

CHAPTER 5

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FIRE PROTECTION AGREEMENT

5.01 ARTICLE I—PURPOSE. The purpose of the Plain Fire Emergency Protection District shall be to provide proper fire protection for all persons and properties situated within the district boundaries by the joint and mutual supervision and funds of the municipalities involved. It is the common belief of the Village of Plain and the Towns of Franklin, Bear Creek, Honey Creek and Troy, that:

(1) Greater protection against fire losses in the Village and the Towns can be secured by the joint ownership and purchase of firefighting equipment.

(2) a more effective fire organization can be promoted by the joint and mutual cooperation of the Village and Towns with the existing Volunteer Fire Department of the Village.

(3) The cost of protection can be more equitably shared by the Village and Towns involved.

(4) "Towns" as used in this chapter means the Town of Franklin, the Town of Bear Creek, the Town of Honey Creek and the Town of Troy.

5.02 ARTICLE II—NAME. The name of this Association shall be the Plain Fire Protection District, and its headquarters shall be located in the Village of Plain, Wisconsin.

5.03 ARTICLE III—BOUNDARIES. (1) DESIGNATED. The District shall consist of all property lying within the Village and all property lying within the Towns and additional territory as may be added to the District by the Trustees according to the articles of association and the bylaws.

5.04 ARTICLE IV—ARTICLES OF ASSOCIATION AND BYLAWS. The District shall operate according to the Articles of Association and the District bylaws.

5.05 STATE FIRE PREVENTION MANUAL ADOPTED. (1) BY REFERENCE. The Wisconsin Fire Prevention Manual detailing provisions for the prevention of fire is 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 such manual is required or prohibited by this section.

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

(3) COPIES TO BE ON FILE. Copies of the State Fire Prevention Manual shall be available for inspection during reasonable hours in the Village Clerk's office.

5.10 PENALTY. Any person who shall violate any provision of this chapter, or any provision of the Articles of Association or the District bylaws adopted herein, or any provision of the State Fire Prevention Manual herein adopted by reference, shall be subject to a penalty. **See fine schedule.**

5.11 AMBULANCE PROTECTION AGREEMENT—PURPOSE. The purpose of the Plain Ambulance Service, as provided by the Plain Fire Emergency Protection District, shall be to provide proper ambulance service for all persons situated within the district boundaries by the joint and mutual supervision and funds of the municipalities involved. It is the common belief of the Village of Plain and the Towns of Franklin, Bear Creek, Honey Creek and Troy that:

(1) Better ambulance service can be secured by the joint ownership and purchase of ambulance equipment.

(2) A more effective ambulance service can be promoted by the joint and mutual cooperation of the Village and Towns with the existing Volunteer Ambulance Service.

(3) The cost of service can be more equitably shared by the Village and Towns involved.

(4) "Towns" as used in this chapter means the Town of Franklin, the Town of Bear Creek, the Town of Honey Creek and the Town of Troy.

5.12 AMBULANCE PERSONNEL. The staff of the ambulance crew shall be state or nationally certified Emergency Medical Technicians (EMT) except for ambulance drivers who shall be Red Cross certified.

5.13 FIRE DEPARTMENT REIMBURSEMENTS. (1) Policy. There is hereby established the following policy and procedure for the reimbursement of the fire costs incurred by said named municipality and townships.

(2) Purpose. This ordinance is enacted to ensure that those persons and entities receiving direct benefit from services provided by the Fire Department pay for some or all of such costs incurred by the Fire Department, and to reduce the economic burden to the general property taxpayers.

(3) Fire Protection Costs: Property owners of real estate and/or improvements to real estate located within the fire district shall be responsible for the costs of the Fire Department's response and suppression activities associated with combating such fire based upon a schedule of cost assessments attached hereto and made a part hereof. Property included under the terms of this paragraph, but not limited to the following, shall be structures, grass, crops, woods, improvements to real estate, and portable structures, equipment, and personal property.

(4) Vehicles. The owner or lessee of any vehicle to which the Fire Department responds for any fire, potential fire, or vehicle accident of any kind, wherever the same occurs, shall be responsible for the costs of the Fire Department's response and operations associated therewith, based upon a schedule of cost assessments attached hereto and made a part hereof. Vehicle shall include, but not be limited to automobile, truck, motorcycle, tractor, all-terrain vehicle, snowmobile, horse drawn vehicle, and farm implement.

(5) Waiver of Assessment. There shall be no fee levied under the terms of this ordinance for the response by the Fire Department to a fire on open land along any public highway or waterway, for which the property owner and/or the lessee, if any, are not responsible for starting the same. This section shall not apply to any liability of anyone pursuant to Wis. Stat. 26.14 and any amendments thereto.

(6) Fee Structure. The Fire Board may modify the schedule of assessments at any time, provided the same is approved by the governing boards of the Town of Bear Creek, Town of Franklin, Town of Honey Creek, Town of Troy and Village of Plain. The Fire Board is hereby authorized to adopt a scale of additional charges, as said Fire Board determines necessary, for any additional equipment, Fire Department responders, and the like used in response to the matters described in this ordinance.

(7) Collection Procedures. The Fire Board shall direct all charges set forth herein to the person, persons, or entity to whom the services were provided by the Fire Department. In addition to seeking payment from such person or entities to whom the services were provided, the Fire Board shall pursue such claims against any insurer of the responsible party for whom the services were rendered. Any amounts not paid within sixty days of the date of billing the responsible party shall be deemed delinquent, and the Fire Board shall, in its discretion, seek repayment of any unpaid portion through any legal means available to it. The Fire Board shall

designate such person or entity to act on behalf of the Fire Board regarding any collection procedures including representation in any court proceedings. In addition, the Fire Board shall seek reimbursement from the State of Wisconsin and/or any county for such amount as may be permitted by law.

(8) Other Departments. Nothing contained herein shall prevent the Fire Board from entering into agreements with other fire districts regarding reimbursement for costs and expenses to the Fire Department.

(9) Delegation of Authority. Nothing contained herein shall prevent the Fire Board from delegating the Fire Department the authority to collect the charges set forth in Section 7 hereof. This ordinance is a supplement to but does not replace any other assessment procedures of the Fire Board, the Town of Bear Creek, Town of Franklin, Town of Honey Creek, Town of Troy and Village of Plain, for the operating budget of the Fire Department.

5.14 FIRE INSPECTION FREQUENCY. (1) Pursuant to and consistent with SPS 314.01(13)(b)7, all public buildings and places of employment shall be inspected at least once per calendar year, provided the interval between those inspections does not exceed 15 months.

(2) The fire chief may alter the inspection frequency of any public buildings and places of employment to more than once per calendar year.