

CHAPTER 10

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10.01 FIRE DEPARTMENT ORGANIZATION

(1) Membership. The Fire Department of the Village of Montfort shall consist of the president, chief, assistant chief, ladder captain, hose captain and as many drivers and firemen who live and normally work within the Village of Montfort and the surrounding area of the Village of Montfort as may have volunteered to be a member of the Fire Department.

(2) Department to Adopt Bylaws. The Montfort Fire Department shall adopt bylaws for the control, management and government for the regulation of business and proceedings of the Department, which bylaws shall be adopted by a two-thirds vote of the Department members and approved by the Village Board. Amendments shall be adopted in the same manner.

10.02 FIRE CHIEF

(1) Election. The Fire Chief of the Village of Montfort shall be elected by the members of the Volunteer Fire Department on the first Tuesday of May of each year and his or her term shall commence immediately upon the date of his or her election.

(2) Duties and Powers. The Chief shall have general supervision of the Fire Department personnel, apparatus and equipment, subject to the ordinances of the Village and the bylaws of the Department. The Fire Chief or the Assistant Chief shall be present at all fires and command all fire fighting operations. He or she may compel or expel any officer or member of the Department for neglect or refusal to perform Departmental duties, subject to the right of any member demoted or expelled to appeal to the Village Board and subject to the applicable provisions of Wis. Stat. § 62.13. He or she shall enforce or cause to be enforced all fire prevention ordinances, laws and regulations of the Village and State.

(3) To Act as Fire Inspectors. The Fire Chief as fire inspector of the Village of Montfort shall have the power to appoint one or more deputy fire inspectors and shall perform all duties required of fire inspectors by the laws of the State and rules of the Wisconsin Department of Safety and Professional Services.

10.03 FIREFIGHTERS

(1) Volunteers. Each applicant for membership in the Fire Department of the Village of Montfort shall contact the Chief of the Fire Department indicating that said applicant is volunteering for the Fire Department and said applicant must be approved by a majority vote of all of the members of the Village Fire Department.

(2) Age Limit. Active membership in the Department for members other than the Chief may cease at the age of 60. Upon reaching the age of 60, active members may become honorary members and shall be relieved from firefighting duties. At the age of 50, a member can elect to become an honorary member or can remain an active member. Honorary members do not have voting rights within the Department.

10.04 POLICE POWER OF DEPARTMENT

(1) Authority at Fires. The Chief and his or her assistants or officers in command are hereby vested with full and complete police authority at fires and may cause the arrest of any person failing to give the right of way to the Fire Department responding to a fire call.

(2) Removal of Property. The Chief shall have the power to cause removal of any property whenever it shall become necessary for the preservation of such property from fire or to prevent the spread of fire or protect adjoining property, and during the progress of any fire he or she shall have the power to order the destruction of any property necessary to prevent the further spread of the fire. He or she 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 impede the work of the Department during the progress of the fire.

(3) Firefighters May Enter Adjacent Property. It shall be lawful for any firefighter acting under the direction of the Fire Chief or any officer in command to 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 in the discharge of his or her duty as hereinbefore provided.

(4) Duty of Bystanders to Assist. 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 the fighting of the fire or in removing or guarding property. Such officer shall have the power to cause arrest of any person refusing to obey said orders.

10.05 FIRE CALLS

(1) In the event the Montfort Fire Department is called to respond to a fire or other hazard requiring the response of the Fire Department on or at property located within the Village of Montfort jurisdiction, the property owner shall pay a fee as follows:

- (a) Fire Call \$500 for the first hour.
 \$350 for each additional hour.

Plus cost of foam and any damage to equipment.

(b) Accident call \$500 per vehicle.

(c) Jaws of Life- \$500 per call.

(2) Any property owner who believes that he or she lacks sufficient funds, through insurance or otherwise, to immediately pay the cost of services provided may petition the Village of Montfort for either a reduction of the fee, including forgiveness of the fee, or for a payment schedule consistent with his or her ability to pay. Any property owner making such a request will be required to provide evidence satisfactory to the board of his or her inability to pay the fee. The grant or denial of such a request shall be exclusively in the discretion of the Village Board.

10.06 FIRE INSPECTIONS

(1) Pursuant to Section 101.14(2)(b), Wis. Stats., the chief of every fire department shall provide for the inspection of every public building and place of employment 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 chief of the fire department or his or her authorized designee shall inspect or cause to be inspected, at least once in each non-overlapping six-month period per calendar year, all public buildings, structures, premises, places of employment located within the area served by said fire department. The chief or his or her designee may require more frequent inspections if deemed necessary. The purpose of such inspections is to ascertain and, if necessary, correct any condition or conditions liable to cause fire or correct a violation of the law or lawful orders relating to conditions or circumstances found as a result of previous inspections.

(3) Whenever any such inspector finds in any building or structure or upon any premises combustible waste materials or explosive matter which is so situated or used so as to endanger life or property, or finds in any building or structure, obstructions of exists, or storage of material on or in fire escapes, stairs, passage ways, doors, or windows, which obstruction or storage would interfere with the operations of the fire department or interfere with the state egress of occupants in case of any emergency, said inspector shall order the same removed or remedied.

(4) Whenever any such inspector finds any building or structure which, for lack of repairs, required exits, required fire alarm systems or fire extinguishing equipment, appliances, or devices, or for lack of maintenance thereof, or which, for any cause whatsoever, is especially susceptible to fire, in which is so situated as to endanger the occupants thereof, or endanger adjacent property, and wherever any such inspector finds in any building or structure or upon any premises any violation of this chapter, other ordinances, related state statutes, administrative code provisions or the like, he shall order such violations discontinued at once, and order the removal of the conditions dangerous to the safety of any such building, structure or premises, or the occupants thereof or adjacent thereto.

(5) Whenever any such inspector finds in any existing building or structure, because of its occupancy or use, that additional exits are required, or repairs to existing exits are necessary, or where it appears that any building or structure or part thereof is unsafe, or unsanitary, or is occupied or is used in violation of this ordinance, other ordinances, state statutes or administrative codes, the inspector shall notify the Village clerk as the circumstances may require of such conditions.

10.07 CLOSING AND VACATING OF BUILDINGS

(1) The chief of the fire department may order compliance with the regulations of this chapter and all other laws and lawful orders relating to fire prevention and/or protection in all existing buildings and structures governed by this fire prevention code located within the area served by said fire department.

(2) The chief of the fire department shall close any building or structure, and order vacated, wherein violations of any regulations of this chapter are found and not corrected within a reasonable time stipulated by said chief.

(3) Where the public is exposed to immediate danger, the chief of the fire department shall order the closing and vacating of the building, structure or premises at once.

10.08 NOTICES

(1) Any notices or orders issued for the correction of violations under this chapter shall be served upon the owner, occupant or other person responsible for the conditions, either by delivering the same to or leaving it with any person in charge of the premises or by mailing the notice or order to the last known post office address of the person responsible. In case no such person is found upon the premises, such orders may be served by affixing a copy thereof in a conspicuous place on the door to the entrance to such building or structure upon the premises.

(2) It is unlawful for any person to remove such affixed notice without the written consent of the Village Clerk.

(3) Whenever it may be necessary to serve an order upon the owner of the premises, such order may be served either by delivery to and left with the person a copy of the order, or, if such person cannot be found, the order may be mailed to the owner's last known post office address.

(4) If buildings, structures or other premises are owned by one person and occupied by another, under lease or otherwise, the orders issued in connection with the enforcing of this chapter shall apply to the occupant thereof, except where the order required the making of additional changes in the buildings, structures or premises themselves, such would immediately become real estate and be the property of the owner of the premises. In such cases, the orders shall affect the owner only, unless it is otherwise agreed between the owner and the occupant.

(5) Any such order shall be complied with by the owner and/or the occupant of such building, structure or premises within the time period prescribed in such order. The owner or occupant may, within five days, appeal to the chief of the fire department for a review of such order, which shall thereafter make the necessary investigation and decision. Unless and until the order is revoked or modified by the chief of the fire department, it shall remain in force and be complied with within the time prescribed.

(6) Fire Department Inspections Compliance

(a) Fire inspection is taken at all commercial property in the jurisdiction of Montfort Fire Department annually. If any offenses are found a citation is written up and the owner is given 90 days to comply.

(b) After 90 days the fire inspector will re-inspect the property and if the owner has not complied, he or she will be issued a citation for a forfeiture of \$25 and a re-inspection will be set for 30 days later.

(c) On the third trip the owner if still has not complied, a citation for a forfeiture of \$50 and owner will be issued one more 30-day re-inspection date.

(d) On the fourth visit if the owner has not complied, they will be advised that this inspection will be sent in to the Department of Safety and Professional Services or such other agency as may have jurisdiction, which agency will take whatever action it deems necessary.

(e) These steps will be held in abeyance if the owner has a statement from a contractor providing that the violation(s) will be remediated by the contractor and further stating the date that the violation will be remediated.

10.09 PENALTIES

(1) Any violation of the provisions of this chapter related to fire inspections or any orders issued pursuant to said inspections shall subject the violator to a forfeiture of not less than \$50 nor more than \$200, together with the costs of prosecution. Every person who violates the provisions of this section is guilty of a separate offense for every twenty-four (24) hours such violation continues and shall be subject to a separate penalty for each and every offense.

(2) The penalties for any other violation of this chapter shall be a penalty as provided in s. 13.05 of this code unless otherwise stated.