

Chapter 50

FIRE DEPARTMENT

§ 50-1. Official recognition.

§ 50-3. Police power of department;
investigation of fires.

§ 50-2. Organization and membership.

[HISTORY: Adopted by the Village Board of the Village of Black Creek as Title 3, Ch. 2, §§ 3-2-1, 3-2-2 and 3-2-4, of the 1987 Village Code. Amendments noted where applicable.]

§ 50-1. Official recognition.

- A. Recognition. The Black Creek Fire Department is hereby officially recognized, and the duty of conducting the Fire Department is hereby delegated to such organization, and its organization and internal regulations shall be governed by the constitution and bylaws of that organization insofar as they do not conflict with the provisions of this chapter.
- B. Bylaws. The Black Creek Fire Department is hereby authorized and directed to adopt bylaws for the control, management and government and for the regulation of business and proceedings of the Department, which bylaws, 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 Village Board. Amendments shall be adopted in the same manner.
- C. Budget. The Village 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.
- D. Compensation. The officers and members of the Fire Department shall receive such compensation from the Village Board as may from time to time be fixed by the Village Board.
- E. Budget. Not later than October 1 of each year, the Chief shall file with the Village Clerk-Treasurer a detailed estimate of the appropriations needed for the conduct of the Department during the ensuing fiscal year.

§ 50-2. Organization and membership.

- A. Composition. The Fire Department shall consist of the following officers: one chief, a first and second assistant chief, a captain and lieutenant for each company and a secretary-treasurer, together with one master mechanic and as many drivers and firemen who live and normally work within the Village of Black Creek as may be appointed by the chief and approved by the Village Board, provided that at no time shall the department consist of less than 22 active members.
- B. Appointments and vacancies.

- (1) A vacancy in the office of the Chief shall be filled by appointment by a majority vote of the Village Board. 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 removed for cause after a hearing by action of 3/4 of the members of the Village Board unless his services be sooner terminated by resignation or change of residency to outside the Village.
- (3) No member of the Department shall be eligible for the office of Chief or Assistant Chief whose majority of time, both day and night, is not ordinarily spent within the Village limits and, except for initial appointments under this chapter, who has not been a member of the Department for at least two years.

C. Membership.

- (1) Any person desiring to be a member of the Fire Department may file with the secretary an application in such form as the Department may require. Each applicant may also file a certificate of physical fitness from such physician as the Chief may designate. The name of any applicant approved by the Chief as provided in the bylaws shall be presented to the Fire Department for confirmation.
- (2) Active membership in the Department for members other than the Chief shall cease at the age of 60, unless the Village Board shall by a majority vote approve of the person continuing as an active member. Upon reaching the age of 60, active members shall become honorary members and relieved from firefighting duties.
- (3) All resignations from the Department shall take the same course as applications for and appointments to membership.
- (4) Any member or officer of the Department who has been expelled or demoted for any offense or neglect of duty or insubordination shall have the right to appear before the members of the officers of the Department and state why such penalty should not be confirmed. The officers may by a three-fourths vote of the officers order the Chief to reinstate the member or officer. The secretary-treasurer shall report the name of each person expelled or demoted to the Village Board.

D. Organization.

- (1) The Department shall organize into one or, at the option of the Chief, into two or more companies. The Chief may at any time make transfers which he deems necessary between companies.
- (2) Each of the companies of the Department shall be in the charge of a captain, or in his absence, a lieutenant who shall be responsible to the Chief.

E. Social officers. The election of the secretary-treasurer and such social officers as the bylaws may require shall be held at the annual meeting of the Department in such manner as is provided in the bylaws. In case of any vacancy, the Chief shall appoint a member in good standing to fill the office until the next annual election.

§ 50-3. Police power of department; investigation of fires.**A. Police authority at fires.**

- (1) The Chief and assistants 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 a fire.
- (2) 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.
- (3) The Chief 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, he shall 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.

B. Fire inspection duties.

- (1) While acting as fire inspector pursuant to § 101.14(2), Wis. Stats., the Fire Chief, or any officer of the Fire Department designated by the Fire Chief, shall have the right and authority to enter any building or upon any premises in the Village at all reasonable hours for the purpose of making inspections or investigations which, under the provisions of this Code of Ordinances, he may deem necessary.
- (2) The Chief of the Fire Department is required, by himself or by officers or members of the Fire Department designated by him as fire inspectors, to inspect all buildings, premises, and public thoroughfares, except the interiors of private dwellings, 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 the fire hazard or to the prevention of fires. Such inspections shall be made at least once in six months in all of the territory served by such Fire Department, and not less than once in three months in such territory as the Village Board has designated or thereafter designates as within the fire limits or as a congested district subject to conflagration, and oftener as the Chief of the Fire Department orders. Each six-month period shall begin on January 1 and July 1, and each three-month period on January 1, April 1, July 1 and October 1 of each year.
- (3) 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 of Safety and Professional Services.