

CHAPTER 10 FIRE PROTECTION AND PREVENTION ~~EMERGENCY MANAGEMENT AND SERVICES~~¹

ARTICLE I. IN GENERAL PROVISIONS AND ADMINISTRATION

Sec. 10-1. Establishment, Mission and Scope. ~~Penalties for fire inspection violations.~~

(a) ~~Definitions. For the purpose of this section, the following words and phrases shall have the meanings ascribed to them in this section.~~

~~*Business owner.* A "business owner" is defined as the owner of the property from which the inspection violation originated and any individual, partnership, corporation, organization, or any other entity occupying or on the property with permission of the owner.~~

(b) ~~Schedule of penalties.~~

(1) ~~The schedule of fines for inspection violations shall be found in Appendix A, Fee and Penalty Schedule, on file in the office of the village clerk.~~

(2) ~~Type of violations charged. A business owner shall be fined for each violation pursuant to section 10-25 and Wis. Stats. § 101.14 in accordance with Appendix A, Fee and Penalty Schedule.~~

(c) ~~In addition to the fines set forth in subsection (b), if any business owner refuses to correct the violation or pay the fine within 60 days of notice of violation, the business owner will be deemed to have further violated this section and will incur an additional penalty in accordance with section 1-7. Such fees and costs shall include, but not limited to, staff costs of inspection or reinspection, legal fees, and staff cost at enforcement. A separate offense shall be deemed committed for each day on which a violation occurs or continues.~~

(d) ~~The failure to pay any fine which is reduced to judgment may result in a lien filed against the business owner's property.~~

(e) ~~The fire chief is hereby permitted to waive the fees due under this section in cases of demonstrated financial hardship, intergovernmental cooperation, or in cases in which compliance has been fully achieved. Requests for waiver of fees must be made in writing to the fire chief, who shall make the initial determinations as to the validity of the waiver request.~~

(f) ~~Appeal procedure. All business owners who are assessed fines in accordance with subsection (b) or denied a waiver of fine pursuant to subsection (e) shall have the right to appeal their fines before the village board or a designated hearing officer. All applications for appeal shall be made in writing to the village board within 15 calendar days from the date that the fines under this section are imposed or the waiver is refused, or the appeals are deemed waived.~~

~~Upon receipt of an application for appeal, the board or its designee shall schedule a hearing on the business owner's appeal. Said hearing shall commence no less than 15 calendar days from the date that the village board receives the business owner's application for appeal. All business owners making an application for the appeal shall be given an opportunity to be heard and may appear with the representative of their choosing. The board or~~

¹State law reference(s)—Fire protection, Wis. Stats. § 60.55 et seq.

~~its designee shall provide the business owner with a written notice of the decision within five business days from the completion of the appeal.~~

~~(Ord. No. 11-156, §§ 1-6, 6-28-2011)~~

~~Editor's note(s) — Ord. No. 11-156, adopted June 28, 2011, amended the Code but did not specify manner of inclusion. Therefore, §§ 1-6 of said ordinance has been included herein as § 10-1 at the discretion of the editor.~~

- (a) Department Continued. The Village of Harrison Fire-Rescue Department (hereinafter referred to as the "Department") is hereby continued and authorized to operate as a combination department consisting of full-time, part-time, and paid-on-call personnel.
- (b) Mission Statement. The Department is authorized to protect life, property, and the environment through public education, proactive code compliance, fire suppression, and emergency rescue services.
- (c) Territorial Scope. The provisions of this chapter shall govern all geographic areas within the corporate limits of the Village of Harrison, and all territories served by contractual agreement.

Secs. 10-2. Core Services Authorized—10-18. Reserved.

(a). The Department is legally designed to perform the following baseline public safety services:

- (1) Local and State Fire and Life Safety Code Inspections.
- (2) Fire Origin and Cause Investigations.
- (3) Public Safety Education and Community Risk Reduction.
- (4) Structural, Commercial and Wildland Fire Suppression.
- (5) Environmental Hazards Response and Operations-Level Initial Mitigation.
- (6) Technical Emergency Rescue (including vehicle extrication and rope rescue).
- (7) Surface Water and Ice Rescue Operations.
- (8) Emergency Medical Services (First Responder/EMR Level or higher).

Sec. 10-3. Fire Chief Powers and Appointment.

- (a) Appointment. Pursuant to §§ 61.65(3g)(a) and 62.13(3), Wis. Stats., the Fire Commission shall appoint the Fire Chief. The Chief shall hold office during good behavior, subject to suspension or removal by the Commission strictly for cause under § 62.13(5), Wis. Stats.
- (b) Command and Management. The Fire Chief shall possess command over all personnel, stations, and apparatus belonging to the Department. The Chief shall develop Standard Operating Guidelines (SOGs).

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(c) Reporting Duties. The Fire Chief shall maintain records of all fires occurring within the Village and shall submit mandatory reporting data to the Wisconsin Department of Safety and Professional Services (DSPS) in accordance with state requirements and U.S. Fire Administration for inclusion in the National Emergency Response Information System (NERIS).

(d) Mutal Aid. The Fire Chief may, by agreement, secure the assistance and cooperation of the fire departments in neighboring municipalities, and extend like assistance and cooperation of the village emergency services department to such municipalities.

Sec. 10-4. Department Personnel.

(a) New Hires. The Fire Chief shall appoint subordinates subject to the approval of the Fire Commission.

(b) Promotions. The Fire Chief shall appoint subordinate officers subject to the approval of the Fire Commission.

(c) Duties. Every firefighter shall have police power and duties delegated to them under state law, and such other duties as prescribed by the Fire Chief.

(d) Firefighter Qualifications. As of 1/1/2027, all new firefighters hired after this date, will be required to obtain Firefighter 1 state certification.

(e) Emergency Medical Responder Qualifications. EMS responders shall hold current EMS licensure at or above the department service level.

Sec. 10-5. Authority and Emergency Scenes.

(a) Establishment of Perimeters. The Fire Chief or the designated commanding officer at any emergency scene may prescribe operational perimeters. No unauthorized person shall enter or remain within such perimeters without the express permission of the commanding officer.

(b) Property Mitigation Actions. The commanding officer shall have the authority to order the removal, isolation, or controlled destruction of any building, fence, or structure during the progress of a fire if deemed necessary to halt fire propagation or preserve adjoining property.

(c) Utility Disconnection. Command personnel are authorized to order utility companies to disconnect electrical, natural gas, or water services when such utilities interfere with safe mitigation or endanger responders.

(d) Obstruction Prohibited. No person shall intentionally hinder, resist, or obstruct any firefighter or emergency responder engaged in the performance of their duties.

(e) Protection of Equipment. No person shall drive a vehicle over an unprotected fire hose or tamper with any apparatus without the explicit consent of the Department official in command.

~~ARTICLE II. EMERGENCY SERVICES DEPARTMENT~~

ARTICLE II: FIRE PREVENTION CODE AND INSPECTIONS

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Sec. 10-6. Adoption of State and National Codes

- (a) Incorporation by Reference. To ensure legal uniformity throughout the state, the Village of Harrison hereby adopts and incorporates by reference the following regulations as fully as if set forth at length herein:
- (1) All Wisconsin Department of Safety and Professional Services (SPS) Administrative Codes, specifically SPS 314 (Fire Prevention Code).
 - (2) NFPA 1 (Fire Code), including all annexed standards and future revisions.
 - (3) The Wisconsin Enrolled Building Code (SPS 361 to 366).
 - (4) The International Fire Code (IFC), latest state-approved edition, to serve as a supplementary reference where local administrative variations are authorized by Department of Safety and Professional Services (DSPS).
- (b) Existing Facilities. Public buildings and places of employment constructed prior to the effective date of this ordinance shall comply with the structural and design codes in effect at their time of construction. However, the use, maintenance, and operational lifecycle safety provisions of NFPA 1 and SPS 314 apply uniformly to all existing properties.
- (c) Code Conflict. In the case of conflict between any provisions in the Wisconsin Administrative Code or NFPA 1, the code containing the strictest provisions shall apply.

ARTICLE III. BUREAU OF FIRE PREVENTION

- (a) There is hereby established a Bureau of Fire Prevention within the Department, operating under the executive oversight of the Fire Chief. The Fire Chief shall designate a certified Fire Inspector to serve as the Fire Marshal to manage the Bureau's operations, code enforcement tracks, and inspection programs

Sec. 10-7. Inspection Schedules and Right of Entry.

- (a) Inspection Frequency. Pursuant to § 101.14(2), Wis. Stats., and § SPS 314.01(13), Wis. Adm. Code, the Fire Marshal or authorized inspectors shall perform routine fire safety inspections of all public buildings and places of employment within the Village. Such inspections shall occur at least twice per calendar year, or more frequently based on specific occupancy risk profiles.

(b) Right of Entry. Upon presenting proper credentials, inspectors are authorized to enter any public building, place of employment, or commercial premises during reasonable business hours to verify code compliance.

Sec. 10-8. Formal Compliance Orders.

(a) Service of Written Notice. When a violation of this code is discovered, the inspector shall issue a written compliance order to the property owner, tenant, or manager. Standard corrections must be fully remedied within 30 days of service, unless an imminent life-safety hazard mandates immediate or expedited abatement.

(b) Methods of Service. Compliance orders are considered legally served when delivered personally to the owner or occupant, left with an on-site manager, emailed to the owner or on-site manager, or sent via certified mail to the last known property tax billing address.

Sec. 10-9. Development and Certificate of Occupancy.

(a.) The Bureau of Fire Prevention shall work collaboratively with the Village building Inspection department during initial site plan reviews. No temporary or final Certificate of Occupancy shall be finalized for any commercial, industrial, or multi-family residential building without formal inspection approval and written clearance from the Fire Department.

ARTICLE III. FIRE PROTECTION SYSTEMS AND PERMITS

Sec. 10-10. Required Installation Permits.

(a) No person or contractor shall install, alter, modify, or remove from service any of the following systems without first obtaining a plan review and construction permit from the Bureau of Fire Prevention:

- (i.) Automated Fire Sprinkler and Chemical Suppression Systems.
- (ii.) Fire Alarm, Detection, and Commercial Notification Arrays.
- (iii.) Standpipe Systems.
- (iv.) Stationary Fire Pumps, Controllers, and Dedicated Emergency Generators.
- (v.) Private Water Mains and Private Fire Hydrant Systems.

Sec. 10-11. Digital Inspection Reporting System.

(a) Mandatory Submission Window: All third-party certified contractors performing testing, maintenance, or required inspections on life safety systems within the Village of Harrison must submit comprehensive testing documentation within 14 days of the service date.

ARTICLE IV. ACCESS AND BUILDING SAFETY HARDWARE

Sec. 10-12. Rapid Entry Key Boxes (Knox Box).

- (a) To prevent structural damage resulting from forced entries during emergency responses, a rapid-access key box of a type approved by the Fire Marshal is strictly mandated for:
- (1) All commercial, industrial, religious, healthcare, school, and multi-family occupancies.
 - (2) Properties utilizing electronic perimeter security gates (which must include overriding gate-entry connectivity responsive during power failures).
- (b) The property owner shall immediately update the keys secured within the box whenever locks are changed or rekeyed.

Sec. 10-13. Multi-Family Smoke Alarms.

- (a) Rental Property Installations: Owners of residential rental buildings shall install and maintain a functional, code-compliant smoke and CO alarms in every sleeping room, in the immediate hallway outside of sleeping areas, and on each distinct floor level (including basements). Alarms must be either hardwired with battery backup or consist of sealed 10-year lithium battery units
- (b) Maintenance Division: Landlords shall verify alarm functionality at lease renewal and replace standard batteries annually. Tenants shall test units monthly during tenancy and immediately provide written notification to the landlord if an alarm requires replacement or repair

Secs. 10-14 – 10-20. Reserved

ARTICLE V. OPEN BURNING AND FIREWORKS RESTRICTIONS

Sec. 10-21. Recreational and Cooking Fires.

- (a) Outdoor fires utilized for cooking or recreation are permitted without a formal permit under the following operational guidelines:
- (i) Fires must be completely contained within a manufactured retail appliance or an enclosed stone, brick, or block fire pit.
 - (ii) Fires must maintain a minimum clear clearance distance of 15 feet from any combustible structure, fencing, or property boundary line.
 - (iii) Only clean, seasoned dry wood, charcoal, natural gas, or liquid propane may be used as fuel. The open burning of leaves, trash, yard waste, plastic, or liquid accelerants is strictly prohibited.
 - (iv) Fires must be actively attended by a responsible individual at least 16 years of age and completely extinguished before being left unattended.

Sec. 10-22. Maintenance Burning.

- (a) Open burning of organic yard maintenance materials (brush, leaves, etc.) requires pre-authorization from the Fire Marshal or their designee, and a completed burn permit. The burning of construction waste, debris at construction sites or demolition of any structure is prohibited. Burning shall also be subject to

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the administrative rules of the State Department of Natural Resources. A 20-foot clear buffer zone from structures is required, and the fire must be completely extinguished prior to dusk.

- (i) Burn permits may be obtained through the Village Hall.
- (ii) Upon authorization verification and prior to igniting the fire, the property owner must inform the County Sheriff's Department of the date, time, and location of fire.
- (iii) Permit burning shall be valid between 7:00 a.m. and 7:00 p.m.
- (iv) There must be not less than two means of extinguishment present.
- (v) Burning must be always attended by a person at least 18 years of age.
- (vi) Applicants are encouraged to notify neighbors about their outdoor burning plans to minimize potential complaints. Nuisance complaints from neighbors could result in loss of permit.

Sec. 10-23. Agricultural Burning.

- (a) Burning bags, twine, and other incidentals relating to agricultural operations when done in a controlled area under the supervision of the property owner or an agent of the property owner is permitted.

Sec. 10-24. Prohibitions

- (a) The fire chief or designee may prohibit any fires when atmospheric conditions or local circumstances make such fires hazardous.
- (b) No material may be burned upon any street, road, curb, gutter, open ditch or sidewalk.

Sec. 10-25. Liability.

- (a) Any person utilizing and maintaining outdoor fires may be responsible for any liability resulting from damage caused by the fire.

Sec. 10-26. Weather Bans and Emergency Restrictions.

- (a) No outdoor burning of any type shall occur if sustained wind speeds exceed 10 miles per hour, as reported by the regional weather service. The Fire Chief maintains explicit administrative authority to declare an emergency burn ban during high-risk drought or severe meteorological conditions.

Sec. 10-27. Fireworks and Public Displays.

- (a) Consumer Restrictions: The sale, storage, possession, and detonation of consumer fireworks within the Village of Harrison are governed strictly by § 167.10, Wis. Stats. Any device requiring a state-defined user permit is prohibited without formal approval from the Village via fireworks permit. Unmanned free-floating sky lanterns are declared an uncontrolled fire hazard and are banned entirely.
- (b) Professional Displays: Permits for professional pyrotechnic displays may be granted following a safety review by the Department and formal approval through the issuance of a fireworks permit. Applications must be submitted to the Village Clerk at least 30 days prior to the event, accompanied by a certificate of liability insurance totaling no less than \$1,000,000.

Sec. 10-28. Permits.

(a) Permits. Permits may be obtained through Village Hall, W5298 State Road 114, Menasha, WI 54952.

ARTICLE VI. Enforcement, Penalties, and Appeals

Sec. 10-29. Administration.

(a) Variances.

(1) Any person aggrieved by an order, requirement or interpretation made by the village board may appeal such decision pursuant to the Wisconsin Administrative Code. The reviewing authority pursuant to the Wisconsin Administrative Code shall make a determination that the village board's finding was reasonably justified or may remand to the village board with direction to the village board to examine the practical difficulty and unnecessary hardship that may result from strict compliance with these regulations. Upon remand, the village board may vary the regulations so that substantial justice may be done, provided that the public interest is secured, and that such variance will not have the effect of nullifying the intent and purpose of these regulations.

(2) In granting variances, the village board shall request the evidence of practical difficulty, hardship, and record the reasons in the minutes of which the variance was granted.

(b) Enforcement.

(1) The fire chief or his/her designee and all sworn county sheriff deputies are hereby authorized and directed to enforce the provisions of this section.

Sec. 10-30. Penalty.

In addition to the provisions set forth in this section, any person, firm, or corporation which violates the provisions of this section, shall be subject to penalties as provided in section 1-7 of this Code of Ordinances.

Sec. 10-19. Organization.

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~~(a) — The volunteer firefighting organizations for the village, presently recognized as fire departments no. 1 and no. 2 and first responders, are hereby reconstituted and recognized as one unified official organization for the village.~~

~~This single firefighting department shall be called Harrison Fire-Rescue Department, hereinafter referred to as the emergency services department. The duties of firefighting, the prevention of fires and providing first responder service in the village are delegated to such department. The organization and internal regulation of the emergency services department shall be governed by the provisions of this article and such bylaws as adopted by the emergency services department and approved by the village board of supervisors, except as is otherwise provided by law and ordinance.~~

~~(b) — The emergency services department shall be comprised of a fire chief and such offices and other personnel that the village board of supervisors may from time to time authorize.~~

~~(c) — The emergency services department shall consist of as many fire companies as may be provided for by the village board of supervisors.~~

~~(d) — Personnel in such emergency services department of the village shall be subordinate to and under the control and direction of the fire chief. The fire chief may appoint as many officers as necessary for the proper operation of the department.~~

~~(Ord. of 12-18-2008, § 10-19)~~

~~Sec. 10-20. Funds appropriated,~~

~~The village board of supervisors shall appropriate funds to provide for the operation of the emergency services department, and for such apparatus and equipment for use by the emergency services department as the village board may deem expedient and necessary to maintain the efficient and proper protection of life and property.~~

~~(Ord. of 12-18-2008, § 10-20)~~

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~~Sec. 10-21. Organization and membership.~~

~~(a) — 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.~~

~~(b) — The 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 village board, unless his services are sooner terminated by resignation or death.~~

~~(c) — Any person desiring to be a member of Harrison Fire-Rescue may file with the chief an application in such form as the village board may require. Each applicant shall have attained, at least, the age of 18 years. The name of any applicant approved by the chief, as provided in the bylaws, shall be presented to the village board for confirmation.~~

~~(d) — All resignations from Harrison Fire-Rescue shall take the same course as applications for and appointments to membership.~~

~~(e) — Any member or officer of Harrison Fire-Rescue 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 village board and state why such penalty should not be confirmed. The village board may, by a three-fourths vote of the members of the village board, order the chief to reinstate the member or officer. The secretary of the department shall report the name of each person expelled or demoted to the village board.~~

~~(f) — The secretary and treasurer positions will be posted. Interested members shall sign for the positions. Interviews with the chief, assistant chiefs and village administrator will be held to select members to fill positions. Members selected will remain in office until he resigns or is removed by chief.~~

~~(Ord. of 12-18-2008, § 10-21)~~

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~~Sec. 10-22. Fire chief.~~

~~(a) — Appointment. The fire chief shall be appointed by the village board of supervisors. In the event of a vacancy, the ranking officer of the department shall perform the duties of the chief until the vacancy is filled. The fire chief shall be a state-certified firefighter and shall hold a current first responder license. These qualification requirements may be waived by the village board of supervisors.~~

~~(b) — Duties. The fire chief shall enforce all fire prevention ordinances of the village and state laws and regulations pertaining to fire prevention. The chief shall have command and supervision over all the members, apparatus and operations of the emergency services department, subject to the rules and regulations which may be prescribed by the village board of supervisors. The chief, or the officer in charge, shall be present at all fires, plan the control of all firefighting operations and direct the actions of the firefighters. The chief shall keep an inventory of all apparatus and equipment used by the emergency services department. The chief shall keep all appliances used for the purpose of the fire department in good repair and ready for immediate and efficient service, and make an annual report to the village board on or before its first regular meeting in September, as to:~~

~~(1) — The condition of all fire and first responder apparatus and what additional appliances are needed.~~

~~(2) — The organization and status of the emergency services department.~~

~~(3) — The number of fires attended, the date, cause, origin and location of each fire, the number and description of the premises and property damaged or destroyed, the amount as near as can be ascertained of such damages, and the names of owners and occupants of such premises or property. Also the number of first responder calls, location of calls and number of responders responding.~~

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~~(c) To appoint subordinates. The fire chief shall appoint subordinates subject to the approval of the village board.~~

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~~(d) To make rules and regulations for department. The fire chief may make such rules and regulations for the good government of the emergency services department as he may deem necessary or expedient, but such rules and regulations shall not be inconsistent with the provisions of this chapter. The chief may take such disciplinary action against subordinates as deemed necessary and may file charges against subordinates with the village board in such cases that warrant more severe disciplinary action.~~

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~~(e) Emergency destruction of property. The fire chief and his assistants may direct the firefighters to remove, tear down or otherwise dispose of any building or other structure when it shall become necessary to do so, for the purpose of stopping or checking the progress of a fire.~~

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~~(f) Chief duties. The fire chief shall perform all duties delegated to him by state law, the ordinances of the village and other duties that the village board may direct.~~

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~~(g) Termination. The fire chief shall serve at the pleasure of the village board of supervisors and shall be subject to the village board of supervisors' direction. There shall be no standard of just cause in the event of termination.~~

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~~(Ord. of 12-18-2008, § 10-22)~~

~~Sec. 10-23. Control of apparatus.~~

~~(a) — The chief shall have control of all apparatus used by his department and shall be responsible for its proper maintenance. Emergency repairs may be authorized by the chief.~~

~~(b) — No apparatus shall be used for any purpose except for firefighting within the village limits, or in training therefor, except pursuant to an agreement approved by the village board after the chief has given his recommendations on such use. A written report of all such uses shall be made quarterly to the village board.~~

~~(c) — No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the village, and no vehicle shall be driven over any unprotected hose of a 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.~~

~~{Ord. of 12-18-2008, § 10-23}~~

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Sec. 10-24. Police power of department.

~~(a) — Police authority at fires. 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 either station may cause the arrest of any person failing to give the right of way to the fire department in responding to a fire.~~

~~(b) — Powers at fires. The fire chief or other officer in command 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 in command 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 order the removal or destruction of any property necessary to prevent the further spread of the fire. He shall also 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 firefighting work during the progress of a fire.~~

~~(c) — Firefighters may enter adjacent property. It shall be lawful for any firefighter while acting under the direction of the fire chief or other officer in command to 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. In case any person shall hinder, resist or obstruct any firefighter in the discharge of his duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firefighters in the discharge of their duty.~~

~~(d) — Duties of bystanders 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 refusing to obey said orders.~~

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~~(Ord. of 12-18-2008, § 10-24)~~

~~State law reference(s)—Police power of personnel, Wis. Stats. § 213.095.~~

~~Sec. 10-25. Fire inspector duties.~~

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~~(a) — The chief of the fire department shall hold the office of fire inspector, within the territorial limits of his department, with power to appoint one or more deputy fire inspectors, who shall perform the same duties and have the same powers as the fire inspector.~~

~~(b) — It shall be the duty of fire inspectors to inspect bi-annually all buildings, premises and thoroughfares located within the territorial limits of his department within fire limits of this village; and to inspect bi-annually all buildings, premises and public thoroughfares located within the territorial limits of his department and within the village limits for the purpose of noting and causing to be corrected any condition liable to cause fire. The inspector shall also investigate the storage and handling of explosives and inflammable liquids within the territorial limits of his department and within the village limits.~~

~~(c) — Whenever or wherever in the village any inspection by the fire chief or his deputies reveals a fire hazard, the chief 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 chief or his deputy is authorized to 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.~~

~~(d) — The chief 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 bi-annual report of inspections required by the state department of commerce.~~

~~(e) — No person shall deny the chief or his deputies free access to any property within the territorial limits of his department 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.~~

~~(Ord. of 12-18-2008, § 10-25)~~

~~State law reference(s) — Fire inspections, prevention, detection and suppression, Wis. Stats. § 101.14.~~

~~Sec. 10-26. Firefighters; first responder personnel.~~

~~(a) — Duties. Every firefighter shall have the police power and duties delegated to them under state law, and such other duties as prescribed by the village board and the fire chief.~~

~~(b) — Qualifications. All firefighters shall be state-certified firefighters or have more than ten years of volunteer fire department experience. All first responders personnel shall hold a current first responder certification. These qualifications may be waived by the village board of supervisors on a case-by-case basis for each individual requesting such.~~

~~(c) — Dismissal and suspension. Any member of the emergency services department may be suspended for cause by the fire chief and such suspension shall immediately be reported in writing to the village board. Every firefighter and first responder shall be subject to suspension and dismissal for cause in accordance with state law and the village ordinances.~~

~~(Ord. of 12-18-2008, § 10-26)~~

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~~Sec. 10-27. Mutual aid.~~

~~**The chief, subject to the approval of the village board, may, by agreement, secure the assistance and cooperation of the fire departments of neighboring municipalities, and extend like assistance and cooperation of the village emergency services department to such municipalities.**~~

~~**(Ord. of 12-18-2008, § 10-27)**~~

~~Sec. 10-28. Penalties.~~

~~**Except as otherwise provided, any person who shall violate any provisions of this article or any order, rule or regulation made hereunder shall be subject to a punishment according to the general penalties described in this Code.**~~

~~**(Ord. of 12-18-2008, § 10-28)**~~

~~Secs. 10-29 – 10-52. Reserved.~~

~~ARTICLE III. FIRE PREVENTION CODE~~

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~~Sec. 10-53. Technical codes.~~

~~(a) Adopted. The most current edition and any subsequent editions of the following technical codes are adopted by reference and made a part of the village fire prevention code: NFPA 1, Fire Prevention Code of the National Fire Protection Association and its incorporated standards and codes as published in the National Fire Codes of the National Fire Protection Association; the following Wisconsin Administrative Codes including but not limited to:~~

- ~~(1) COMM 5—Licenses, Certifications, and Regulations.~~
- ~~(2) COMM 7—Explosive Materials.~~
- ~~(3) COMM 9—Manufacture of Fireworks.~~
- ~~(4) COMM 10—Flammable and Combustible Liquids.~~
- ~~(5) COMM 14—Fire Prevention.~~
- ~~(6) COMM 16—Electrical.~~
- ~~(7) COMM 28—Smoke Detectors.~~
- ~~(8) COMM 30—Fire Department Safety and Health.~~
- ~~(9) COMM 40—Gas Systems.~~
- ~~(10) COMM 43—Anhydrous Ammonia.~~
- ~~(11) COMM 61 to 65—Wisconsin Commercial Building Code.~~
- ~~(12) COMM 70—Historic Buildings.~~
- ~~(13) COMM 75 to 79—Existing Buildings.~~

~~In the case of conflict between any provisions in this chapter, the Wisconsin Administrative Code, or NFPA 1, the code containing the strictest provisions shall apply.~~

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~~(b) Inspections. The fire chief, or his designee, shall inspect all premises as required by state law, and shall enforce the laws and ordinances governing the same.~~

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~~(c) Enforcement.~~

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~~(1) It shall be the responsibility of the fire chief, or his designee, for the enforcement of the fire prevention code.~~

~~(2) The fire chief may delegate any authority under this chapter to any emergency services department member.~~

~~(3) The fire chief shall enforce the code hereby adopted. The fire chief is hereby authorized to issue citations for ordinances directly related to the fire chief's official responsibilities in the implementation of the fire prevention code.~~

~~(4) The fire chief is hereby further authorized to delegate this issuance of citation authority to such emergency services department personnel who assist the fire chief in the enforcement of the fire prevention code.~~

~~{Ord. No. 08-132, § 6, 6-12-2008}~~

~~Secs. 10-54 – 10-79. Reserved.~~

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~~ARTICLE IV. FIRE DEPARTMENT FUNDRAISING.~~

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~~Sec. 10-80. Deposit of funds.~~

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~~The village board authorizes the village fire chief or his designee to deposit volunteer funds of the department in an account in the name of the fire department in any public depository approved by the village board.~~

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~~{Ord. No. 08-133, § 1, 6-12-2008}~~

~~Sec. 10-81. Control of funds.~~

~~The village volunteer fire department, through its fire chief or his designee, is granted control over the maintenance and expenditure of funds of the department. This authority is granted without limitation as to amount or type of funds. It is subject to the limitations and requirements hereinafter set forth.~~

~~(Ord. No. 08-133, § 2, 6-12-2008)~~

~~Sec. 10-82. Limitations and requirements.~~

~~The following limitations and requirements shall apply to the maintenance and disbursement of funds from the account:~~

~~(a) Expenditures. Expenditures withdrawn from the account may be made only upon a majority vote of fire department members present at a duly noticed meeting of the department. Such withdrawals and expenditures may be made for any purpose that promotes the ability of the fire department to provide services for which it is organized.~~

~~(b) Accounting. The fire chief shall provide the village board with a statement at the end of the fiscal year. This statement shall be provided within 30 days of the end of the fiscal year. This statement shall include a detailed itemization of all receipts, expenditures, and the balance on hand at the end of the fiscal year. The source of all funds and the identity of the payee for each disbursement shall be set forth.~~

~~(c) Audit. Fire department accounts shall be included in all audits of village funds. They shall be audited in the same manner as other village funds.~~

~~(Ord. No. 08-133, § 3, 6-12-2008)~~

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~~Sec. 10-83. Village funds.~~

~~Pursuant to the authority granted under Wis. Stats. § 66.0608(4), the funds collected by the village volunteer emergency services department shall be considered to be owned by the village until disbursed pursuant to Wis. Stats. § 66.0608(4).~~

~~{Ord. No. 08-133, § 4, 6-12-2008}~~

~~Sec. 10-84. Penalty.~~

~~Any person who shall violate any provision of this article or any order, rule or regulation made hereunder, and any firefighter who shall neglect or refuse to perform any duty required hereunder shall be subject to a penalty for each violation whether a violation has occurred and shall be determined by the village board.~~

~~{Ord. No. 08-133, § 5, 6-12-2008}~~

~~Secs. 10-85 — 10-111. Reserved.~~

~~ARTICLE V. KNOX BOX REQUIREMENT~~

~~Sec. 10-112. Purpose.~~

~~The purpose of this article is to promote the public health, safety, property, and general welfare, and to provide for adequate provisions for the safe access for life saving or fire fighting purposes.~~

~~{Ord. No. 75(Ser. 05-2001), § 1, 4-24-2001}~~

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~~Sec. 10-113. Definitions.~~

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

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~~Structure shall include all commercial and industrial buildings as defined by the village, county and state building regulations, and church, school and multifamily residential structures containing in excess of four dwelling units.~~

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~~{Ord. No. 75(Ser. 05-2001), § 2, 4-24-2001}~~

~~Sec. 10-114. Structures for which a building permit is issued — After May 1, 2001.~~

~~All structures shall be required to install a key box, also known as a Knox Box, in an accessible location, containing keys to the structure permitting the village personnel rapid access. The key box shall be a type approved by the fire chief or designated personnel and shall contain keys to gain necessary access as required by the fire chief or designated personnel. Building permits shall require said installation and maintenance as a part of the village fire and building codes.~~

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~~{Ord. No. 75(Ser. 05-2001), § 3, 4-24-2001}~~

~~Sec. 10-115. Same—Before May 1, 2001.~~

~~All structures shall be required to install a key box, also known as a Knox Box, wherein the determination of the fire chief or designated personnel access to or within a structure or an area is unduly difficult because of secured openings or where immediate access is necessary for lifesaving or firefighting purposes. The fire chief or designated personnel may require a key box to be installed in an accessible location containing keys to the structure permitting the village personnel rapid access. The key box shall be a type approved by the fire chief or designated personnel and shall contain keys to gain necessary access as required by the fire chief or designated personnel.~~

~~{Ord. No. 75(Ser. 05-2001), § 4, 4-24-2001}~~

~~Sec. 10-116. Penalties.~~

~~(a) Any person who fails to comply with the provisions of this article shall, upon conviction thereof, be punished according to section 1-7, pertaining to general penalties, plus the cost of prosecution for each violation. Each day of violation shall constitute a separate offense and shall subject violators to separate daily convictions and separate daily assessment of costs, and those in default of payment of such forfeiture and costs, after complaint is filed and judgment awarded, shall be imprisoned in the county jail until payment thereof, but not exceeding 30 days.~~

~~(b) In addition to the penalty in subsection (a) of this section, the court, upon determination of the violation, shall order the installation of the Knox Box in the manner specified by the fire chief or designated personnel and require maintenance of the same. Failure to comply shall subject the violators to further imposition of penalties under subsection (a) of this section and/or contempt of the court's order.~~

~~{Ord. No. 75(Ser. 05-2001), § 5, 4-24-2001}~~

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