

Ordinance 10-01-2012-03

**An ordinance amending Chapter 34, Article I and III Fire Prevention and Protection:
Creating 34-4, Amending 34-80 (g), Amending for 34-79 and 34-87, and renumbering 34-
87 thru 34-95.**

The Board of Trustees for the Village of Fontana on Geneva Lake, Walworth County, Wisconsin, do ordain as follows:

Section 1. Article I, Section 34-4 is hereby created to read as follows:

34-4 Fire Inspections

1. Fire Chief to be Fire Inspector. The Fire Chief shall hold the office of Fire Inspector and may appoint one or more Deputy Fire Inspectors, who shall perform the same duties and have the same power as the Fire Inspector.
2. Duty of Inspection.
 - (a) Inspection Required. The Fire Inspector shall inspect semi-annually all buildings, premises and public thoroughfares within the Village to note and cause to be corrected any conditions liable to cause fires. Repairs or alterations necessary to remove a hazardous condition shall be made within a reasonable time at the owner's expense. The Inspector shall also investigate the storage and handling of explosives and flammable liquids within the Village.
 - (b) Special Inspection Warrant. If consent to entry to personal or real properties which are not public buildings, or to portions of public buildings which are not open to the public, has been denied, the Fire Inspector shall obtain a special inspection warrant under Sections 66.122 and 66.123, Wis. Stats.
3. Records and Reports of Inspections. The Fire Inspector 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 report of inspections required by such Department.
4. Correction of Fire Hazards. When an inspection by the Fire Inspector or his deputy reveals a fire hazard, the Inspector or his deputy may serve a notice in writing upon the owner of the property, giving such owner a reasonable time in which to remove the hazard. If the fire hazard is not removed within the time allowed, it shall be deemed a nuisance; and the Fire Inspector or his deputy may 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 and may also be entered in the tax roll as special charge against the property.

5. Compliance with Fire Inspector. No person shall deny the Fire Inspector or his deputy free access to any property within the Village at any reasonable time to make 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.
6. The provisions of Section 101.14(2), Wis. Stats., and of COMM 14 of the Wisconsin Administrative Code relating to fire inspections are adopted by reference and made a part hereof.
7. Any person violating any provision of this section or resisting or obstructing an inspector in the performance of his or her duties shall be subject to forfeiture under Section 1-11 of the Municipal Code.
8. Fire Inspection Fee. An annual inspection fee shall be imposed upon the record property owner of buildings, structures and premises that are required to be inspected under Section 101.14, Wis. Stats.

(a) Inspection Fee Schedule. All property subject to the fire inspection fee shall be charged according to the following schedule:

Building Type	Annual Fee
Residential:	
4—36 units	\$5.00 per unit per year
37—60 units	\$200.00 per year
61—99 units	\$225.00 per year
100 units and above	\$250.00 per year
Motels and Hotels	\$2.00 per Room/Rental
Commercial:	
Under 1,000 square feet	\$25.00 per year
<u>1,000 to 4,999 square feet</u>	\$50.00 per year
<u>5,000 to 24,999 square feet</u>	\$75.00 per year
<u>25,000 to 99,999 square feet</u>	\$100.00 per year
100,000 to 174,999 square feet	\$200.00 per year
175,000 to 249,999 square feet	\$350.00 per year
Industrial:	
Under 4,999 square feet	\$50.00 per year
<u>5,000 to 24,999 square feet</u>	\$100.00 per year
<u>25,000 to 99,999 square feet</u>	\$150.00 per year
100,000 to 174,999 square feet	\$250.00 per year
175,000 to 349,999 square feet	\$400.00 per year
Churches:	Exempt
Schools, Government Buildings	Exempt

- (b) Special Charge. The annual fire inspection fee shall constitute a special charge against the property under Section 66.0627, Wis. Stats., and shall be invoiced on or before July 31 each year. Any fees remaining unpaid as of November 1 of each year shall be placed on the annual tax roll for collection as a special charge together with an administrative charge of \$20.00 per parcel. All proceedings related to the collection of real estate taxes shall apply.
- (c) Penalties. The fees assessed in subsection (8)(a) includes primary inspection and one re-inspection to follow up on any corrections which needed to be completed within the time ordered by the Village of Fontana Fire Department Inspection Services. After the re-inspection and the time for corrective action has passed, any property in violation shall be assessed for all additional re-inspections needed until the corrections have been made as follows:
1. Second re-inspection for violations not corrected in time given, \$150.00;
 2. Third re-inspection for violations not corrected in time given, \$200.00;
 3. Fourth re-inspection for violations not corrected in time given, \$325.00;
 4. If violations are not corrected by the fourth inspection additional action may be taken which may include a possible loss of occupancy.

Section 2. Article III, Section 34-80 (g) of the Municipal Code of the Village of Fontana on Geneva Lake is hereby amended to read:

Sec. 34-80 (g) The chief shall hold the office of Fire Inspector and may appoint one or more Deputy Fire Inspectors, who shall perform the same duties and have the same power as the Fire Inspector.

Section 3. Article III, Section 34-79 of the Municipal Code of the Village of Fontana on Geneva Lake is hereby amended as follows:

Sec. 34-79. - Election of officers.

There shall be elected ~~at each annual meeting~~ in September ~~of each year~~ by a majority of ballots of the members present, two assistant chiefs, four captains and a secretary-treasurer, who shall hold office for ~~one-three~~ years, ~~commencing with the September 2012 elections~~. All elected officers shall be approved by the board at a regular board meeting.

Section 4. Section 34-86 of the Municipal Code of the Village of Fontana on Geneva Lake is hereby deleted.

~~Sec. 34-86. - Trustees.~~

- (a) ~~The trustees of the fire department shall be responsible to see that all equipment is kept in good working order and ready to respond to a fire alarm at any hour of day or night.~~
- (b) ~~Any member suspended by the chief must appear before the chief, assistant chief and secretary-treasurer for hearing.~~

Section 5. Section 34-87 is amended as follows and Section 34-87-Section 34-95 is hereby renumbered as follows:

Sec. 34-876. - Membership; vacancies.

- (b) Any person of good standing, above the age of 18 residing or working within ~~five miles of the village limits, or a resident of the village proper~~ the Village proper and passes a background check, or other non-village residents who pass a background check and is authorized by the fire chief is eligible for membership. Any person who desires to become a member of the fire department shall notify the chief or secretary-treasurer and attend one meeting.

Sec. 34-878. - Excuse from duty.

Members of the fire department may be excused from duty for sickness, working, a death in the family of the member, family emergency, absence from the village, or any other event that the chief or other officer feels is acceptable.

Sec. 34-889. - Pay.

Pay for members of the fire department shall be set by the board for the following activities:

- (1) Fire call, each member responding.
- (2) Meeting, each member attending.
- (3) Drill, each member attending.

Sec. 34-8990. - Death of members.

In case of the death of a member or honorary member of the fire department, it shall be the duty of the chief to assign six firefighters, including himself, if possible, in uniform, as honorary pallbearers, and to see that his remains are interred decently and respectfully. The fire station shall be draped in black for ten days.

Sec. 34-9091. - Retirement.

Any member reaching age 65, except the chief and assistant chief, shall be retired from active duty and shall become honorary members of the department with all privileges remaining per ordinance.

Sec. 34-9192. - Duties.

- (a) No member of the fire department shall leave his post while on duty without the permission of his commanding officer, nor interfere with any officer in the discharging of his duties by giving counter-orders at a fire or by being noisy or officious; and officers shall promptly report any such conduct to the chief.
- (b) When any member shall have absented themselves without excuse from three successive meetings of the department, properly announced, drills included, they shall be notified by the secretary-treasurer in writing that upon an absence,

without excuse, from the fourth meeting or drill, their name will be taken from the roll.

- (c) Day-to-day and fire ground operations will follow Fontana Fire Department operational guidelines (GOs, SOPs, SOGs, working rules).
- (d) If any member shall appear at a fire call, drill or any meeting of the department or at the safety building, in an evident state of intoxication, or impaired from either a legal or illegal drug, make use of profane or obscene language when present, or act in any insubordinate way, their superior officer shall report such conduct to the chief, who shall, upon sufficient evidence, order such member to be stricken from the roll. No member so stricken shall be reinstated.

Sec. 34-9~~23~~. - **Use of moneys.**

All moneys received or collected in accordance with this article, or which shall accrue, shall be placed in the general fund of the fire department, or, if a meeting shall direct, for other purposes.

Sec. 34-9~~34~~. - **Mutual aid agreement.**

The Fontana Fire Department has agreed and signed the Walworth County MABAS division 103 contract to use the MABAS program for mutual aid. The fire department will also use the incident command structure for all incidents.

Sec. 34-9~~45~~. - **Department-issued equipment.**

All issued equipment is property of the fire department and will be returned immediately upon a firefighter leaving the department. Failure to do so will cause the firefighter to be billed for unreturned items, prorated, and if the firefighter fails to return keys, the safety building will be rekeyed at that firefighter's expense.

Section 6. Effective Date: This ordinance shall be in full force and effect upon its passage approval, and publication as required by law.

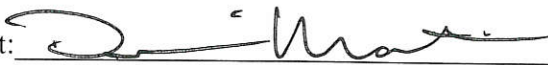
Passed and Adopted by the Village Board of the Village of Fontana on Geneva Lake, Walworth County, WI this 1st day of October, 2012.

Village Board of the Village of Fontana on
Geneva Lake

By:


Arvid Petersen, Village President

Attest:


Dennis L. Martin, Village Clerk

