CHAPTER 7: FIRE PROTECTION

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CHAPTER 7: FIRE PROTECTION

SUBCHAPTER 1: GENERAL PROVISIONS

7.100 TITLE
This Chapter shall be known as the “Camp Douglas Fire Protection Ordinance” or the “Fire Protection Ordinance,” except as referred to herein, where it shall be known as “this Chapter.”

7.101 AUTHORITY
This Chapter is adopted pursuant to §61.34 Wis. Stats.

7.102 PURPOSE
The purpose of this Chapter is to designate the method by which the Village (i) provides fire protection services for the Village, and (ii) charges for fire calls.

7.103 FIRE DEPARTMENT CREATED
The Fire Department of the Village of Camp Douglas is hereby created, and the members of the existing Fire Department are hereby recognized as members of the official Fire Department of the Village.

7.104 FIRE CHIEF (See, §3.210 herein)

7.105 DEPARTMENT ADMINISTRATION
The Fire Department is authorized and directed to adopt by-laws for the control, management, government and regulation of its business and proceedings. Said by-laws shall become effective and operative after adoption by a two-thirds (2/3) vote of the members of the Department, and upon approval by the Village Board. All amendments thereto shall be adopted in the same manner.

7.106 BUDGET AND APPROPRIATIONS
Each year, the Fire Department shall develop a proposed Budget for the Department, and shall present the proposed Budget to the Village on or before September 15 of each year. The Board shall evaluate and revise said Budget, as it deems necessary, and shall appropriate funds to provide for the operation of the Fire Department as the Board deems necessary.

7.107 MEMBERSHIP AND ORGANIZATION

(1) SIZE: The Fire Department shall consist of not less than 8, nor more than 25, active members. The Department may have an unlimited amount of auxiliary members.

(2) MEMBERS:

(a) Any person desiring to be a member may file with the Chief of the Fire Department an application in such form and providing such information as the Fire Department may require.

(b) Each member shall,
1. be a resident of the Village, or
2. reside within seven (7) miles of the Fire Station, or
3. be a resident of, or be employed in, the geographic area serviced by the
Members shall be appointed on the basis of merit with due regard to education, training, experience and general fitness for the position, and based upon the needs of the Department.

Upon appointment as a member and prior to performing any duties as a member, each member shall file a Certificate of Physical Examination providing such information to the satisfaction of the Department that the member is physically fit and able to perform his duties.

Every other year, on or before the anniversary date of his/her appointment as a member, each member shall file a new Certificate of Physical Examination providing such information to the satisfaction of the Department that the member is physically fit and able to perform his/her duties.

There shall be one Chief, one Assistant Chief, one Secretary-Treasurer, and three (3) Captains for the Fire Department.

The Chief shall be appointed pursuant to §3.210 of this Code. All other officers shall be appointed pursuant to the By-Laws of the Department.

The Fire Department may be divided into such companies as the Chief may deem necessary.

The salary and other benefits payable to the officers and members of the Fire Department shall be established by separate Resolution of the Board.

In addition to the powers set forth in §213.095 Wis. Stats. and all other statutory powers, firemen, while acting under the direction of the Chief or other officer in command, shall have the following police powers:

To exercise full and complete police authority at fires, including the authority to cause the arrest of any person failing to give the right-of-way to the Fire Department in responding to a fire.

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, and to perform any act authorized by an officer pursuant to the officer's general police powers.

To cause the removal and/or destruction of property from a fire area whenever, in the Chief's sole discretion, such removal and/or destruction is necessary to preserve such property from fire, to preserve other property from fire, to prevent the spread of fire, or to protect life from injury.

To cause the removal, disconnection, shutoff, and/or destruction of wires, conduit, pipes and utilities in a fire area whenever, in the Chief's sole discretion, such removal, disconnection, shutoff and/or destruction is necessary to preserve such items from fire, to preserve other property from fire, to prevent the spread of fire, to enhance the conditions under which the Department can fight the fire, or to protect life from injury.
SUBCHAPTER 2: EMERGENCY RESPONSE FEES

7.200 ESTABLISHMENT
The Village shall charge an “Emergency Response Fee” to the owners of real property, to the owners of personal property and/or to the persons or entities responsible for causing an emergency or other event, for which emergency services are provided by the Fire Department within the Village. Emergency services include responses to fire calls, carbon monoxide calls, and all other emergency calls and services rendered by the Fire Department.

7.201 PROPERTY COVERED
All real and personal property located within the Village shall be subject to the Emergency Response Fee, including property which is exempt from real estate and/or personal property taxes, such as government property, church property and school property. All real and personal property located outside of the service area shall be subject to such fees as may be established by the those municipalities.

7.202 PERSONS LIABLE
Each owner of real estate and each owner of personal property for which an emergency call is made by the Fire Department within the Village, and each person responsible for causing or starting an emergency for which an emergency call is made by the Fire Department within the Village, shall be jointly and severally liable for the Fees established herein.

7.203 FEE SCHEDULE
A schedule of fees shall be established from time-to-time by separate resolution of the Board.

7.204 INFORMATION FROM FIRE DEPARTMENT
Within a reasonable amount of time after each emergency call, but not exceeding thirty (30) days, the Fire Department shall submit to the Clerk an itemized bill showing the following:

(1) Date of emergency call;
(2) Location of emergency call;
(3) Description of property on emergency, i.e. real estate or personal property;
(4) The name and address of the owner(s) of the property, and the name and address of the person(s) causing the emergency (if known);
(5) The name and address of any and all insurers which may be liable for the emergency response fee, or a statement that no such insurers exist, or a statement that no such insurers could be determined;
(6) The number of fire fighters responding to the call and the time spent by each fire fighter responding to the call; and
(7) The identity of each truck responding to the emergency call and the time spent by each truck responding to the call.
7.205 COLLECTION

(1) COMPUTATION OF FEE: Within a reasonable amount of time after receipt of the foregoing information from the Fire Department, the Clerk shall calculate a bill for the emergency call pursuant to the Fee Schedule.

(2) COLLECTION FOR CALLS WITHIN VILLAGE:

(a) Collection from insurer: Upon computation of the Emergency Response Fee, the Village shall mail the bill to the Insurer(s) of the owner(s) and person(s) responsible (if known) for causing the emergency. The Village shall also mail a copy of this correspondence to the owner(s) and person(s) responsible (if known) for causing the emergency. The Village shall take such additional steps (short of litigation) as are reasonably necessary to attempt to obtain a response and payment from the Insurer(s).

(b) Collection from responsible person(s): If no insurance exists, or if the Village is unable to obtain a response or payment from an identified Insurer within ninety (90) days of the date on which the aforesaid bill was mailed to the Insurer, then the Village shall mail the bill to the owner(s) and person(s) responsible (if known) for causing the emergency. The Village shall take such additional steps as are reasonably necessary to obtain a response and payment from the owner(s) and person(s) responsible (if known) for causing the emergency.

(c) Lien on real estate: All fees and accrued interest charged against the owner(s) of real estate shall become a lien against the real estate for which the emergency response was provided and, if not paid within ninety (90) days from the date of first billing to the owner(s), shall be placed on the tax roll by the Village as a special charge against such real property for that year pursuant to Section 66.0627 Wis. Stats.

(d) Collection regarding personal property: All unpaid fees and accrued interest charged against the Owner(s) of personal property shall be collected in any manner permitted by law if not paid within ninety (90) days from the date of first billing.

(e) Collection from responsible person(s): All unpaid fees and accrued interest charged against a person responsible for commencing or causing the emergency shall be collected in any manner permitted by law if not paid within ninety (90) days from the date of first billing.

(f) Collection from DOT: Pursuant to section 62.13(8) Wis. Stats., this subsection (g) shall apply to all fire calls on a state trunk highway or on a highway that is part of the national system of interstate highways and is maintained by the Wisconsin Department of Transportation (DOT). If the Village is unable to collect the fee from the responsible person(s) or from the Insurer of the responsible person(s), the Village may submit written proof thereof to the DOT, and may collect from the DOT an amount not to exceed the maximum amount established by State Law. If the Village collects the cost from an Insurer or responsible person(s) after the DOT reimburses the Village, the Village shall return the amount collected to the DOT.
(g) **Alternate collection:** As an alternative to and in addition to the provisions set forth above, the Village may pursue any remedy available at law or in equity for the collection of unpaid Emergency Response Fees.

(3) **COLLECTION FOR CALLS OUTSIDE VILLAGE:** Upon computation of the Emergency Response Fee, the Village shall mail the bill to the municipality in which the service call was rendered, and that municipality shall be responsible for collection of the Fee.

### 7.206 APPEALS

The Board is hereby authorized and appointed to hear and decide all appeals made by any property owner or responsible person upon whom a fee has been imposed. Any property owner or responsible person may appeal any Fee by filing with the Village Clerk a written appeal, on forms provided by the Village, within thirty (30) days after the date of the first billing of the fee from which the appeal is taken. Such appeal shall be in writing and shall include the following:

(1) The name and address of the property owner(s) and responsible person(s);

(2) The amount of the Emergency Response Fee being contested;

(3) The date, location and description of the property involved in the emergency; and

(4) A narrative summary setting forth, with specificity, the grounds for contesting the Fee.

The Board shall hold a hearing within forty-five (45) days after receipt of such appeal, and shall give written notice to all interested parties at least ten (10) days prior to such hearing. The President shall administer oaths to all persons providing factual testimony to the Board and may compel the attendance of any witness by subpoena. The appellant shall attend said hearing in person, and may also be represented by counsel. The Board shall decide all appeals within thirty (30) days after the conclusion of said hearing, and shall transmit a signed copy of its decision to the appellant and all other interested parties. Nothing herein shall limit the Board from adjourning and continuing the hearing from time to time and place to place for the purpose of accommodating the attendance of interested persons, witnesses, and Board members, or for the purpose of preparing or presenting additional facts or argument. Moreover, the Board may adopt such additional procedural rules as it deems necessary to ensure a fair, impartial and expedient hearing on each appeal. The decision of the Board shall be final.

### 7.207 DEADLINES:

Failure to comply with any of the time periods set forth above shall not invalidate the Emergency Response Fee, nor shall it excuse the responsible person(s) from liability therefore.
VILLAGE OF CAMP DOUGLAS
CHAPTER 7
FIRE PROTECTION

SUBCHAPTER 2: EMERGENCY RESPONSE FEES
7.301 OPEN BURNING

(1) OPEN BURNING PROHIBITED: No person, firm or corporation shall build, start or tend any outdoor fire within the corporate limits of the Village of Camp Douglas excepting as set forth in Subsection (2) of this Section.

(2) EXCEPTIONS:

(a) Outdoor cooking over a fire contained in a device or structure designed for such use;

(b) Controlled burning, not in a barrel, of grass or similar vegetation (e.g., sticks, leaves, brush, branches, etc.) for environmental management purposes, subject to the following conditions:

1. A permit for such burning must be obtained from the Village Fire Chief prior to any such burning; and

2. All such burning may be conducted only during the following times: Monday through Friday between the hours of 6:00 p.m. and 9:00 p.m., and Saturdays and Sundays between the hours of 8:00 a.m. and 9:00 p.m.

(c) (Reserved for future use)

(d) Burning related to training by fire departments.

(e) Other special occasions, not specified by this Subsection, approved by the Village Fire Chief.

(3) FIRE CHIEF MAY PROHIBIT: The Village Fire Chief is authorized to prohibit any or all outdoor burning when atmospheric conditions or local circumstances make such burning hazardous. The Chief shall notify the public of any such burning ban by hanging a red flag in front of the Fire Station.

(4) STATE LAW: Nothing herein shall be construed to modify the restrictions imposed by State Statutes and Regulations regarding the burning of yard waste or solid waste. (For example, see Section 159.07 Wis. Stats.).

(5) LIABILITY: Persons who build, start, tend or maintain outdoor fires shall be liable for all damage resulting there from.