

## **CHAPTER 10. A.**

### **TOWN OF WILSON FIRE DEPARTMENT**

The Town Board of the Town of Wilson, Sheboygan County, Wisconsin, at a duly-noticed public meeting with quorum present hereby ordains as follows:

#### **SECTION 1: MISSION**

The Town of Wilson Fire Department mission is dedicated to providing fire protection and other emergency and non-emergency services to the Town of Wilson residents and visitors, at the highest professional level in a compassionate, ethical and cost-effective manner and to protect life and property from fire, medical, and environmental emergencies within our community through public education, code management, and incident response and to serve the community in approved non-emergency events.

#### **SECTION 2: TITLE**

This ordinance is entitled The Town of Wilson Fire Department Ordinance.

#### **SECTION 3: AUTHORITY**

The Town Board of the Town of Wilson has specific authority to establish this ordinance under Wisconsin Statutes Sections 60.55 and 66.0119 and to establish, govern, organize and fund a multi-hazard Fire Department.

#### **SECTION 4: ESTABLISHMENT**

The Town of Wilson Town Board hereby establishes the Town of Wilson Fire Department on the terms and conditions set forth herein and as further set forth in such By-laws as may be adopted from time-to-time.

#### **SECTION 5: RESPONSIBILITY**

By the establishment of a Fire Department, the Town Board of Wilson confirms its responsibility under Wisconsin Statute Section 60.55 to provide for fire protection for the town and its citizens. The Town Board of Wilson further ordains that the Fire Department shall be a department of the Town with the Fire Advisory Committee acting as an advisory committee to the Town of Wilson Board with respect to the matters described in this Ordinance.

#### **SECTION 6: FIRE ADVISORY COMMITTEE**

- A. **Membership.** The Fire Advisory Committee shall be made up of seven (7) members consisting of two (2) Town Board members, two (2) Town of Wilson Fire Department fire fighter members, and three (3) community members.
- B. **Eligibility.** Active, voting members of the Town of Wilson Fire Department are eligible to serve on the Fire Advisory Committee as fire fighter members. The Fire Chief of the

Town of Wilson Fire Department is not eligible to serve on the Fire Advisory Committee. Community members must be residents of the Town of Wilson.

C. **Terms and Methods of Selection.** The terms and selection of the Fire Advisory Committee members are established as follows. All terms will begin on May 1 and expire on April 30.

- (1) Town Board Members. Members representing the Town Board shall serve two-year staggered terms with one of the two member's terms expiring every year. In the initial formation of the Fire Advisory Committee one member will be appointed to a one-year term and the second member to a two-year term. All subsequent terms will be two years. Members will be appointed to Fire Advisory Committee by a majority vote of the Town Board at the first regularly scheduled Town Board meeting in May for terms that expire in April, or at any other time if a vacancy occurs during a member's term.
- (2) Town of Wilson Fire Department Members. Members representing the Town of Wilson Fire Department shall serve three-year staggered terms, with terms expiring in consecutive years. In the initial formation of the Fire Advisory Committee one member will be elected to a two-year term and the second member to a three-year term. All subsequent terms will be three years. Members will be elected to the Fire Advisory Committee by a secret ballot with a majority vote (greater than 50% of votes cast) of the Town of Wilson Fire Department membership at a regularly scheduled Town of Wilson Fire Department business meeting in April for terms that expire in April, or at any other time if a vacancy occurs during a member's term.
- (3) Community Members. Members representing the community shall serve three-year staggered terms, with one of the three member's terms expiring every year. In the initial formation of the Fire Advisory Committee one member will be appointed to a one-year term, a second to a two-year term, and a third member to a three-year term. All subsequent terms will be three years. Members will be appointed to Fire Advisory Committee by a majority vote of the Town Board at the first regularly scheduled Town Board meeting in May for terms that expire in April, or at any other time if a vacancy occurs during a member's term.
- (4) Interim Members. Membership of the Fire Advisory Committee prior to May 1, 2017 shall be determined in the manner established by the Town Board.

D. **Officer Elections.** The Fire Advisory Committee shall elect every year in April by majority vote a Chairperson, Vice Chairperson, and Secretary.

E. **Duties.** The primary responsibility of the Fire Advisory Committee shall be to research and make recommendations to the Town Board on matters related to the operation and governance of the Town of Wilson Fire Department. Matters may be referred to the Fire Advisory Committee by the Town Board, the Town of Wilson Fire Department, or the Fire Advisory Committee itself. Specific duties of the Fire Advisory Committee may include the following.

- (1) Review the By-laws of the Town of Wilson Fire Department at a minimum of once per year and make recommendations for amendments to the Town Board.
- (2) Assist in the evaluation of nominees for Fire Chief and Assistant Fire Chief, which may include conducting interviews with nominees and making recommendations for approval to the Town Board. The Town Board supervisors, at their discretion, shall be able to attend candidate interviews that are held in

closed session.

- (3) Evaluate fire fighter and officer pay structure and make recommendations to the Town Board.
- (4) Evaluate education and training requirements for Town of Wilson Fire Department fire fighters and officers and make recommendations to the Town Board.
- (5) Work with the Fire Chief, Assistant Fire Chiefs, and other Town of Wilson Fire Department officials as deemed necessary, to develop the annual Town of Wilson Fire Department budget for consideration by the Town Board.
- (6) Research and develop long-term strategic plans for the Town of Wilson Fire Department and make recommendations to the Town Board for consideration.
- (7) Evaluate equipment and other capital needs of the Town of Wilson Fire Department and make recommendations to the Town Board.
- (8) Conduct periodic examinations of the Town of Wilson Fire Department books, records and accounts from time to time as directed by the Town Board.
- (9) As assigned by the Town Board or the Fire Chief, mediate member and officer disputes that occur within the Town of Wilson Fire Department that fall outside of the formal disciplinary process prescribed by State law and outlined in the Town's Employee Handbook.
- (10) Perform other tasks related to the Town of Wilson Fire Department as assigned by the Town Board from time to time.
- (11) Oversee the Process of Electing Fire Department Officials and Advisory Committee Members.

F. **Quorum.** Four (4) members of the Fire Advisory Committee shall constitute a quorum.

G. **Meetings.** Meetings of the Fire Advisory Committee shall be held on a regularly scheduled date and time every two months beginning in January. All meetings of the Fire Advisory Committee shall be held in the Town Office or Town Hall and open to the public unless otherwise provided by law. All regular and special meetings shall be subject to the Wisconsin Open Meetings Law.

H. **Special Meetings.** The Chairperson or any two members may call a special meeting by notifying the Town Clerk. The Clerk shall provide open meeting notice in compliance with law, and shall notify in writing each Fire Advisory Committee member of the date, time and purpose of the special meeting. The notice shall be delivered to members of the Fire Advisory Committee personally or left at their usual abode at least 24 hours before the meeting, unless a member has elected in writing to receive notice by fax or electronic mail, in which case the designated method of communication shall be used. Special meetings shall be deemed regular meetings for the purpose of transacting any business that may be permitted by law.

I. **Robert's Rules of Order.** In the absence of a standing rule, the Fire Advisory Committee shall be governed by Roberts Rules of Order Newly Revised (1990), unless contrary to state law.

J. **Removal.** Members of the Fire Advisory Committee shall be removable at the sole discretion of the Town Board, by a majority vote at a regularly scheduled Town Board meeting.

K. **Compensation.** Members of the Fire Advisory Committee shall serve without compensation.

## **SECTION 7: PROPERTY**

The property to be used by the Town of Wilson Fire Department, consisting of fire engines, water tanker trucks (tenders), miscellaneous vehicles, pumps, hoses, saws, axes, ladders, protective clothing, hose nozzles and fittings and such other equipment as may be used for firefighting, fire prevention or lifesaving, shall be the property of the Town of Wilson. Any personal item that belongs to any of the members of the Fire Department and left for keeping in the Fire Station shall be registered with the Fire Chief or his designee to insure safe keeping. Any items not so registered will not be a responsibility of the Fire Department or the Town of Wilson in cases of loss or damage.

## **SECTION 8: FUNDING**

The Town Board may fund the Fire Department, in the Town Board's sole discretion, by any or all of the following manners:

- A. Appropriating money to pay for fire protection in the Town of Wilson.
- B. Charging property owners a fee for the cost of fire calls made to their property.
- C. Levying taxes on the entire Town to pay for fire protection.
- D. Levying taxes on property served by a particular source of fire protection, to support the source of protection.

## **SECTION 9: MEMBERSHIP**

The Town of Wilson Fire Department shall be authorized to have up to a total of forty (40) fire fighters.

Any person eighteen (18) years or older and meeting the geographical living requirements shall be eligible for membership in the Town of Wilson Fire Department. Eligible members must live in the Town of Wilson or within fifteen (15) miles of the jurisdictional boundaries of the Town of Wilson or within a greater distance if the Town determines, based on all circumstances, that the firefighter's response time would be acceptable. Factors to be considered may include, but are not limited to, drive times (as opposed to distance in miles) and the location of the firefighter's place of employment. Any person becoming a member of the department shall by their application for membership submit themselves to the rules prescribed and to the officers of the Town of Wilson Fire Department in the performance of their duties. Members with beards that may bar them from necessary training and use of self-contained breathing gear may be assigned other tasks than actual firefighting at the discretion of the Fire Chief.

Additional membership requirements may be set forth in the By-laws of the Town of Wilson Fire Department.

## **SECTION 10: FIRE DEPARTMENT OFFICERS**

- A. **Composition.** The Town of Wilson Fire Department officers shall consist of the Fire Chief, two (2) Assistant Fire Chiefs, one (1) Captain and four (4) Lieutenants.
- B. **Eligibility.** Fire fighters eligible to be elected or appointed to an officer position must meet the following qualifications.

- (1) Be a member in good standing with the Town of Wilson Fire Department.
  - (2) Be in full compliance with all requirements of the ordinances of the Town of Wilson and laws of the State of Wisconsin to serve in the respective officer position and willing and able to fulfill all duties required of the officer position as stated in the ordinances of the Town of Wilson and the By-laws of the Town of Wilson Fire Department.
  - (3) Must have obtained the Wisconsin State Certified Fire Fighter 1 designation prior to being nominated, which requires successfully completing the Fire Fighter 1 Certification course and passing the written and practical skills certification exam and completing the Hazardous Materials Operation level course and passing its written exam.
- C. **Terms.** Officers of the Town of Wilson Fire Department will serve two (2) year terms. All terms will begin on January 1 and expire on December 31. In the initial establishment of the Town of Wilson Fire Department, the officers of the Black River Fire Department will carry out their existing terms as officers of the Town of Wilson Fire Department.
- D. **Selection of the Fire Chief and Assistant Fire Chiefs.** The Fire Chief and Assistant Fire Chiefs shall be elected positions and shall comply with the following election process.
- (1) Nominations for Fire Chief and Assistant Fire Chiefs shall be made exclusively by members of the Town of Wilson Fire Department and members of the Fire Advisory Committee. The name(s), address(es), and contact information of the nominee(s) for Fire Chief and Assistant Fire Chiefs shall be submitted to the Town Clerk no later than forty-five (45) days before the date of annual membership meeting of the Town of Wilson Fire Department, who shall immediately inform the Town of Wilson supervisors, Town of Wilson Fire Department officers and Fire Advisory Committee members of such nominee information.
  - (2) The nominee(s) shall be considered, evaluated and approved as official candidates for Fire Chief and Assistant Fire Chiefs by the Town Board in any manner the Town Board deems necessary, which may include conducting interviews with nominee(s), involving the Fire Advisory Committee in the evaluation process, and taking other measures. The Town Board shall approve the candidate(s) for Fire Chief and Assistant Fire Chiefs and notify the officers of the Town of Wilson Fire Department not less than ten (10) days before the date of the annual membership meeting of the Town of Wilson Fire Department.
  - (3) The members in good standing of the Town of Wilson Fire Department shall elect the Fire Chief and Assistant Fire Chiefs from the approved candidate(s) list by a majority (greater than 50% of votes cast) vote using a secret ballot at the annual membership meeting of the Town of Wilson Fire Department. If no candidate receives a majority of votes, the candidate receiving the fewest votes is removed from the ballot, and a new vote will be held between the remaining candidates. This process will continue until one candidate receives the majority of votes. The election of the Fire Chief shall take place before the elections of the Assistant Fire Chiefs. Notwithstanding any of the foregoing, the manner of voting for the Fire Chief and Assistant Fire Chief positions to be filled prior to January 1, 2017 shall be as established by the Town Board.
  - (4) The Town Board shall ratify the election and appoint the elected candidate as

Fire Chief at its next regularly scheduled board meeting.

- E. **Selection of the Captain.** The Captain shall be appointed by the elected Chief Officers no later than two (2) weeks after the annual membership meeting of the Town of Wilson Fire Department. Those holding the office of Captain at the time of the annual membership meeting shall continue to hold that office until either is reappointed or replaced by appointment of Chief Officers.
- F. **Selection of the Lieutenants.** The Lieutenants shall be appointed by the elected Chief Officers no later than two (2) weeks after the annual membership meeting of the Town of Wilson Fire Department. Those holding the office of Lieutenant at the time of the annual membership meeting shall continue to hold that office until either is reappointed or replaced by appointment of Chief Officers.
- G. **Additional Officers.** The Chief Officers shall appoint a Safety Officer, a Training Officer and a Fire Inspector at their discretion. The terms of Safety Officer, Training Officer and Fire Inspector shall be for one year, subject to reappointment. All newly appointed Safety Officers must meet the training requirements of the State of Wisconsin as soon as training is reasonably available.
- H. **Removal.** The officers of the Town of Wilson Fire Department shall be removable at the sole discretion of the Town Board, by a two-thirds vote at a regularly scheduled Town Board meeting.
- I. **Applicability.** The terms and conditions of this section are applicable to all officers, whether elected prior to December 31, 2016 or after.

## **SECTION 11: OFFICER DUTIES.**

### **A. Fire Chief.**

- (1) The Fire Chief shall demonstrate the highest level of leadership and professionalism in commanding the Fire Department, supporting its mission, working with the Town Board and other Town officials, and in serving the members of the community.
- (2) The Fire Chief shall be responsible for compliance with and enforcement of the ordinances of the Town of Wilson, the By-laws of the Town of Wilson Fire Department, the Standard Operation Procedures for the Town of Wilson Fire Department and the laws of the State of Wisconsin.
- (3) The Fire Chief shall have overall responsibility for the operation of the department insuring that all personnel are properly trained and shall report to the Town Board on a regular basis concerning the activities of the department.
- (4) The Fire Chief shall forward to the Town Board attendance records for membership meetings, training s and drills on a monthly basis.
- (5) The Fire Chief shall forward to the Town Board the results of all officer elections and appointments for confirmation.
- (6) The Fire Chief shall be aware of all pertinent statues, administrative rules and N.F.P.A regulations concerning fire department operational or administrative procedures.
- (7) The Fire Chief shall be responsible for working with the Fire Advisory Committee to prepare the recommended Fire Department Budget for the coming year and make requirements known to the Town Board.
- (8) The Fire Chief shall be a part of the town budget preparation process and be

available to the Town Board to answer any questions or justify the Fire Department Budget requests.

- (9) The Fire Chief shall submit long-range capital requirements for the budgeting of money annually to meet those needs.
- (10) The Fire Chief shall have Police Powers as authorized by Wisconsin Statute Section 213.095.

**B. Assistant Fire Chiefs**

- (1) The Assistant Fire Chiefs will report to the Fire Chief and will carry out the policy and directions of the Fire Chief.
- (2) The Assistant Fire Chiefs shall have the same powers as the Fire Chief in his/her absence.

**C. Captain**

- (1) The Captain will report to the Assistant Fire Chiefs and will carry out the policy and directions of the Fire Chief or incident command at the fire ground as entry, line or section officer.
- (2) The Captain may take direct control of an incident as a senior member present.

**D. Lieutenants**

- (1) The Lieutenants will report to the Assistant Fire Chiefs and will carry out the policy and directions of the Fire Chief or incident command at the fire ground as entry, line, or section officer.
- (2) The Lieutenants may take direct control of an incident as senior member present.

**SECTION 12: COMPENSATION**

- A. **Schedule of Compensation.** The Town Board shall establish a schedule of compensation for the Fire Chief, Assistant Fire Chiefs, Captain, Lieutenants and fire fighters. The compensation schedule may be reviewed and updated from time to time by the Town Board. The compensation schedule may include per-diem and mileage expenses for meeting attendance requested by the Town Board or such other meetings that may be of importance, with prior approval of the Town Board or the Town Chairperson in cases where sufficient notice of such meetings is not given in time for the Town Board to take action, for compensation for actual fire calls, for compensation for meetings and joint exercises attended, compensation for all training courses attended by members of the fire department and reimbursement for training materials that may be required.
- B. **Attendance.** To receive full compensation provided for in the compensation schedule the Fire Chief, the Assistant Fire Chiefs, the Captain, the Lieutenants and the fire fighters must attend a minimum of eighty (80) percent of regular and special business meetings and attend a minimum of twelve (12) trainings per year. If minimum requirements are not met, compensation may be pro-rated.

**SECTION 13: INSURANCE**

The Town of Wilson assumes insurance costs for Workmen's Compensation, medical costs for injury in the line of duty, liability for errors and omissions, automotive liability for private vehicles

used to answer and return from fire calls or emergencies (this insurance will only pay damages in excess of the members own liability coverage and when damages are not a result of intoxication). The Public Safety Officers Benefit Program provides death and permanent injury benefits. The University of Wisconsin System will provide four year's tuition to all dependents of members killed in the line of duty.

#### **SECTION 14: GOVERNING RULES**

The Town of Wilson Fire Department shall operate under the applicable laws of State of Wisconsin, the Department of Safety and Professional Codes, the N.F.P.A. recommendations and such rules and standards of conduct as may be prescribed by the Town Board through ordinance, policy, By-laws for the Town of Wilson Fire Department, and the Standard Operating Procedures for the Town of Wilson Fire Department.

#### **SECTION 15: DISPUTES**

Any disputes among the members or officers of the Town of Wilson Fire Department, in so far as possible, shall be handled by the Fire Chief. Any problems the Fire Chief cannot resolve shall be referred to the Town Fire Advisory Committee for resolution. Any matters which could result in discharge, suspension, demotion or disciplinary action beyond the duties of the Fire Chief shall be referred by the Fire Advisory Committee to the Town Board. All matters of this nature shall be heard in Closed Session, with the Town Board giving due notice and citing Wisconsin Statute Section 19.93(1)(b) for an exemption to the Open Meeting Laws.

#### **SECTION 16: INTOXICANTS AND INTOXICATED MEMBER**

- A. **Vehicle Operation.** No member of the Town of Wilson Fire Department shall operate any vehicle belonging to the Town of Wilson if he/she has consumed any alcoholic beverage in the previous eight (8) hours or has a blood alcohol content above zero (0). A violation of this section could result in discharge from the department.
- B. **Fire Call.** Any member of the Town of Wilson Fire Department that has consumed any alcoholic beverage within four (4) hours of any fire call shall use the utmost discretion before answering that call. Any member reporting to a fire call under the influence of drugs or alcohol shall be temporarily relieved of all duties by the senior officer present; the senior officer should then notify the Safety Officer and the Fire Chief as soon as possible of his actions.

#### **SECTION 17: TRAINING**

All new members shall take the prescribed courses from the Vocational, Technical and Adult Education System before engaging in actual firefighting. Those engaged in actual firefighting, shall from time to time take additional courses as prescribed in the By-laws for the Town of Wilson Fire Department. All officers on the line shall be trained to take command of any fire incident.

## **SECTION 18: FIRE INSPECTIONS**

All public buildings and those businesses serving the public in the Town of Wilson will be subject to Fire Safety Inspections. All businesses are required to have two (2) inspections annually. Violations of any fire prevention standard enforceable by the Town or the Town of Wilson Fire Department are punishable by forfeitures of not less than \$100 or more than \$250 for each offense. Each day that a violation continues shall constitute a separate offense for purposes of calculating forfeitures. The Town or Town of Wilson Fire Department may also seek injunctive relief, abatement orders, or other equitable relief in the event of a violation. These penalties shall be in addition to any others set forth by law or ordinance.

## **SECTION 19: DONATION AND SELF-GENERATED FUNDS**

The Town of Wilson Fire Department is authorized to accept donations of money or equipment for use by the Department. The Town of Wilson Fire Department is further authorized to conduct fund-raisers for departmental use.

- A. **Checking Account.** The Town of Wilson Fire Department is authorized to have a checking account and to use the money to pay for expenditures that are budgeted or deemed essential for the operations of Town of Wilson Fire Department and that require immediate payment or payment prior to the next scheduled meeting of the Town of Wilson Board. Prior approval of the Town Board is required for all other expenditures for the Town of Wilson Fire Department.
- B. **Audit.** Records are subject to an audit at the same time as other town financial records. Quarterly reports of income and expenses shall be submitted to the Town Board, Treasurer and Clerk. End of year reports, bank statements and cancelled checks shall be subject to an audit by Fire Advisory Commission then submitted to the Treasurer to be included with other town financial records.

## **SECTION 20: SEVERABILITY**

If any portion of this ordinance is held to be unconstitutional, contrary to law, or otherwise unenforceable by a court of competent jurisdiction, that holding shall affect only that portion of the ordinance and the remainder of this ordinance shall remain in full effect.

## **SECTION 21: EFFECTIVE DATE**

This ordinance shall be in effect on the day after posting or publication as required by law.

Enacted this 1st day of May 2017

Town of Wilson by John Ehmann, Town Chairman

Published as a Class I notice in *The Sheboygan Press* on the 18<sup>th</sup> day May 2017

Posted in three places within the Town on the 16<sup>th</sup> day of May 2017

Georgene Lubach, Clerk