

STATE OF WISCONSIN MILWAUKEE COUNTY VILLAGE OF HALES CORNERS

ORDINANCE NO. 23 - 04

AN ORDINANCE TO REPEALING AND RECREATING CHAPTER §58 FIRE
DEPARTMENT OF THE VILLAGE OF HALES CORNERS MUNICIPAL CODE

WHEREAS, Chapter §58 – Fire Department of the Village of Hales Corners Municipal Code defines the operating design and personnel assigned to the Fire Department; and

WHEREAS, the Hales Corners Fire Department operates with full time and paid on premise personnel since 2015; and

WHEREAS, the Chapter §58 of the Village of Hales Corners Municipal Code references paid on call personnel which are no longer utilized by the Fire Department; and

WHEREAS, Ordinance 23-01 has removed the Optional Powers provisions of Wisconsin Statute §62.13 and Chapter §58 requires an update to reflect the changes to this element of the department; and

WHEREAS, the Fire & Police Commission having reviewed the proposed changes supports the amendment; and

WHEREAS, the Village Board finds it is in the best interest of the Village of Hales Corners to update Chapter §58 to reflect the operational makeup of the Hales Corners Fire Department to the current model and to update the code relative to the changes upon rescission of the optional powers elements for Fire & Police Commissions.

NOW, THEREFORE, the Village Board of the Village of Hales Corners, Wisconsin, do ordain that Chapter §58 of the Village of Hales Corners Municipal Code is repealed and recreated as follows:

SECTION 1: Chapter 58. Fire Department
[HISTORY: Adopted by the Village Board of the Village of Hales Corners as Ch. 1, Art. VII, of the Municipal Code. Amendments noted where applicable.]

§ 58-1. Volunteer fire company disbanded; Fire Department recognized.

The volunteer fire company organized under Chapter 213, Wisconsin Statutes, under the title of "Hales Corners Volunteer Fire Department, Inc.," is disbanded pursuant to § 213.04, Wis. Stats. In lieu thereof, the

members of such fire organization are officially recognized as the Fire Department of the Village of Hales Corners, and the duty of firefighting and the prevention of fires in the Village of Hales Corners is delegated to such Department.

§ 58-2. Rules.

The rules for the control, management and government and for the regulation of business and proceedings of the Department are as follows:

- A. Rule I, Purpose of Department. To aid and assist in the extinguishment of fires, to protect life and property in the work of extinguishment of fires, to provide emergency rescue and first aid service, and otherwise to do, perform and engage in such things as are especially necessary and incidental to fully carry out the general purposes of said Department.
- B. Rule II, Name. The name of the Department shall be the "Hales Corners Fire Department," and its location and principal office shall be in the Village of Hales Corners.
- C. Rule III, Membership.
 - (1) The Chief shall select the part-time firefighters. The Fire Chief shall recommend to the Board of Fire and Police Commissioners the selection of full-time firefighters. The Board of Fire and Police Commissioners shall have final approval of the Chief's recommendation of all full-time firefighters. Within a period of one year from the date of appointment, full-time and part-time firefighters shall serve a probationary period and shall be subject to removal during such probationary period without cause by the Fire Chief.
 - (2) Members are only those who actively participate in firefighting and Emergency Medical Services activities of the Department, and those who are certified as adequately trained therefor by the Chief.
- D. Rule IV, Appointments, Suspension and Removal. All full-time members of the Fire Department, including the Chief, shall be appointed, promoted, suspended, dismissed or reduced in rank pursuant to § 62.13, Wis. Stats.
- E. Rule V, Administrative Officers.
 - (1) The administrative officers of the Fire Department shall be as follows: a Fire Chief and Assistant Fire

Chief, a Deputy Fire Chief, Captains, Lieutenants and a Fire Inspector.

(2) Fire Chief.

- (a) Duties. The Fire Chief shall have charge of all fire and rescue apparatus and equipment, and shall be in full command and charge of directing the performance of said Fire Department in attendance upon the extinguishment of any fire or protection of any life or property in such work and duties. The Chief of the Fire Department is authorized to give aid, whenever possible, to any municipality which maintains a Fire Department in case of serious fire or emergency, provided that mutual aid will not jeopardize the fire defenses of the Village of Hales Corners. The Chief of the Fire Department is authorized to request aid, whenever necessary, from any neighboring municipality which maintains a Fire Department in the event of a serious fire or emergency within the limits of the Village of Hales Corners.
- (b) Selection. The Fire Chief shall be subject to tenure, removal and suspension as provided in § 62.13, Wis. Stats., and § 14-4 of the Code of the Village of Hales Corners. Selection, tenure, removal and suspension shall be in accordance with § 62.13, Wis. Stats., and § 14-4 of the Code of the Village of Hales Corners.
- (c) Probationary period and residence. The Fire Chief, within the period of one year from the date of his appointment, shall serve a probationary period and shall be subject to removal during such probationary period without cause by a majority vote of the Board of Fire and Police Commissioners. As soon as practicable, the Fire Chief shall reside within 15 miles of the Village, and arbitrary refusal to comply with such residency requirement shall be cause for removal.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

- (3) Fire Inspector. It shall be the duty of the Fire Inspector to inspect not less than once a year all buildings, premises and thoroughfares, excepting only the interior of private dwellings within the Village, for the purpose of noting and causing to be corrected any condition liable to cause fire. The Inspector shall also investigate and issue permits in accordance with the regulation of the State Department of Safety and Professional Services for the storage and handling of explosives and flammable liquids within the Village. He shall perform such other duties as required by the State Department of Safety and Professional Services.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

- (4) Additional rules and regulations. The Fire Chief may from time to time publish such further rules and regulations not in conflict with these rules or the ordinances of the Village as to the duties of the Fire Chief, Assistant Fire Chief, Deputy Fire Chief, Captains, Lieutenants, Fire Inspector, and the members of the Fire Department.

- F. Rule VI, Members Subject to Authority. Every member in attendance upon any fire or alarm of fire, or at the fire house attending at the alarm for any fire or training session, shall be under the command of the Fire Chief or line officer, as the case may be, and shall obey the orders of the Fire Chief and line officer, and shall in no way interfere with their duties, and any member violating this provision or acting in an insubordinate manner shall be subject to suspension or expulsion in the manner herein provided.

§ 58-3. Funds and disbursements.

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, properly protect life and property from fire, and properly provide rescue service.

§ 58-4. Police power of Fire Department.

- A. The Fire Chief and assistants or officers in command at any fire are vested with 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 Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons excepting firefighters and police officers 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.
- C. Firefighters may enter adjacent property. Any firefighter while acting under the direction of the 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 for the purpose of extinguishing such fire, and in case any person shall hinder, resist or obstruct any firefighter in the discharge of his duty as is herein provided, the person so offending shall be deemed guilty of resisting firefighters in the discharge of their duty.
- D. Duties of bystander 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 fighting the fire or in removing or guarding property. Such officer shall have the power to cause the arrest of any person or persons refusing to obey said orders.

§ 58-5. Fire inspections.

A. Whenever any inspection by the Fire Inspector or his deputies reveals a fire hazard, the Inspector or his deputies shall serve a notice, in writing, upon the owner of the property, giving said owner a reasonable time in which to remove the hazard. In the event that the fire hazard is not removed within the time allowed, it shall be deemed a nuisance. The Fire

Inspector or his deputy may have the same removed by the Village, and the cost of such removal shall be

recovered in an action by the Village against the owner of the property.

- B. The Fire Inspector shall keep a record of each property inspected which shall conform to the requirements of the Department of Safety and Professional Services and shall make the quarterly report of inspections required by the Department of Safety and Professional Services.
- C. No person shall deny the Fire Inspector or his deputies free access to any property within the Village 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 duty or refuse to observe any lawful direction given by him.

§ 58-6. Apparatus.

- A. The Fire 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 officer then in charge of the Department.
- B. No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the Village of Hales Corners, and no vehicle shall be driven over any unprotected hose of the 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.

§ 58-7. When effective.

This chapter shall take effect and be in force from and after its passage. Until the appointment of a full time Fire Chief, the present Assistant Fire Chief shall assume the responsibilities and duties of the Fire Chief.

SECTION 3:


The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

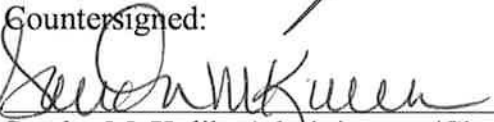
SECTION 4: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 5: This ordinance shall take effect and be in force from and after its passage and publication.

PASSED and ADOPTED this 12th day of June, 2023.




Daniel J. Besson, Village President

Countersigned:

Sandra M. Kulik, Administrator/Clerk