person shall impede the progress of a fire engine, a fire truck, or any other fire/emergency apparatus of the Department along the streets or alleys of the Town at the time of a fire or when the Department is using such streets or alleys in response to a fire alarm or for practice.

**Section 8. Damaging Fire Hose Prohibited; Parking by Hydrants; Blocking Fire Lanes; Use of Apparatus.**

1. **Driving Over Fire Hose.** No person shall willfully injure in any manner any hose, hydrant, or fire apparatus belonging to the Town, and no vehicle shall be driven over any unprotected hose belonging to the Department when laid down on any street, private driveway, or other place, to be used at any fire alarm, without the consent of the Department official in command.
2. **Parking Vehicles Near Hydrants.** It shall be unlawful for any person to park any vehicle or leave any object within ten (10) feet of any fire hydrant at any time.
3. **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 or emergency operation without the consent and authority of the Department official in command.
4. **Use of Apparatus.** No apparatus shall be used for any purpose except for firefighting within the Town limits, or in training therefor, except pursuant to an agreement approved by the Town Board after the Chief has given his recommendation on such use. With the approval of the Chief, such apparatus may be used for emergency purposes other than firefighting within the Town. A written report of all such uses shall be made quarterly to the Town Board.

**Section 9. Vehicles to Yield Right-of-Way.** Where there shall be a fire or fire alarm of the 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, fire truck, or other fire or emergency apparatus shall have passed. Vehicles shall not follow within five hundred (500) feet of any fire engine, fire truck, or other emergency apparatus.

**Section 10. Fire Inspector.**

1. **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.
2. **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 this Chapter, 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.
3. **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.
4. **Removal of Fire Hazards.** Whenever the Fire Inspector or their deputies discovers a fire hazard, the Chief 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 tax.
5. **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.

**Section 11. Open Burning.**

1. **Open Burning Prohibited.** No person, firm, entity, or corporation shall build any outdoor fire within the Town limits except as set forth in Subsection (2) of this Section.
2. **Exceptions.**
	1. Outdoor cooking over a fire contained in a device or structure designed for such use is permissible.
	2. Controlled burning of grass or similar vegetation for environmental management purposes, provided that it is with the prior written approval of the Chief.
	3. Campfires or bonfires that are attended and contained in a device or structure designed for such use.
	4. Other occasions of desirable outdoor burning with the written approval of the Chief.
	5. Whenever approval and special permit are granted by the Chief, the permit may specify and be conditioned on the observance of safety restrictions and insurance requirements set forth herein.
3. **Chief May Prohibit.** The Chief may prohibit any or all bonfires or other outside fires when local circumstances, including weather conditions, make such fires hazardous, except on written permission from the Chief. Notice of designation of fire danger emergency period shall be made by publication off an appropriate order, once in the official newspaper, to be effective forthwith.
4. **Liability.** Persons utilizing and maintaining outdoor fires shall be responsible for any liability resulting from damage caused by the fire.

**Section 12. Banning and Regulating the Use of Fire, Burning Materials, and Fireworks During Times of Extreme Fire Danger.**

1. **Declarations of Emergency.** When there is a lack of precipitation or other weather conditions, there may exists an extreme danger of fire within the Town. This extreme danger of fire affects the health, safety, and general welfare of residents of the Town and constitutes a state of emergency. It is hereby found that the regulation of fires, burning materials, and fireworks is necessary and expedient for the health, safety, welfare and good order of the Town during said emergency.
2. **Regulation of Fires, Burning Materials, and Fireworks.** Pursuant to Section 66.0314, Wis. Stats., and when a burning state of emergency is declared, it may be ordered that a person may not:
	1. Set, build, or maintain any open fire except:
		1. Grills on private property; or
		2. Grills on public property placed at least twenty (20) feet away from any combustible vegetation.
	2. Throw, discard, or drop matches, cigarettes, cigars, ashes, charcoal briquettes or other burning materials while outdoors except in a non-combustible container that does not contain combustible material.
	3. Light or ignite a flare, except on a roadway in an emergency.
	4. Light, ignite, or use anything manufactured, processed, or packages solely for the purpose of exploding, emitting sparks or combustion for amusement purposes, including fireworks, firecrackers, bottle rockets, caps, toy snakes, sparklers, smoke bombs, or fountains that emit sparks and smoke, except in displays authorized by the Town.
3. **Period of Emergency.**
	1. The periods of emergency for which this Section shall be in effect shall be during such periods that Price County, Wisconsin, is under Wisconsin Department of Natural Resources emergency fire regulations banning outdoor smoking and campfires.
	2. Pursuant to Section 66.0314, Wis. Stats. burning emergencies shall become effective upon the time and date of the Town Board declaring a state of emergency and shall remain in effect until the period of emergency ceases to exist or until the ramification, alteration, modification, or repeal of the burning state of emergency by the Town Board.

**Section 13. Violations.**

Section 2: If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a Court of competent jurisdiction or by any agency or of any kind by anyone else, the remainder of this Ordinance shall not be affected.

Section 3: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 4: This Ordinance shall take effect and be in effect after passage and publication according to law.

APPROVED:

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

 William Felch, Town Chair

 ATTEST:

 \_\_\_\_\_\_\_Susan M. Mueller \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 \_\_\_\_Fifield\_\_\_\_\_, Town Clerk

Adopted: \_\_\_2-15-2022\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Approved:\_\_\_2-15-2022\_\_\_\_\_\_\_\_\_\_\_\_\_

Published:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attest:\_\_\_\_\_\_2-15-2022\_\_\_\_\_\_\_\_\_\_\_\_\_\_