

Chapter 4

FIRE PREVENTION AND PROTECTION

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ARTICLE I. IN GENERAL

Sec. 4-1. Penalty

Any person who shall violate any provision of this chapter, or any provision of the articles of association or the district bylaws adopted herein, or any provision of the State Fire Prevention Manual herein adopted by reference, shall be subject to a penalty as provided in section 1-5, Municipal Code of the Village of Deerfield.

Sec. 4-2. Joint fire protection association with Town of Deerfield.

Fire department recognized. The Village of Deerfield and Town of Deerfield Joint Fire Protection Association, is officially recognized as the entity which shall provide firefighting and fire prevention services for the Town and Village of Deerfield.

Sec. 4-3. State fire prevention manual adopted.

a. *Adoption.* The Wisconsin Fire Prevention Manual detailing provisions for the prevention of fire is adopted and by reference made a part of this section as if fully set forth herein. Any act required to be performed or prohibited by such manual is required or prohibited by this section.

b. *Conflicting provisions.* In case of a conflict between the provisions of this section or between this section and existing village ordinances, the strictest provisions shall apply.

c. *Filing of copies.* Copies of the State Fire Prevention Manual shall be available for inspection during reasonable hours in the clerk-treasurer's office.

Sec. 4-4. State flammable liquids code adopted

The Flammable Liquids Code for the state, constituting Wis. Admin. Code ch. Comm 10, is adopted by reference as if fully set forth herein. The building inspector shall enforce the provisions thereof.

Sec. 4-5. Fire district regulations.

a. *Boundaries.* The fire district limits in the village shall be that area within the district limits as shown on an official map, entitled and marked "Official Map of the Fire District Limits of the Village of Deerfield." Such map, the original copy of which is filed in the office of the clerk-treasurer, is adopted as the official map of the fire district of the village.

b. *Definitions.* The terms "fire restrictive construction," "mill construction," "ordinary construction," "Frame construction" and "fire-retardant roof covering: shall have the meanings defined in Wis. Admin. Code Ch. Comm 14.

c. *Construction requirements.* Every building erected, enlarged or moved within or into the fire district after the effective date of the ordinance from which this section is derived shall be of fire-resistive, mill or ordinary construction, except as otherwise

provided by this chapter. Enclosing walls, division walls and party walls shall be of four-hour, fire-resistive walls of a construction as provided by the Wis. Admin. Code, which is by reference made a part of this section with respect to all buildings and structures within the fire district.

d. *Frame buildings.* No building of frame construction shall be constructed within or moved within or into the fire district except the following:

1. Buildings occupied as a private garage, not more than one story in height nor more than 75 square feet in area when used for a business occupancy or 1,000 square feet in area when used for other occupancies, nor more than one story in height, and having a horizontal separation of not less than 10 feet on all sides. Walls having a horizontal separation of less than ten feet shall have a fire-resistance rating of not less than one hour.
2. Greenhouses not more than 15 feet in height.
3. Sheds open on the long side, not more than 15 feet in height nor more than 500 square feet in area, located at least five feet from buildings and from adjoining lot lines.
4. Builders' shanties for use only in connection with a duly authorized building operation.

e. *Bulk oil tanks.* The storage of Class I and Class II flammable liquids, as defined in Wis. Admin. Code, in aboveground tanks outside of buildings is prohibited within the fire district.

f. *Old or damaged buildings.* Any building or frame construction existing on the effective date of the ordinance from which this section is derived within the fire limits which may hereafter be damaged by fire, or which has deteriorated to an amount greater than one-half of its value, exclusive of the foundation, as determined by the village assessor, shall not be repaired or rebuilt, but shall be ordered removed by the building inspector under the provisions of Wis. Stats. 66.0413.

g. *Fire-retardant roofing.* Every roof constructed within the fire district, including the buildings listed in subsection (d) of this section, shall be covered with a roofing having a fire-resistive rating equivalent to Class B or better of the Underwriter's Laboratories, Inc., classification. No roofing existing on a roof on the effective date of the ordinance from which this section is derived shall be renewed or repaired to a greater extent than one-tenth of the roof surface, except in conformity with the requirements of this section.

Sec. 4-6. Smoke detectors.

All residences shall have at least one Underwriter's Laboratories, Inc., approved smoke detector installed per floor.

Secs. 4-7 – 4-30. Reserved.

ARTICLE II. FIRE DEPARTMENT

Sec. 4-31. Generally.

The Deerfield Volunteer Fire Department is officially recognized as the fire department of the village, and the duties of firefighting and fire prevention in the village are delegated to such department.

Sec. 4-32. Bylaws.

The fire department shall adopt bylaws for its control, management and government and for regulating the 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 until approved by the Fire Commission. Amendments shall be adopted in the same manner.

Sec. 4-33. Appropriations.

The Fire Commission shall appropriate funds for fire department operations and for such apparatus and equipment for the use of the fire department as the commission may deem expedient and necessary to maintain efficiency and properly protect life and property from fire.

Sec. 4-34. Compensation.

The members of the fire department shall be compensated from the village as may from time-to-time be decided by the village board.

Sec. 4-35. Organization.

a. *Generally.* The organization and internal regulation of the department shall be governed by the provisions of this article and bylaws adopted by the department as are approved by the board, except as is otherwise provided by law.

b. *Composition.* The fire department shall consist of the following officers: one chief, an assistant chief, a captain and lieutenant for each company and a secretary-treasurer, together with one master mechanic and as many drivers and firefighters who are residents of the village and township as may be appointed by the chief and approved by the village board or township; provided at no time shall the department consist of less than 22 active members.

c. *Selection of officers.*

1. *Elected 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 the manner provided in the bylaws. In case of nay vacancy, the chief shall appoint a member in good standing to fill the office until the next annual election.

2. *Chief and assistant chief.*

a. Appointment. The chief and assistant chief shall be appointed by a majority vote of the Fire Commission.

b. Vacancy. A vacancy in the office of the chief or assistant chief shall be filled by appointment by a majority vote of the Fire Commission. Upon creation of a vacancy in the office of chief, the ranking officer shall perform the duties of the chief until such vacancy has been filled.

c. Tenure. The chief and assistant chief shall immediately assume office and shall hold office until removed for cause after a hearing by action of three-fourths of the members of the Fire Commission unless his service be sooner terminated by resignation, change of residence to outside the village or death.

d. Eligibility. No member of the department shall be eligible for the office of chief or assistant chief whose entire time, both day and night, is not ordinarily spent within the village and who has not been a member of the department for at least two years.

d. *Membership.*

1. *Application; confirmation.* Any person desiring to be a member of the fire department may file with the secretary-treasurer an application in such form as the Fire Commission may require. Each applicant shall 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 Commission for confirmation.

2. *Age limit; honorary membership.* Active membership in the department for other than the chief shall cease at the age of 60 unless the Fire Commission by a majority vote approves of the person continuing as an active member. Upon reaching the age of 60, active members shall become honorary members and be assigned to lighter duties.

3. *Resignation.* Resignations from the department shall take the same course as applications for and appointments to membership.

Sec. 4-36. Powers and duties of chief.

a. *General supervision of department.* The chief shall have the general supervision of the department, which supervision shall be subject to and not conflict with this article and the bylaws of the department, and shall enforce a rigid observance of this article and the bylaws. He shall be responsible for the personnel and general efficiency of the department.

b. *Presiding officer at meetings.* The chief shall preside at all meetings, call special meetings, preserve order and decide all points of order that may arise.

c. *Command at fires.* The chief shall be present at all fires and shall have complete command of and entire responsibility for all firefighting operations, plan the control of the same, direct the action of the department when it arrives at a fire, observe that the department does its duty, grant leaves of absence at a fire when he deems it proper and see that the firefighting apparatus is kept in proper condition at all times.

d. *Disciplinary actions.* The chief may demote or expel any officer or member of the department for neglect or refusal to perform his departmental duties, or for nonresidence, subject to an appeal from such demotion or expulsion to the Fire Commission as provided in section 4-39, Municipal Code of the Village of Deerfield.

e. *Department budget.* Not later than October 1 of each year, the chief shall file with the clerk-treasurer a detailed estimate of the appropriations needed for the conduct of the department during the ensuing fiscal year.

f. *Reports.* The chief shall submit a written report to the Fire Commission 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 the 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. He shall also report upon the drill and training program of the department, together with such other pertinent information, including recommendations for improvements, as he deems proper and necessary for the operation of the department.

g. *Enforcement of fire prevention ordinances.* He shall enforce all fire prevention ordinances of the village and laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and on the activities of the department.

h. *Fire record book.* He shall keep in a fire record book records of every fire to which the department was called and shall enter in such book the locality of the fire, the time the alarm was received, the cause of the fire, where the fire started, the cause of delay (if any) in responding, the method of extinguishment and the equipment used, the amount of insurance carried on the building and its contents, the estimated fire loss, the time the fire was extinguished, the names of the men responding and general remarks.

i. *Apparatus inventory.* He shall keep an inventory of all apparatus and equipment and an inventory of all hose, showing dates and results of test on each length, which shall be individually numbered.

j. *Duties of commanding officer.* He shall perform such other duties as are usually incumbent on the commanding officer of a fire department.

Sec. 4-37. Control and care of apparatus.

a. *Authority of chief.* The chief shall have control of all apparatus used by the department and shall be responsible for its proper maintenance. Emergency repairs may be authorized by the chief.

b. *Use.* No apparatus shall be used for any purpose except for firefighting within the village or township, or in training therefore, except pursuant to an agreement approved by the Fire Commission 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 village or township. A written report of all such uses shall be made quarterly to the Fire Commission.

c. *Injury to equipment.* No person shall willfully injure any hose, hydrant or fire apparatus belonging to the village; and no vehicle, streetcar or railroad equipment shall be driven over any unprotected hose of the 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.

Sec. 4-38. Authority of department at fires.

a. *Police powers at fires.* The chief and assistant chief or the officers in command at any fire shall have full and complete police authority at fires. Any officer of the department may cause the arrest of any person who fails to give the right-of-way to the fire department in responding to a fire.

b. *Control at fires.* The fire chief may prescribe certain limits in the vicinity of any fire within which no person except firefighters and police and those admitted by order of any officer of the department may come. The chief may cause the removal of any property whenever it becomes necessary for the preservation of such property from fire, or to prevent the spread 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 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.

c. *Entering premises.* Any firefighter 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 hinders, resists or obstructs a firefighter in the discharge of his duty as herein provided the person so offending shall be guilty of resisting a firefighter in the discharge of his duties.

d. *Duties of bystanders.* Every person who is present at a fire shall be subject to the orders of the fire chief or officer in command and may be required to assist in fighting the fire or in removing or guarding property.

Sec. 4-39. Insubordination.

Any member or officer of the department who has been expelled or demoted for any offense or neglect of duty or insubordination at any fire or drill may appear before the Fire Commission and state why such penalty should not be confirmed. The Fire Commission may, by a three-fourths vote of the members, order the chief to reinstate the member or officer. The secretary-treasurer shall report the name of each person expelled or demoted to the Fire Commission. See also section 4-36(d), Municipal Code of the Village of Deerfield.

Sec. 4-40. Fire Inspectors.

a. *Fire chief to be fire inspector.* The fire chief shall hold the office of fire inspector and may appoint one or more deputy fire inspectors, who shall perform the same duties and have the same powers as the fire inspector.

b. *Duty of inspection.*

1. *Inspections required.* The fire inspector shall inspect quarterly all buildings, premises and thoroughfares within the fire limits and inspect semi-annually all buildings, premises and public thoroughfares within the village to note and cause to be corrected any conditions liable to cause fires. Repairs or alterations necessary to remove a hazardous condition shall be made within a reasonable time at the owner's expense. The

inspector shall also investigate the storage and handling of explosives and flammable liquids within the village.

2. *Special inspection warrant.* If consent to entry to personal or real properties which are not public buildings, or to portions of public buildings which are not open to the public, has been denied, the fire inspector shall obtain a special inspection warrant under Wis. Stats. 66.0119.

c. *Record and reports of inspections.* The fire inspector shall keep a written record card of each property inspected which shall conform to the requirements of the state department of commerce and shall make the quarterly report of inspections required by such department.

d. *Correction of fire hazards.* When any inspection by the fire inspector or his deputy reveals a fire hazard, the inspector or his deputy may serve a notice in writing upon the owner of the property, giving such 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, and the fire inspector or his deputy may have the same removed by the village, and the costs of such removal shall be recovered in an action by the village against the owner of the property and may also be entered in the tax roll as a special charge against the property.

e. *Compliance with fire inspector.* No person shall deny the fire inspector or his deputy free access to any property within the village at any reasonable time to make fire inspections. No person shall hinder or obstruct the fire inspector in the performance of his duty or refuse to observe any lawful direction given by him.