

CHAPTER 5 FIRE DEPARTMENT

5.01	Fire Department Recognized
5.02	Bylaws
5.03	Appropriations
5.04	Compensation
5.05	Organization of Fire Department
5.07	Powers and Duties of Chief
5.08	Control and Care of Apparatus
5.09	Police Power of Department
5.10	Fire Inspector
5.11	Fire Districts Designated
5.12	Fire Prevention Code
5.13	Smoke Detector Requirements
5.14	Open Burning
5.15	Penalty

FIRE DEPARTMENT 5.01

5.01 FIRE DEPARTMENT RECOGNIZED. The Sparta Volunteer Fire Department is hereby officially recognized as the Fire Department of the City. The duty of the fire fighting and the prevention of fires in the City is delegated to such department. Its organization and internal regulation shall be governed by the provisions of this chapter and by such bylaws adopted by the Department as are approved by the Council, except as is otherwise provided by law and ordinance.

5.02 BYLAWS. The Fire Department shall adopt bylaws for the control, management and government and for regulating the business and proceedings of the Department, which bylaws, after adoption by a 2/3 vote of the members of the Department shall not become effective until approved by the Council. Amendments shall be adopted in the same manner.

5.03 APPROPRIATIONS. The Council 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.

5.04 COMPENSATION. The officers and members of the Fire Department shall receive such compensation from the City as may, from time to time, be fixed by the Council.

5.05 ORGANIZATION OF THE FIRE DEPARTMENT. (Am. #403, 1993) The Fire Department of the City shall consist of fire trucks and equipment as authorized and acquired. The membership shall consist of not less than 20 nor more than 30 men. Officers of the Fire Department shall be the Chief, Assistant Chief, and such number of captains and lieutenants as may be authorized. Members of the Fire Department shall be appointed by the Police and Fire Commission, and upon appointment shall be enrolled as members of the Department by the appropriate officer of the Department in a book kept therefor. No person shall be deemed a member of the Fire Department or entitled to exemptions and privileges as such until he has been enrolled as provided herein. The Department shall hold regular meetings and the Mayor and aldermen shall be ex officio fire wardens.

5.07 POWERS AND DUTIES OF CHIEF.

(1) GENERAL SUPERVISION. The Chief shall have the general supervision of the Department, which supervision shall be subject to and not conflict with this chapter and the bylaws of the Department. He shall be responsible for the personnel and general efficiency of the Department.

(2) PRESIDING OFFICER. The Chief shall preside at all meetings, call special meetings, preserve order, decide all points of order that may arise and enforce a rigid observance of this chapter and bylaws.

FIRE DEPARTMENT 5.07(3)

(3) **COMMAND OF FIRE FIGHTING OPERATIONS.** The Chief shall be present at all fires, and have complete command and entire responsibility of fire fighting operations, plan the control of the same, direct the action of the Department when it arrives at the fire, observe that the Department does its duty, grant leaves of absence at a fire when he may deem it proper, and see that the fire apparatus is kept in proper condition at all times.

(4) **DISCIPLINARY ACTIONS.** The Police and Fire Commission may demote or expel any officer or member of the Department for neglect or refusal to perform his departmental duties or for non-residence.

(5) **DEPARTMENT BUDGET.** Not later than October 1 of each year, the Chief shall file with the Council a detailed estimate of the appropriations needed for the conduct of the Department during the ensuing fiscal year.

(6) **REPORTS TO THE COUNCIL.** The Chief shall submit a written report to the Council not later than February 1 of each year, and at such other times as he deems desirable, relating to the condition of various pieces of apparatus and appurtenances, the number of hydrants and the condition of the same, the number of fires occurring since the previous report, and the date of the same and loss occasioned thereby, the number of members of each Company, the total number of active members in the Department, and resignations from the Department. He shall also report upon the drill and training program of the Department, together with other pertinent information, including recommendations for such improvements as he deems proper and necessary for the operation of the Department.

(7) **ENFORCEMENT OF FIRE PREVENTION ORDINANCES.** He shall enforce all fire prevention ordinances of the City 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 BOOK.** He shall keep a fire record book of every fire to which the Department was called and shall enter in such book 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, amount of insurance carried on buildings and contents, estimated fire loss, time fire was extinguished, names of men responding and general remarks.

(9) **APPARATUS INVENTORY.** He 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.

FIRE DEPARTMENT 5.07(10)

(10) DUTIES OF COMMANDING OFFICER. He shall perform such other duties as are usually incumbent on the commanding officer of the Fire Department.

5.08 CONTROL AND CARE OF APPARATUS.

(1) The Chief shall have control of all apparatus use by the Department and shall be responsible for its proper maintenance. Emergency repairs may be authorized by the Chief.

(2) No apparatus shall be used for any purpose except for fire fighting within the City or, or in training therefor, except pursuant to an agreement approved by the Council after the Chief has given his recommendations on such use. With the approval of the Chief such apparatus may be used for emergency purposes within the City. A written report of all such uses shall be made quarterly to the Council.

5.09 POLICE POWER OF DEPARTMENT.

(1) POLICE AUTHORITY AT FIRES. The Chief and assistant 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 fire.

(2) CONTROL OF FIRES. The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting firemen and policemen 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. He 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) ENTERING PREMISES. Any fireman 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 to extinguish such fire, and if any person shall hinder, resist or obstruct any fireman in the discharge of his duty as in herein provided, the person so offending shall be deemed guilty of resisting firemen in the discharge of their duties.

FIRE DEPARTMENT 5.09(4)

(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 in removing or guarding property. Such officer may cause the arrest of any person or persons refusing to obey such orders.

(5) INJURY TO EQUIPMENT PROHIBITED. No person shall wilfully injure any hose, hydrant or fire apparatus belonging to the City. No vehicle, street car 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 fire or alarm of fire, without the consent of the Fire Department official in command.

5.10 FIRE INSPECTOR. (Am. #349, 1992)

(1) APPOINTMENT OF. The Council shall, at its regular meeting in December of each year, appoint a Fire Inspector of the City for a one-year term.

(2) FIRE PREVENTION INSPECTIONS. (Cr. #349, 1992)

(a) General. The Chief of the Fire Department shall be responsible for having all public buildings and places of employment inspected by officers or members of the fire department for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of any law or ordinance relating to fire hazards or to the prevention of fires.

(b) Determining the number of buildings to be inspected.

1. The fire chief shall be responsible for determining the number of public buildings and places of employment to be inspected.

2. The fire chief shall submit to the Department of Industry, Labor and Human Relations each year, the number of public buildings and places of employment to be inspected for the City of Sparta.

a. The list shall identify the number of public buildings and places of employment in the City of Sparta.

b. The list shall identify the number of public buildings and places of employment located within locally established fire limits or congested districts subject to conflagration and those public buildings and places of employment located

FIRE DEPARTMENT 5.10(2)(b)2.b.

outside of locally established fire limits or congested districts subject to conflagration.

(c) Scheduling of inspections. Except as provided in par. (d), fire prevention inspections shall be conducted as follows:

1. Fire prevention inspections shall be conducted at least once every 6 months, or more often if ordered by the Chief of the Fire Department, in all territory served by the fire department. Each 6 month period shall begin on January 1 and July 1.
2. Fire prevention inspections in territories designated to be within the fire limits or as a congested district subject to conflagration shall be conducted at least once every 3 months, or more often if ordered by the chief of the fire department. Each 3 month period shall begin on January 1, April 1, July 1, and October 1.

(d) Written reports.

1. Written reports of inspections shall be made and kept on file in the office of the chief of the fire department in the manner and form required by the department.
2. Written fire incidence reports shall be submitted to the department at least annually. The reports shall be submitted to and received by the department no later than January 15 for the previous year.

5.11 FIRE DISTRICTS DESIGNATED.

(1) FIRST FIRE DISTRICT. All that part of the City of Sparta embraced within the following boundaries and limits shall be known as the First Fire District: Commencing at the center of the intersection of Court Street and Jefferson Avenue, thence running South along the center of Court Street to Blake Street, thence east along the center of Blake Street to Water Street, thence continuing east to the center of Avenue, thence north to the center of Oak Street extended, thence west along the center of Oak Street to Benton Street, thence north along the center of Pine Street extended to North Street, and thence west along the center of North Street to "L" Street, thence south along the center of "L" Street to Jefferson Avenue, thence east along the center of Jefferson Avenue to the center of Court Street.

FIRE DEPARTMENT 5.11(2)

(2) SECOND FIRE DISTRICT. All that part of the City not embracing within the limits of the First Fire District shall be known and is hereby designated as the Second Fire District.

5.12 FIRE PREVENTION CODE. (Am. #350, 1992)

(1) ADOPTION. There is hereby adopted by the City for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, Wisconsin Administrative Code Chapter ILHR 14, General Hazard Fire Prevention, as amended from time to time.

(2) ENFORCEMENT. (Am. #350, 1992) The code hereby adopted shall be enforced by the Chief of the Fire Department and he and his designated deputies may issue citations for violations of this Ordinance, pursuant to Section 66.119(2), Wis. Stats..

(3) DEFINITION. Wherever the word "municipality" is used, it means the "City of Sparta."

(4) ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS, STORAGE OF FLAMMABLE LIQUIDS IN OUTSIDE ABOVE-GROUND TANKS, AND BULK STORAGE OF LIQUEFIED PETROLEUM GASES IT TO BE RESTRICTED. The limits referred to in Sec.53b of the Code hereby adopted in which storage of explosives and blasting agents is prohibited, the limits referred to in Sec.74a of the Code in which the storage of Class I liquids in outside above-ground tanks is prohibited, and the limits referred to in Sec.114 in which bulk storage of liquefied petroleum gas is restricted are established in Sec.5.11 of the Chapter.

(5) MODIFICATIONS. The Chief of the Fire Department may modify any provisions of the Code adopted upon application in writing by the owner or lessee, or his authorized agent, when there are practical difficulties in carrying out the strict letter of the Code, provided the spirit of the Code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief of the Fire Department thereon shall be entered upon the records of the Department and a signed copy shall be furnished the applicant.

(6) APPEALS. Whenever the Chief of the Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the Fire Department to the Council within 30 days from the date of the decision appealed.

5.13 SMOKE DETECTOR REQUIREMENTS (Cr. #502, 1998) All residential or rental dwelling units within the City, regardless of single family dwellings, two family dwellings or multiple unit buildings, shall be installed with smoke detection devices in accordance with the following requirements.

1. Installation

(a) Smoke detector systems shall be installed in accordance with the provisions of NFPA 72 and in accordance with the manufacture's directions and specifications.

(b) Except as provided in s. ILHR 57.16(2)(b), all smoke detectors interconnected with each other or with the manual fire alarm system shall be installed in accordance with the provisions of NFPA 72. Where smoke detectors are interconnected with the manual fire alarm system, the smoke detectors shall be wired in accordance with the provisions specified in s. ILHR 16.34.

2. Maintenance. Smoke detectors shall be maintained as follows, except as noted in s. ILHR 57.16:

All smoke detectors and smoke detection equipment whether required by the code or not must be maintained in an operable condition. In lieu of maintaining smoke detectors or smoke detection equipment, this equipment may be removed if the detection equipment is not required by code. The Chief of the Fire Department should be contacted prior to removal and his/her permission obtained.

(a) The owner shall be responsible for maintaining the smoke detectors and the smoke detection system in good working order.

(b) Tenants shall be responsible for informing the owner, in writing, of any smoke detector malfunction, including the need for a new battery.

(c) The owner shall have 5 days upon receipt of notice from the tenant to repair or replace the smoke detector or replace the battery.

(d) The owner shall furnish to the tenant written notice of the responsibilities of the tenant and the obligations of the owner regarding smoke detector maintenance.

(e) Tenants shall acknowledge to the landlord in writing that smoke detectors in the rental property are in working order at the time of occupancy and annually thereafter.

FIRE DEPARTMENT 5.13 2.(f)

(f) No owner, tenant or other person shall disconnect, disable or otherwise render inoperative a functioning smoke detector installed pursuant to the provisions of this section.

The penalty for violating the provisions herein contained shall be as provided for in Section 5.15.

5.14 OPEN BURNING (Cr. 567, 2001)

(1) PRIOR APPROVAL.

(a) Except as provided in par. (b), all persons shall obtain authorization from the fire chief before kindling or maintaining any open burning or authorizing the kindling or maintaining of any open burning within the limits of the City of Sparta.

(b) The following open burning shall be permitted without authorization from the fire chief:

1. Outdoor cooking using charcoal or liquid propane as a fuel
2. Training for Fire Departments
3. Campfires or Outdoor Fireplaces (Created #684, 6/21/2005)

(2) SIZE OF PILE. The size of the pile of material to be burned shall not exceed 3 feet by 3 feet high.

(3) LOCATION. The location of the open burning shall be approved by the fire chief and either:

(a) The pile of material being burned shall be at least 15 feet from any structure, wood or lumber pile, wooden fence, trees or bushes, and provisions shall be made to prevent the fire from spreading to within 15 feet of such items; or

(b) The fire shall be contained in an approved burner located at least 15 feet from any structure, wood or lumber pile, wooden fence, tree or bush.

(4) MATERIAL FOR BURNING.

(a) Fuel for open burning shall consist of dry material only and shall not be ignited with flammable or combustible liquids.

FIRE DEPARTMENT 5.14(4)(b)

(b) Material for open burning may not include rubbish, garbage, trash, leaves or grass clippings, and material made of or coated with rubber, plastic, leather or petroleum based materials and may not contain any flammable or combustible liquids.

(4m) CITY CLERK TO ISSUE PERMITS. Permits required by this ordinance may be obtained from the Office of the City Clerk with a copy to the fire department. (Created #684, 6/21/2005)

(5) SUPERVISION. Open burning shall be constantly attended and supervised by a competent person at least 18 years of age until such fire is extinguished. This person shall have readily available for use fire extinguishing equipment deemed necessary by the fire chief.

(6) TIME TO BURN. Open burning shall be permitted only from 7:00 a.m. to 12:00 a.m. or as permitted by the fire department having jurisdiction.

(7) OTHER REGULATIONS. Open burning shall also be subject to the administrative rules of the Department of Natural Resources.

(8) PROHIBITION. Outdoor burning shall be prohibited when the wind velocity exceeds 9 mph or local circumstances make the fires potentially hazardous. Local circumstances include but are not limited to thermal inversions, ozone alerts, and very dry conditions.

(9) PENALTY. The penalty for violating the provisions herein contained shall be as provided for in Section 5.15.

5.15 PENALTY. 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 Sec.25.04 of this Municipal Code.