

**AN ORDINANCE
TO REPEAL AND RECREATE CHAPTER 80 “FIRE DEPARTMENT” OF
THE CITY OF WATERTOWN GENERAL ORDINANCES**

**SPONSOR: ALDERPERSON SCHMID
COMMITTEE: PUBLIC SAFETY**

WHEREAS, the Fire Chief having reviewed the City of Watertown Code and having found significant deficiencies in the area of Chapter 80 Fire Department;

WHEREAS, the Fire Chief having made recommendations to the Public Safety Committee, Police and Fire Commission and Common Council of ways in which to correct said deficiencies in the ordinance;

WHEREAS, the Common Council having found and determined that further regulation of anticipated emergencies is necessary in order that the health, safety and welfare of all persons in the City, residents and visitors alike, may be protected;

NOW, THEREFORE, the Mayor and Common Council of the City of Watertown, Wisconsin, do ordain as follows:

SECTION 1. CHAPTER 80 SECTION 80-1 thru 80-7 of the Municipal Code of Watertown, Wisconsin, is hereby repealed and recreated to read as follows:

CHAPTER 80 FIRE DEPARTMENT

~~GENERAL REFERENCES~~

~~Police and Fire Commission—~~

~~§ 80-1 Composition.~~

~~The Fire Department of the City shall consist of the Chief, Assistant Chiefs, Lieutenants, paid members and paid part-time members as shall be provided for and appointed.~~

~~§ 80-2 Appointments.~~

~~All appointments of paid members to the Department shall be made according to § 62.13, Wis. Stats. Auxiliary members shall be appointed pursuant to the rules adopted by the Department. All civilian appointments (non-sworn officers) shall be made per the personnel policies of the City.~~

~~§ 80-3 Powers and duties of Chief.~~

~~A.— The Chief of the Fire Department shall have command of fires and alarms of fire over all members and employees of the Fire Department and all apparatus and property belonging to the same and shall direct all measures he may deem proper for the extinguishment of fire, protection of property, preservation of order and observance of the laws and ordinances and~~

~~regulations respecting fires. He shall examine the engines, hook and ladder trucks, hose carriages and all other property belonging to the Fire Department once in each month, and as often as circumstances may render it expedient, and cause them to be kept in good order and in every respect ready for use.~~

~~B.—He shall purchase all general supplies and order minor repairs when approved by the Mayor.~~

~~C.—He shall inspect all business buildings in said City for the purpose of determining the general character of the premises with respect to the disposition of debris, rubbish, wastepaper, rags, oils, waste, explosives and all kinds of inflammable materials, and may inspect any building in the City for the purpose of ascertaining if any danger from fire exists by reason of defective chimneys, flues, stoves, ovens, boilers, electric wiring, ash houses and receptacles, or by reason of any other cause, and if any hazards are found, he shall order the same removed.~~

~~D.—He shall instruct and drill all members of the Department periodically in the use of apparatus and equipment, fire prevention and firefighting methods, state laws and ordinances and inspection of buildings. He shall instruct all members as to conditions in the waterworks system, its possibilities, location and sizes of water mains, fire hydrants and other water supplies, and such other business in the line of duty. In this connection he shall cause to be safely and neatly filed publications, maps, etc., on fire prevention and protection and such other educational literature provided the Department and to make use of it to the best advantage of all members.~~

~~E.—He may in his judgment suspend members from duty and shall immediately report in writing such action to the Police and Fire Commission. Section 62.13(5), Wis. Stats., shall thereafter govern as to paid members.~~

~~F.—He shall report in writing to the Police and Fire Commission any officer or member of the Department who by reason of age, disease, accident or other incompetence does not properly perform his duty.~~

~~G.—The Chief shall have sole and absolute control and command over all persons connected with the Fire Department and shall possess full power and authority over its organization, government and discipline.~~

~~H.—The Chief shall have custody, subject to the direction of the Mayor, of all property and equipment belonging to the Fire Department.~~

~~I.—The Chief or his assistant shall inquire into the cause of all fires in the City as soon after they occur as possible and keep a correct record of the same in each case at his office.~~

~~J.—The Chief of the Fire Department shall make suitable regulations under which the officers and members of the Department will be required to wear some appropriate uniform or badge.~~

~~K.—The Chief shall promulgate rules and regulations governing all members of the Department.~~

~~§ 80-4 Reports.~~

~~The Chief shall submit a quarterly and an annual report to the Mayor and Common Council regarding the operation of his Department.~~

~~§ 80-5 Fire Chief.~~

~~The Fire Chief shall be the chief executive officer of the Fire Department under the direction and control of the Mayor and Common Council. The personnel of the Fire Department shall be under the immediate supervision, direction and control of the Fire Chief. The Fire Chief shall be a member of the Wisconsin and International Fire Chiefs Associations. The City shall pay the annual dues for the Fire Chief's membership and his expenses while attending any official meetings thereof.~~

~~§ 80-6 Assistant Chiefs.~~

~~An Assistant Chief shall be in command of his or her assigned platoon. He/she shall have the responsibility and control of the apparatus and personnel assigned to his or her platoon. An Administrative Assistant Chief shall be in charge of the training program, nonemergency operations of the Fire Department and administrative duties of the Fire Department as assigned, from time to time, by the Fire Chief. In the absence of the Fire Chief, the Fire Chief shall appoint an Assistant Chief as Acting Chief of the Fire Department. After such appointment and during the absence of the Fire Chief, the Acting Chief shall have the powers and duties of the Chief of the Fire Department.~~

~~§ 80-7 Lieutenants.~~

~~A Lieutenant, in the absence of his Assistant Chief, shall exercise the same duties and have the same powers as the Assistant Chief. At all other times, he shall perform such duties as the Assistant Chief may direct.~~

GENERAL REFERENCES

Police and Fire Commission — See Ch. 24, Art. II.

§ 80-1 Composition.

The Fire Department of the City shall consist of the Chief, one Deputy Chief, three Battalion Chiefs, three Lieutenants, paid members and paid part-time members as shall be provided for and appointed.

§ 80-2 Appropriations.

The City 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. The City Council may also, by contract, secure the cooperation of fire departments within adjacent municipalities.

§ 80-3 Appointments.

All appointments of paid members to the Department shall be made according to § 62.13, Wis. Stats. All civilian appointments shall be made per the personnel policies of the City.

- A. Appointment of Chief. The Chief of the Fire Department shall be appointed by the Police and Fire Commission. If the office of Chief shall become vacant, the ranking officer shall perform the duties of the Chief until such vacancy has been filled.
- B. Appointment of members. All members of the Fire Department shall be appointed by the Chief subject to approval of the Police and Fire Commission.
- C. Removal of Chief. The Chief shall immediately assume office and shall hold office until removed for cause only after a hearing by action of three-fourths of the members of the Police and Fire Commission unless his services be sooner terminated by resignation or death.
- D. Applicants. Any person desiring to be a member of the Fire Department may file with the Fire Chief thereof an application in such form as the Police and Fire Commission may require. The name of any applicant approved by the Fire Chief shall be presented to the Police and Fire Commission for confirmation.
- E. Firefighter Department membership shall be competent members who are actively engaged in firefighting or reserve functions of the department. All active fire fighters shall be subject to such requirements as are from time to time established under Wisconsin Administrative Codes DSPS 330 and DSPS 332.
- F. Compensation of Fire Department members shall be approved by Common Council.
- G. Right of appeal to Commission. Any member or officer of the Department who has been expelled or demoted for any offense or neglect of duty or insubordination may appear before the members of the Police and Fire Commission and state why such penalty should not be confirmed. The Police and Fire Commission may, by a three-fourths vote of the members, order the Chief to reinstate the member or officer as outlined in 62.13. The Fire Chief shall report the name of each person expelled or demoted to the Police and Fire Commission.

§ 80-4 Powers and duties of Chief.

- A. General supervision. The Chief shall have general supervision of the Department, subject to this chapter and the policies of the Department and shall be responsible for the personnel and general efficiency of the Department.
- B. Duties at meetings. The Chief shall preside at all meetings of the Department, call special meetings, preserve order, decide all points of order that may arise and enforce a rigid observance of this chapter and the rules and regulations.

- C. Duties at fires. The Chief or his/her designee shall make every effort to attend all fires, have complete command of, and entire responsibility for all firefighting operations, plan the control of the same, direct the action of the companies when they arrive at a fire, observe that every company 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.
- D. Power to demote or expel. The Chief may demote or expel any officer or member of the Department for neglect or refusal to perform his departmental duties, such demotion or expulsion to be subject to appeal to the Police and Fire Commission.
- E. Duty to enforce fire prevention ordinances. He shall enforce all fire prevention ordinances of this 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.
- F. Investigation. The Chief of the Fire Department shall be the Fire Investigator and may appoint additional investigators from the Fire Department. He shall investigate the cause, origin, and circumstances of every fire occurring in the City which is of suspicious nature or which involves loss of life or injury to persons or by which property has been destroyed or substantially damaged. Such investigations shall be begun immediately upon the occurrence of such a fire by the fire officer in whose district the fire occurs, and if it appears that such fire is of suspicious origin, the Fire Chief or appointed investigators shall take charge immediately of the physical evidence, shall notify the proper authorities designated by law to pursue the investigation of such matters, and shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case. The Police Department, upon request of the Fire Chief, shall assist in the investigation of any fire which, in the opinion of the Fire Chief, is of suspicious origin.
- G. The Fire Chief shall delegate individual areas of responsibility to fire department personnel regarding fire department operations.
- H. The Fire Chief shall approve the training requirements of the fire department in accordance with Wisconsin Administrative Code DSPS 330 and DSPS 332.
- I. The department shall have an apparatus and an equipment replacement program in place.
- J. Specific authority at fires. The Fire Chief may prescribe certain limits in the vicinity of any fire within which no person, except firefighters and police officers and those admitted by order of any officer of the Department, shall be permitted to come.
- K. 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 all electricity or other services where the same impedes the work of the Department during the progress of a fire.

§ 80.5 Police power of Department.

Authority at fires. The Chief and his officers in command at any fire are hereby vested with specific police authority at fires.

- A. A Firefighter may enter property. (ss. 213.095, Wis. Stats) Any firefighter, while acting under the direction of the Fire Chief or other officer in command, may enter upon the

premises- or premises adjacent to or in the vicinity of any building or other property then on fire for the purpose of extinguishing such fire or rendering Emergency Medical Services, and no person shall hinder, resist, or obstruct any firefighter in the discharge of his duty.

- B. Evacuate neighborhood and command needful assistance for the suppression of fires.
- C. Require an insurer to furnish any information in its possession specifically relating to fire loss. (ss. 165.55(14), Wis Stats)

§ 80.6 Ambulance charges.

The fire department shall charge a fee for ambulance service and supplies. The fee shall be determined by a fee schedule approved by the common council.

§ 80-7 Reports.

The fire department will follow the City's Records Retention schedule for all fire department records.

Adopted April 5, 2021

Signed – Elissa Friedl – Clerk Treasurer

Approved April 5, 2021

Signed – Emily McFarland – Mayor

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