

CHAPTER 5
FIRE DEPARTMENT
(ord am. #06-2020)

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5.01 FIRE DEPARTMENT RECOGNIZED. The Darlington Community Fire District is officially recognized as the Fire Department of the City, and the duties of the fire fighting and fire prevention in the City are delegated to such District.

5.02 AUTHORITY OF DEPARTMENT OF FIRES. (1) **POLICE POWERS AT FIRES.** The Fire Chief or the Fire District officers in command at any fire shall have full and complete police authority at fires.

5.03 FIRE PREVENTION. (1) **STATE ADMINISTRATIVE CODE ADOPTED.** All chapters of the Wisconsin Administrative Code relating to fire protection and prevention, the most recent edition, are adopted and by reference made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by any Chapter of the Wisconsin Administrative Code incorporated herein by reference is required or prohibited by this action.

(2) **CONFLICTING PROVISIONS.** In case of a conflict between the provisions of this section or between this section and existing City ordinances, the strictest provisions shall apply.

(3) **COPIES TO BE ON FILE.** Copies of the Chapters of the Wisconsin Administrative Code adopted in sub.(1) shall be available for inspection during reasonable hours in the City Clerk-Treasurer's office.

5.04 FALSE ALARMS. Whoever, without reasonable cause, by outcry or otherwise, makes any false alarm of fire, shall be penalized under sec. 5.18 hereof.

5.05 USE OF ADJACENT PROPERTY. Any fireman, while acting under the order or direction of the Chief or other officer in command, may enter upon the premises adjacent to or in the vicinity of any building or other property than on fire for the purpose of extinguishing such fire and no person shall hinder or resist or obstruct any fireman in the discharge of such duty.

5.06 DESTRUCTION OF PROPERTY TO CHECK PROGRESS OF FIRE. During the progress of any fire the Fire Chief, or in his absence the Assistant Chiefs, or captain in charge, may order the removal or destruction of any property necessary to prevent the further spread of fire.

5.07 APPARATUS TO AND FROM FIRES. Except when actually responding to a fire alarm or other emergency call or when on duty at a fire, the apparatus of the Fire Department shall have no special right of way or privileges of any kind but shall be subject to the same traffic regulations as other vehicles.

5.08 TRAFFIC LAWS APPLY TO VOLUNTEERS. All volunteer firemen,

when responding to a fire call with a private vehicle, shall comply with all traffic regulations.

5.09 SAFETY REGULATIONS. The Chief or his designated agent may prescribe certain limits in the vicinity of any fire within which any persons, excepting firemen and policemen or those admitted by order of any officer of the Fire Department, shall not be permitted. He 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 adjoining property. He may likewise cause the shut-off of electrical and natural gas services where the same creates a dangerous hazard or interferes with the work of the Fire Department during the progress of the fire.

5.10 DUTY OF BYSTANDERS. Every person who may be present at a fire shall be subject to orders of the Chief or other officer in command and every such person shall render assistance as may be ordered by the officer in charge. Any person who shall refuse to obey such order after the official status of the officer in charge shall be made known to him shall be subject to a penalty as provided in sec. 5.18 hereof.

5.11 DAMAGE TO EQUIPMENT AND INTERFERENCE. No person shall willfully hinder a fireman in the discharge of his duties, nor shall any person willfully injure in any manner any hose, fire engine, or other fire apparatus belonging to the Fire District.

5.12 DRIVING OVER FIRE HOSE. No road vehicle shall be driven over any fire hose unless otherwise directed by an officer of the Fire District.

5.13 COMBUSTIBLE MATERIALS. No person shall permit on-premises he controls any empty boxes, waste paper, excelsior, rags, or other combustible materials in such quantities or manner as to create a fire hazard.

5.14 CARELESS SMOKING PROHIBITED. (1) No person shall by careless or willful smoking, or use of lighters or matches in smoking, whether intentional or unintentional, set fire to personal property or any building.

(2) The Fire Chief shall post or cause to be posted "No Smoking" signs on any premises or in any building or any section of such premises or building whereby the presence of highly combustible materials, in his opinion, the act of smoking presents a fire hazard. Such signs shall be not less than 10 inches by 12 inches in size and to be posted conspicuously at intervals of not more than 30 feet. Such signs shall bear the words "No Smoking" across the top in large letters, state the authority by which they are posted in smaller letters, and bear the signature of the Fire Chief or his duly authorized representative.

(3) Candles or torches that are not in a fixed holder will not be allowed to be burned. Lighted candles held in the hands will not be allowed in any church or public building unless written permission is first obtained from the Fire Chief or Assistant Fire Chief.

5.15 GASOLINE, BENZINE, NAPHTHA, ETC. All gasoline stations, bulk gasoline storage facilities, and any facility for storing Benzine, Naphtha, or any other volatile liquid shall be constructed and maintained in conformity with the regulations prescribed by the state statutes and the rules and regulations of the state Department of Industry, Labor and Human Relations.

5.16 GUNPOWDER. No person shall keep or store more than 5 pounds of gunpowder at any place within the City without the written permission of the Fire Chief. Any dealer, permitted to keep at his place of business in excess of 5 pounds of gunpowder, shall not keep more than 50 pounds at any one time, and such gunpowder shall be kept in a safely constructed box painted yellow with the word "powder" printed or painted thereon in black letters not less than 5 inches in height and equipped with handles so that the same may be readily moved in case of fire, and such box shall be kept in such part of the dealer's place of business as may be directed by the Fire Chief.

5.17 DYNAMITE. No person shall keep or store within the City any nitroglycerine, dynamite, giant powder or other explosives more violent than gunpowder without the written permission of the Fire Chief or otherwise than in accordance with the conditions prescribed in such permission as granted and in no case shall more than 25 pounds of any such explosive be stored or kept within 300 feet of any dwelling or other occupied building. The Fire Chief may direct the place and the manner of keeping the same and the precautions to be observed in connection therewith.

5.175 FIRE SERVICE CHARGES AND FEES (Ord #06-2020)(1) Purpose. The City of Darlington which is serviced exclusively by the DCFD for the provision of all Fire Response and Emergency Responses Services as defined herein, and adopted this Ordinance to ensure that the DCFD charges and fees for all services provided pursuant to this Ordinance are properly paid, charged, and assessed to all those benefitted or served as described hereunder.

(2) Definitions

(a) "Adopting Municipality" means the City of Darlington within whose code this Chapter has been adopted, ordained, and made effective.

(b) "DCFD" means Darlington Community Fire District, a federally registered quasi-governmental entity providing fire response services to the Adopting Municipality.

(c) "Fire and Emergency Response Services" means any fire, emergency, accident, traffic, incident, and/or any other response covered by the definitions and types included in the Charge and Fee Schedule included herein. Nothing in this ordinance shall be construed as to limit the applicability of the charges and fees included herein any services provided, whether primary or incidental, to any emergency, false alarm, fire, accident, vehicular, and/or any other situation to which DCFD responds. Such services specifically include all services conceptualized in the schedule of charges and fees and all services and costs necessary to effectuate such services. These services may include support services for other governmental and/or for-profit entities, such as, but not limited to, ambulance and emergency medical providers.

(d) "Non-resident" means any person who does not reside within the geographical area upon which the Adopting Municipality has the right to levy taxes, assessment, and/or to assess fees and dues.

(3) Power to Adopt Ordinance and Schedule. Pursuant to the laws of the State of Wisconsin municipalities, including cities, towns, and villages, have the power to enact Fire Prevention and Fire Service Ordinances including Schedules for the payments of fees and costs associated with the provision of such services, compliance with practices, and prevention mechanisms which are provided within the boundaries of the Adopting Municipality, to residents, persons present and Non-Residents. This Ordinance has been adopted pursuant to and within the municipal rights granted to the City of Darlington.

Cities and Villages: Pursuant to Wis. Stat. §61.34(1) and 62.1 1(5) and the general statutory and common law broad home rule powers broad authority to, among other things, manage and control municipal property, finances "and the public service," and to "act for the government and good order of the municipality, for its commercial benefit and for the health, safety, welfare and convenience of the public." Including the right to carry the municipality's powers into effect by taxation, special assessment "and other necessary or convenient means."

(4) Notices and Charges. By this Ordinance, the DCFD shall have the right to submit notices of services rendered, invoices for charges and fees, and/or to otherwise bill those benefitted or otherwise receiving services hereunder for all applicable charges and fees as defined herein. The DCFD shall have the sole and independent right to allocate, waive, and/or apply fees for services rendered and to bill and invoice all charges and fees due. Nothing in this Ordinance shall serve to limit the ability of the DCFD to bill and invoice any and all charges and fees defined herein, to, permitting DCFD to submit unpaid billings and invoices to the

Adopting Municipality so that charges due can be assessed to any real property benefitted or rendered services as defined hereunder. By this Ordinance, the DCFD reserves the right to charge forward to any person, persons, entity, persons and/or entities benefitted, and/or other body any costs of litigation, filing, prosecution, and/or any other legal costs associated with the issuance of citations, filing and service of a legal process, filing and prosecuting any failure of payments, and/or any and all payments necessary in working with any payment or collection agency is securing the payment of late or unpaid amounts pursuant to this Ordinance.

(5) Department Emergency and Fire Response. The DCFD shall be responsible for providing Fire and Emergency Response Services to the public and municipality(ies) in the Adopting Municipality for which services shall include, but is not limited to, the dispatch of vehicles and personnel, hazmat and technical response, mutual aid, water provision, and EMS assistance and/or traffic control relating to fire incidences, alarms, and other emergency incidences as defined and conceptualized herein.

(a)Emergency Fire Response and Rescue Service. The DCFD shall be responsible for providing all Fire and Emergency Response Services and Rescue Service to the public in the Adopting Municipality and other municipality(ies) covered by mutual aid agreements approved by the Adopting Municipality, which service Fire and Emergency Response Services.

(b)Dispatching Operations. Public requests for DCFD provided Fire and Emergency Response Services shall be directed to the 911 Dispatcher operating under the jurisdiction of the Adopting Municipality.

(c)Service Fees. Service charges for all Fire and Emergency Response Services provided shall be as provided in the Charges and Fees Schedule contained herein. The DCFD and all applicable Fire Departments shall jointly administer billing and collection under said Ordinance.

(d)Non-Application. This Ordinance does not apply to or regulate service provided by For-Profit Ambulance Service Providers.

(6) Charges for Emergency Response Services

(a)Charges for Services. The DCFD shall charge a fee for providing Fire and Emergency Response Services as Defined herein. The fee shall be computed according to the Response Charge Schedule and shall be billed to the person, persons, business, location, or parcel receiving the services.

(b) Fee Schedule. The DCFD will, as approved and amended by the Adopting Municipality, from time to time, establish fees for the provision of Fire and Emergency Response Services as defined herein and as provided in subparagraph (7) Response Charge and Fee Schedule.

(c) Refusal to Provide Services. The DCFD shall not refuse or delay in the provision of any service to any person who has failed to pay for Vehicular Fire/Hazardous Materials Suppression Services when due.

(d) Fee Charged for False Alarm. Any person whether having a fire or smoke alarm or any type of fire or smoke detecting device or having called the DCFD to the scene of any emergency or incident shall be charged a fee for each false alarm responded to by the DCFD. If the possessor of the alarm can show to the satisfaction of the Chief of the Fire Department that the false alarm was not the result of negligence or improper maintenance, such fee may be waived, at the sole discretion of DCFD.

(e) Fee to Non- Residents. Any Non-resident having a vehicle incident on Wisconsin city, county, state, or federal highways involving vehicle fire, an auto accident involving fluid spilled or extrication of a victim will be charged a fee to recover the DCFD's charges and fees.

(7) Response Charge and Fee Schedule

Darlington Fire Dept. (eff 09/04/2019) Response Charge Breakdown

(a) Response Type	Service Charge	Additional Charges
1. Residential Incident	\$500	\$250/hr.(after 1st hour)
2. Business/Ag Incident	\$650	\$250/hr.(after 1st hour)
3. Vehicle Fire	\$500	\$250/hr.(after 1st hour)
4. Wildland Fire	\$500	\$250/hr.(after 1st hour)
5. Accident with Extrication	\$650	
6. EMS Assist/Traffic/Scene Safety	\$350	\$250/hr. (after 1st hour)
7. False Alarm	1 st Free	\$200/run after 1 st
8. Carbon Monoxide	\$200	
9. HazMat/Tech Rescue	\$500	\$500/hr. (after 1st hour)
10. Water	\$50/load	
11. Class A or B Foam	Service Charge is Replacement Cost per 5 gal. bucket	

12. Oil Absorbent/Pad Service Charge is Replacement Cost per bag or absorbent pad
13. Truck 341 (ladder) \$250/hr.
14. Mutual Aid Engine/Squad \$150/hr./apparatus
15. Mutual Aid Tender \$100/hr./apparatus
16. Mutual Aid Truck (ladder) \$250/hr.
17. All equipment or gear damaged or destroyed on scene will be charged the Replacement Cost.

(b) Incident and Service Definitions:

1. Residential Incident: An incident at a private residence.
Response: (city): Engine, Truck/back up Engine, Squad.
(rural): Engine, Truck/back up Engine, Engine/Tender, Tender, Squad.
2. Business/Ag Incident: Any Ag/Industrial/Commercial type setting.
Response: (city): Engine, Truck/back up Engine, Squad.
(rural): Engine, Truck/back up Engine, Engine/Tender, Tender, Squad.
3. Vehicle Fire: Any vehicle or piece of equipment not part of a structure.
Response: (city): Engine, Truck/back up Engine, Squad.
(rural): Engine, Truck/back up Engine, Engine/Tender, Tender, Squad.
4. Wildland Fire: Any grass, brush, field, timber, natural, or Ag crop fire.
Response: Brush Truck, Ranger 1 and 2, Engine/Tender, Tender, Squad.
5. Accident with Extrication: Any motor vehicle, ATV, or piece of equipment requiring extrication, or rescue.
Response: Engine, Squad, Ranger 1 (for off-road response only).
6. EMS Assist/Traffic Control: Any incident where manpower for lifting assistance, scene safety, and traffic control is needed.
Response: Engine, Squad, Ranger 1 (off-road response only).
7. False Alarm: Any response to that ends up being a false response due to caller error, or system malfunction.
Response: Response depends on the nature of call.
8. Carbon Monoxide: Response to any Carbon Monoxide detector incidents.
Response: Command vehicle, Engine, and Squad.

9. HazMat/Tech Rescue: Incidents in our district or non-MABAS that require a HazMat or Technical Rescue response that can include SWRTRT and Jo Davis HazMat team being dispatched, and decontamination and any other support functions being needed.

Response: Including but not limited to: Tech truck and trailer, engine/tender, Squad.

10. Water: Per load of water used for fire suppression. (1000 gal. min)

11. Foam: Per 5-gallon pail of AFFF firefighting foam.

12. Oil Absorbent: Per bag of oil dry used for spill protection and clean up.

13. Truck 341: Per hour rate if 341 is used as an elevated platform.

14. Engines M/A: Per hour rate for an apparatus responding as an Engine Company.

15. Tender M/A: Per hour rate for an apparatus responding as a Tender.

16. Truck M/: Per hour charge rate for Truck 341.

5.18 PENALTY. Any person who shall violate any provision of this chapter or any order, rule, or regulation made hereunder, and any fireman who shall neglect or refuse to perform any duty required hereunder shall be subject to a penalty as prescribed in sec. 25.04 of this Code.