

Chapter 33

FIRE DEPARTMENT

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[HISTORY: Adopted by the Village Board of the Village of Albany 5-11-1992 as Title 5, Ch. 2 of the 1992 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Alarm systems -- See Ch. 67.

Fire Chief -- See Ch. 44, § 44-7.

Fireworks -- See Ch. 140.

§ 33-1. Organization.

A. Fire Department recognized. The volunteer fire company organized under W.S.A. ch. 213 is hereby disbanded pursuant to W.S.A. s. 213.04. In lieu thereof, the members of such fire organization are hereby officially recognized as the Fire Department of the Village of Albany, and the duty of the fire-fighting and the prevention of fires in the village is delegated to such Department. Its organization and internal regulation shall be governed by the provisions of this chapter and by such bylaws adopted by the Department as are approved by the Village Board, except as is otherwise provided by law and ordinance.

B. Bylaws. The Albany Fire Department shall adopt bylaws for the control, management and government and for regulating the business and proceedings of the Department, which bylaws, after adoption by a two-thirds vote of the members of the Department, shall not become effective until approved by the Village Board. Amendments shall be adopted in the same manner.

C. Appropriations. The Village Board shall appropriate funds to provide for operation and for such apparatus and equipment for the use of the Fire Department as it may deem expedient and necessary to maintain efficiency and properly protect life and property from fire.

D. Organization.

(1) Composition. The Fire Department shall consist of the following officers: one Chief, a First and a Second Assistant Chief and a Secretary-Treasurer, together with one master mechanic and as many drivers and firemen who are residents of the village as may be

appointed by the Chief, provided that at no time shall the Department consist of less than 22 active members.

(2) Membership.

(a) Application for membership. Any person desiring to be a member of the Fire Department may file with the Secretary-Treasurer an application in such form as the Fire Department may require. Each applicant shall also file a certificate of physical fitness from such physician as the Chief may designate.

(b) Resignations. All resignations from the Department shall take the same course as applications for and appointments to membership.

(3) Chief and Assistant Chiefs.

(a) A vacancy in the Office of Chief shall be filled by election by the members of the Department.

(b) The First and Second Assistant Chiefs shall be appointed by the Chief from members of the Department.

(c) No member of the Department shall be eligible for the Office of Chief or Assistant Chief whose entire time, both day and night, is not ordinarily spent within the village limits and who has not been a member of the Department for at least two years.

(4) Companies. The Department shall organize into one or, at the option of the Chief, into two or more companies, of which not less than 1/2 the members must be employed in the village.

(5) Election of officers. The election of the Secretary-Treasurer and such social officers as the bylaws may require shall be held at the annual meeting of the Department in such manner as is provided in the bylaws. In case of any vacancy, the Chief shall appoint a member in good standing to fill the office until the next annual election.

E. Powers and duties of Chief.

(1) General supervision. The Chief shall have the general supervision of the Department, which supervision shall be subject to and not conflict with this chapter and the bylaws of the Department. He shall be responsible for the safety of the members of the Department.

(2) Presiding officer. The Chief shall preside at all meetings of the Department, call special meetings, preserve order, decide all points of order that may arise and enforce a rigid observance of this chapter and bylaws.

(3) Command of the fire-fighting operations. The Chief shall be present at all fires, if possible, and have complete command and entire responsibility of all fire-fighting operations, plan the control of the same, direct the action of the Department when it arrives at the fire, observe that the Department does its duty, grant leaves of absence at a fire when he may deem it proper and see that the fire apparatus is kept in proper condition at all times.

(4) Disciplinary actions. The Chief may demote or expel any officer or member of the Department for neglect or refusal to perform his departmental duties or for nonresidence, subject to an appeal from such demotion or expulsion to the Village Board.

(5) Department budget. Not later than September 1 of each year, the Chief shall file with the Village Clerk-Treasurer a detailed estimate of the appropriations needed for the conduct of the Department during the ensuing fiscal year.

(6) Reports to the Board. The Chief shall submit a written report to the Village Board not later than February 1 of each year and at such other other times as he deems desirable, relating to the conditions of various pieces of apparatus and appurtenances, the number of hydrants and the condition of the same, the number of fires occurring since the previous report and the date of the same and loss occasioned thereby, the total number of active members in the Department and resignations and expulsions from the Department. He shall also report upon the drill and training program of the Department, together with other pertinent information, including recommendations for such improvements as he deems proper and necessary for the operation of the Department.

(7) Enforcement of fire prevention ordinances. He shall enforce all fire prevention ordinances of the village and state laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and on the activities of the Department.

(8) Fire record book. He shall keep a fire record book of every fire to which the Department was called and shall enter in such book the locality of the fire, time the alarm was received, cause of fire, where the fire started, cause of delay (if any) in responding, amount of insurance carried on buildings and contents, estimated fire loss, time the fire was extinguished, names of fire fighters responding and general remarks.

(9) Apparatus inventory. He shall keep an inventory of all apparatus and equipment and an inventory of all hose, showing dates and results of tests on each length, which shall be individually numbered.

(10) Duties of commanding officer. He shall perform such other duties as are usually incumbent on the commanding officer of the Fire Department.

F. Control and care of apparatus.

(1) The Chief shall have control of all apparatus used by the Department and shall be responsible for its proper maintenance. Emergency repairs may be authorized by the Chief.

(2) No apparatus shall be used for any purpose except for fire fighting that is 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. With the approval of the Chief, such apparatus may be used for emergency purposes within the village.

G. Insubordination. Any member or officer of the Department who has been expelled or demoted for any offense or neglect of duty or insubordination at any fire or drill may appear before the Village Board and state why such penalty should not be confirmed. The Village Board may by a two-thirds vote of the members order the Chief to reinstate the member or officer. The Secretary-Treasurer shall report the name of each person expelled or demoted to the Village Board.

§ 33-2. Impeding fire equipment.

No person shall impede the progress of a fire engine, fire truck or other fire apparatus of the Albany Fire Department along the streets or alleys of such village at the time of a fire or when the Fire Department of the village is using such streets or alleys in response to a fire alarm or for practice.

§ 33-3. Police power of Department; investigation of fires.

A. Police authority at fires.

(1) 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 the Department may cause the arrest of any person failing to give the right-of-way to the Fire Department in responding to a fire.

(2) The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting firemen and policemen and those admitted by order of any officer of the Department, shall be permitted to come.

(3) The Chief 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 cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work of the Department during the progress of a fire.

B. Fire inspection duties.

(1) The Fire Chief, or his designee, shall be the Fire Inspector of the Village of Albany and shall have the power to appoint one or more Deputy Fire Inspectors and shall perform all duties required of the Fire Inspectors by the laws of the state and rules of the Department of Industry, Labor and Job Development, particularly W.S.A. s. 101.14.

(2) While acting as Fire Inspector pursuant to W.S.A. s. 101.14(2), the Fire Chief, or any officer of the Fire Department designated by the Fire Chief, shall have the right and authority to enter any building or upon any premises in the Village of Albany at all reasonable hours for the purpose of making inspections or investigations which, under the provisions of this Code, he may deem necessary. Should the Fire Inspector find that any provisions of this Code relating to fire hazards and prevention of fires are being violated, or that a fire hazard exists which should be eliminated, it shall be his duty to give such directions for the abatement of such conditions as he shall deem necessary and, if such directions be not complied with, to report such noncompliance to the Village Board for further action.

(3) The Chief of the Fire Department is required, by himself or by officers or members of the Fire Department designated by him as fire inspectors, to inspect all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire or any violations of any law or ordinance relating to the fire hazard or to the prevention of fires. Such inspections shall be made at least once in six months in all of the territory served by the Fire Department and not less than once in three months in such territory as the Village Board has designated or thereafter designates as within the village or as a congested district subject to conflagration, and oftener as the Chief of the Fire Department orders. Each six-month period shall begin on January 1 and July 1, and each three-month period on January 1, April 1, July 1 and October 1 of each year.

(4) Written reports of inspections shall be made and kept on file in the office of the Chief of the Fire Department in the manner and form required by the Department of Industry, Labor and Job Development. A copy of such reports shall be filed with the Fire Chief.

§ 33-4. Damaging fire hose; parking by hydrants; blocking fire lanes.

A. Driving over fire hose. No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the Albany Fire Department, and no vehicle shall be driven over any unprotected hose of the 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.

B. Parking vehicles near hydrants. It shall be unlawful for any person to park any vehicle or leave any object within 10 feet of any fire hydrant at any time.

C. No parking near fire. It shall be unlawful for any person, in case of fire, to drive or park any vehicle within one block from the place of fire without the consent and authority of the Fire Chief or any police officer.

§ 33-5. Firemen may enter adjacent property.

A. Entering adjacent property. It shall be lawful for any fireman while acting under the direction of the Fire Chief or any other officer in command to enter upon the premises adjacent to or in the vicinity of a building or other property then on fire for the purpose of extinguishing such fire, and in case any person shall hinder, resist or obstruct any fireman in the discharge of his duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firemen in the discharge of their duty.

B. Destruction of property to prevent the spread of fire. During the progress of any fire, the Fire Chief or his assistant shall have the power to order the removal or destruction of any property necessary to prevent the further spread of fire, provided that it is inevitable that, unless such property is removed, other property is in danger of being destroyed by fire.

§ 33-6. Duty 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 or persons refusing to obey said orders.

§ 33-7. Vehicles to yield right-of-way.

Whenever there shall be a fire or fire alarm or the Fire Department shall be out for practice, every person driving or riding in a motorized or other vehicle shall move and remain to the side of the street until the fire engine and fire truck and other fire apparatus shall have passed.

§ 33-8. Interference with use of hydrants.

No person shall occupy any portion of such streets or alleys with a motorized or other vehicle between such fire engine or fire truck or other fire apparatus or any hydrant to which a fire hose may be, or may be about to be, attached.

§ 33-9. Open burning.¹ [Amended 11-18-1993 by Ord. No. 03-93]

A. Open burning prohibited. No person, firm or corporation shall build any outdoor fire within the corporate limits of the Village of Albany excepting as set forth in Subsection B. This prohibition on burning includes burning of construction waste and debris at construction sites.

B. Exceptions.

(1) Burning of small amounts of dry combustible rubbish (not to include wet combustible rubbish, garbage, oily substances, asphalt, plastic or rubber products) in single-family residences during the hours of 5:00 a.m. to 4:00 p.m. daily. No flame or smoke is allowed after 4:00 p.m. Burning of nonoffensive materials in a wire refuse burner, basket or metal enclosure with a cover attached to prevent the escape of sparks and burning materials, located a minimum of 25 feet from a building; only one burner is permitted per lot.²

(2) Controlled burning of small amounts of dry leaves and dry plant clippings; burning of dry trees, wood, brush or demolition materials (excluding asphaltic or rubber materials) by such methods as approved by the Department of Natural Resources.

(3) Fires set for practice and instruction of firemen or testing of fire-fighting equipment.

(4) Backfires to control forest fires or fires set for forest or wildlife habitat management with approval of the Department of Natural Resources where no reasonable alternative is available.

(5) Outdoor fires for cooking, ceremonies or recreation.

(6) Small open flames for welding, acetylene torches, safety flares, heating tar or similar applications.

C. Open burning procedures. All allowed open burning shall be conducted in a safe pollution-free manner, when wind and weather conditions are such as to minimize adverse effects and in conformance with local and state fire protection regulations.

D. Chief may prohibit. The Fire Chief is permitted to prohibit any or all bonfires and outdoor fires when atmospheric conditions or local circumstances make such fires hazardous.

E. Burning on streets. No materials may be burned upon any street, curb, gutter or sidewalk.

F. Liability. Any person utilizing and maintaining an outdoor fire shall be responsible for any liability resulting from damage caused by his fire.

G. Penalties. Any person who is in violation of this section will be subject to the General Penalty found in Chapter 1, General Provisions, § 1-19.

¹ Editor's Note: See also Ch. 198, Parks and Navigable Waters, § 198-1B(7).

²Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).