

**AN ORDINANCE TO REVISE AND RECREATE SECTION 2.20 OF THE CODE OF GENERAL ORDINANCE OF THE TOWN OF DOVER, RACINE COUNTY, PERTAINING TO THE FIRE DEPARTMENT.**

The Town Board of the Town of Dover, Racine County, Wisconsin does hereby revise and recreate Ordinance 2.20, dealing with the Kansasville Fire Department to read as follows:

**Chapter 2.20**

**FIRE DEPARTMENT**

**Sections:**

- 2.20.010 Fire department recognized.**
- 2.20.020 Membership.**
- 2.20.030 Powers and duties of chief.**
- 2.20.040 Equipment.**
- 2.20.050 Police power of department.**
- 2.20.060 Fees.**
- 2.20.070 Fire inspector duties.**
- 2.20.080 Violations—Penalties.**

**2.20.010 Fire department recognized.**

A. The volunteer members of the Kansasville fire department are officially recognized as the fire department of the town. The duty of firefighting and the prevention of fires in the town is delegated to such department. Its organization and internal regulations shall be governed by the provisions of this chapter and by such by-laws adopted by the department as are approved by the town board, except as is otherwise provided by law and ordinance.

B. The town fire department is authorized and directed to adopt by-laws for the control, management, government and the regulation of business and proceedings of the department, which by-laws, after adoption by a two-thirds vote of the members of the department shall not become effective and operative until presented to and approved by the town board. Amendments shall be adopted in the same manner. The town board of the Town of Dover must approve of such by-laws and amendments thereto, or the Town shall not be bound by the terms thereof.

C. The town board shall appropriate funds to provide for operation and for such apparatus and equipment for the use of the fire department as it may deem expedient and necessary to maintain efficiency and properly protect life and property from fire. (Ord. dated 1/9/95 § 15.01: prior code § 15.01)

**2.20.020 Membership.**

A. The fire department shall consist of a chief and such officers as the fire department by-laws shall dictate. Such officers should be appointed by the chief. In addition, the chief shall appoint as many volunteer drivers, firefighters, and EMS providers who live or normally work within the town as may be required. Hired employees (i.e., non-volunteers) of the department shall be hired by the Dover Fire and Water Commission.

**B. Chief.**

1. A vacancy in the office of the chief shall be filled by the Dover Fire & Water Commission, as provided in Chapter 2.56. A vacancy may be created by resignation, termination, or the end of a chief's appointed term. Upon creation of a vacancy of the office of chief, the ranking officer shall perform the duties of the chief until such vacancy has been filled.

2. The chief shall immediately assume office and shall hold office until the expiration of the term of appointment.

**C. Application.**

1. Any person desiring to be a volunteer of the fire department may file an application with the secretary in such form as the fire department may require. Each applicant shall also file a certificate of physical fitness from such physician as the chief may designate.

2. All resignations from the department shall take the same course as applications for an appointment to membership.

**D. Officers.** The election of the secretary and a treasurer and such officers as the by-laws may require shall be held at the odd year annual meeting of the department in such manner as is provided in the by-laws. In case of any vacancy, the chief shall appoint a member in good standing to fill the office until the next election. (Ord. 97-6; Ord. dated 1/9/95 § 15.02: prior code § 15.02)

**2.20.030 Powers and duties of chief.**

**A.** 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.

**B.** The chief shall preside at all meetings of the department, call special meetings, prescribe order, decide all points of order that may arise and enforce a rigid observance of this chapter and the by-laws.

**C.** The chief shall be present at all fires if possible, have complete command of an entire responsibility for all firefighting operations, plan the control of the same, direct the action of the department when he or she arrives at a fire, observe that every firefighter does his or her duty, grant leaves of absence at a fire when the chief may deem it proper and see that the fire apparatus is kept in proper condition at all times. The chief shall have the responsibility for the orderly and efficient operations of the EMS program.

**D.** The chief shall have the power to issue instructions and maintain order in the department, but the power to discipline members is relegated to the Fire & Water Commission. The chief may file a complaint and issue recommendations for discipline to the commission, and the Commission is to give full consideration to such recommendations, as may be necessary for the chief to maintain discipline and order in the department.

**E.** Not later than October 15th 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.

F. The chief shall submit a written report to the town board not later than April 1st of each year, and at such other times as the chief deems desirable, relating to the conditions of the various pieces of apparatus and appurtenances, the number of fires occurring since the previous report, the date of same and loss occasioned thereby, the number of members of each company, the total number of active members in the department and resignations and expulsions from the department. 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 he or she deems proper and necessary for the operation of the department.

G. The chief shall enforce all fire prevention ordinances of the 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.

H. The chief (or a designated person) shall keep a fire record of every fire to which the department was called and shall enter in such book the locality of the fire, time alarm was received, cause of fire, where fire started, cause of delay (if any) in responding, method of extinguishment and equipment used, amount of insurance carried on building and contents, estimated fire loss, time fire was extinguished, names of personnel responding and general remarks.

I. The chief (or a designated person) 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 identified.

J. The chief shall perform such other duties as are incumbent on the commanding officer of the fire department. (Ord. dated 1/9/95 § 15.03: prior code § 15.03)

#### 2.20.040 Equipment.

A. The chief shall have control of all apparatus used by the department and shall be responsible for its proper maintenance. The chief may authorize emergency repairs.

B. No apparatus shall be used for any purpose except for firefighting within the town limits, or in training therefore, except pursuant to an agreement approved by the town board except when the chief has given his or her recommendations on such use. With the approval of the chief, such an apparatus may be used for emergency purposes other than firefighting with the town. A written report of all such uses shall be made yearly to the town board.

C. 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 of a fire department when laid down on any street, private driveway or other place, to be used at any fire or alarm of fire, without the consent of the fire department official in command. (Ord. dated 1/9/95 § 15.04: prior code § 15.04)

#### 2.20.050 Police power of department.

A. The chief and assistants, officers, or senior person in command at any fire are 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. The town fire chief or person in command may prescribe certain limits in the vicinity of any fire within which no persons, excepting firefighters, police officers, EMS providers and those admitted by order of any officer or senior person of the department, shall be permitted to come. The chief or person in command shall have the power to 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, the chief shall have the power to order the removal or destruction of any property necessary to prevent the further spread of the fire. The chief shall also have the power to cause the removal of all wires or other 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.

C. Any firefighter or EMS personnel, while acting under the direction of the town fire chief or other person in command, may enter upon the premises adjacent to or in the vicinity of any building or other property other than that on fire for the purpose of extinguishing such fire, and if any person shall hinder, resist or obstruct any firefighters in the discharge of their duty, the person so offending shall be deemed guilty of resisting firefighters in the discharge of their duties.

D. Every person present at a fire shall be subject to the orders of the town fire chief or person in command and may be required to render assistance in fighting the fire or in removing or guarding property. Such person shall have the power to cause the arrest of any person or persons refusing to obey such orders. (Ord. dated 1/9/95 § 15.05: prior code § 15.05)

#### 2.20.060 Fees.

A. The department may charge a property owner a fee for any fire call made to the owner's property. The fee shall be equal in amount of actual out-of-pocket costs incurred by the department in extinguishing the fire.

B. The department may charge the property owner a fee of one hundred fifty dollars (\$150.00) for each unintentional fire call to the same property in excess of three in a twenty-four-month period in which no fire occurred.

C. Every person who shall call upon the town for rescue service or for assistance in protecting from fire his or her property on a public highway, shall pay to the town the following charges for the services of each piece of apparatus of the fire department: six hundred dollars (\$600.00) for each hour or any fraction thereof, the time to be computed from the time the apparatus leaves its station until it returns thereto. If such payment is made by the municipality in which the property is located or by the state, the owner shall be discharged of responsibility for such payment.

D. In the event the fire department or rescue squad shall, in the performance of their duties, be required to hire specialized help and/or equipment, the property owner or person for whose benefit such extra help or equipment was hired shall be responsible for the actual costs thereof.

E. The town may charge any person who is a recipient of a rescue squad call in the town fees based upon service rendered by the town. The town shall render an itemized statement to the recipient of such services. The fees charged by the town shall be based upon the amount that the town is charged for, such call by the rescue squad rendering the rescue squad services,

the level of services rendered, the time involved in rendering services, supplies furnished, and such other and further factors as the town deems appropriate. (Ord. 98-9; Ord. dated 1/9/95 § 15.06; Ord. 92-34 § 1: prior code §§ 3.12, 15.06)

#### 2.20.070 Fire inspector duties.

A. The town fire chief shall hold the office of the fire inspector, with power to appoint or contract one or more deputy fire inspectors who shall perform the same duties and have the same powers as the fire inspector.

B. Fire inspectors shall inspect semi-annually all buildings, premises, and public thoroughfares within the town limits for the purpose of noting and causing any condition to be corrected liable to cause fire. The inspector shall also investigate the storage and handling of explosives and flammable liquids within the town.

C. Whenever or wherever in the town any inspection by the town fire chief or fire department deputies reveals a fire hazard, the chief or fire department deputies shall serve written notice on the owner of the property, giving the owner a reasonable time in which to remove the fire hazard, or to take corrective or affirmative action, to eliminate or reduce the fire hazard, including, but not limited to, installation of smoke detectors, fire exit signs, extinguishers, etc. If the fire hazard is not removed, it may be deemed a nuisance and the fire chief may have the same removed by the town, and the cost of such removal shall be recovered in an action by the town against the owner of the property. In the event an owner fails to take any corrective or affirmative action, it shall be deemed a violation under this chapter.

D. The chief shall keep a written record card of each property inspected which shall conform to the requirements of the Department of Industry, Labor and Human Relations (DILHR) and shall make the quarterly report of inspections required by DILHR.

E. No person shall deny the chief or fire department 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 his or her duty or refuse to observe any lawful direction given by the fire inspector. (Ord. 05-05; Ord. dated 1/9/95 § 15.10: prior code § 15.10)

#### 2.20.080 Violations—Penalties.

A. Any person, firm or corporation who shall violate any of the terms of this chapter shall, upon conviction, be subject to a forfeiture of not less than fifty dollars (\$50.00) nor more than seven hundred fifty dollars (\$750.00) for any violation thereof with each day of violation constituting separate offense.

B. If the court finds that the violation has a commercial motivation, then any person, firm or corporation who shall violate any of the terms of this chapter shall, upon conviction, be subject to a forfeiture of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00), together with any costs incurred by the town in controlling the fire. (Ord. dated 1/9/95 § 15.12 (part): prior code § 15.12 (part))

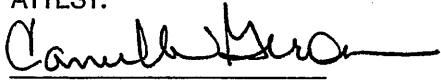
Amended and adopted this 19th day of December, 2024, by the Town Board of the Town of Dover, Racine County, Wisconsin.

Town of Dover By:

A handwritten signature in black ink, appearing to read "Sam Stratton", written over a horizontal line.

Dover Chairman, Sam Stratton

ATTEST:

A handwritten signature in black ink, appearing to read "Camille Gerou", written over a horizontal line.

Dover Clerk, Camille Gerou