

Village of Sister Bay Code of Ordinances

Chapter 23

Fire Department and Fire Board

Table of Contents

Sec. 23.1 History/Purpose.	1
Sec. 23.2 Definitions.....	1
Sec. 23.3 Official Names.....	1
Sec. 23.4 Municipal Entity.	1
Sec. 23.5 Boundaries / Service Area.....	1
Sec. 23.6 Fire Board.	1
Sec. 23.7 Fire Chief.....	2
Sec. 23.8 Members.....	3
Sec. 23.9 Equipment.....	4
Sec. 23.10 Reserved.	4
Sec. 23.11 Budget.	4
Sec. 23.12 Dispute Resolution.	4
Sec. 23.13 Dissolution.	5
Sec. 23.14 Amendment.....	5
Sec. 23.15 Reserved.....	5
Sec. 23.16 Legal Advice and Fees.	5

Village of Sister Bay Code of Ordinances

1 FIRE BOARD AND FIRE DEPARTMENT

2 **Sec. 23.1 History/Purpose.**

3 (a) In the 1930's the Village and the Town
4 agreed to jointly purchase equipment for
5 use in fighting fires in the Village and Town
6 on a basis of 50/50 shared cost. The Town
7 and the Village subsequently established a
8 joint Fire Department, and also jointly estab-
9 lished what has been referred to as a "Fire
10 Commission" made up of members of their
11 governing bodies to govern the operation of
12 the joint Fire Department. Over the years,
13 the Village and the Town have jointly pro-
14 vided emergency services and fire protec-
15 tion services to the persons and properties
16 within their municipal boundaries through
17 such Fire Department and Fire Commission.
18 It has been, and continues to be, the com-
19 mon belief of the Village and the Town that
20 greater protection against fire losses is af-
21 forded through their joint and mutual coop-
22 eration.
23 (b) The purpose of this Chapter is to establish a
24 Fire Board and Fire Department for the con-
25 tinued joint provision of emergency services
26 and fire protection services by the Village
27 and the Town to the persons and properties
28 within their municipal boundaries, pursuant
29 to the authority granted them by Section
30 66.0301 of the Wisconsin Statutes.

31 **Sec. 23.2 Definitions.**

32 (c) "Fire Board" means the Sister Bay and Liberty
33 Grove Fire Board.
34 (d) "Fire Department" means the Sister Bay and
35 Liberty Grove Fire Department.
36 (e) "Members" means the Fire Chief and all
37 members of the Fire Department.
38 (f) "Town" means the Town of Liberty Grove lo-
39 cated in Door County, Wisconsin.
40 (g) "Village" means the Village of Sister Bay lo-
41 cated in Door County, Wisconsin.
42 (h) "Town Board" means the Town Board of the
43 Town of Liberty Grove.
44 (i) "Village Board" means the Village Board of
45 the Village of Sister Bay.

46 **Sec. 23.3 Official Names.**

47 The official name of the Fire Board shall be the "Sis-
48 ter Bay and Liberty Grove Fire Board." The official
49 name of the Fire Department shall be the "Sister
50 Bay and Liberty Grove Fire Department.

51 **Sec. 23.4 Municipal Entity.**

52 The Village and the Town hereby jointly establish
53 the Sister Bay and Liberty Grove Fire Board and
54 The Sister Bay and Liberty Grove Fire Department,
55 as municipal entities being agencies of the Village
56 and the Town jointly. By this Agreement and any
57 Resolutions or Ordinances approving or adopting
58 this Chapter, the governing bodies of the Village
59 and the Town hereby delegate to the Fire Board
60 their authority over operation of the Fire Depart-
61 ment to the extent expressly stated herein.

62 **Sec. 23.5 Boundaries / Service Area.**

63 (a) The boundaries of the area served by the
64 Fire Department shall be the entire incor-
65 porated area of the Village, and the entire
66 unincorporated area of the Town.
67 (b) The Fire Department may enter into
68 agreements with other municipalities in
69 Door County for mutual fire aid, subject to
70 approval of the Fire Board. Any such
71 agreement previously entered into by the
72 entity previously referred to as the Sister
73 Bay and Liberty Grove Fire Commission is
74 hereby ratified and approved by the Village
75 and the Town, and shall be affirmed by the
76 Fire Board.

77 **Sec. 23.6 Fire Board.**

78 (a) The Fire Board shall be the governing body
79 of the Fire Department, and shall have the
80 powers and authority set forth in this Chap-
81 ter.
82 (b) The Fire Board shall elect its Chairman at
83 the first Fire Board meeting following the
84 spring general elections in both the Village
85 and the Town.
86 (1) The term of the Chairman shall be
87 one year.
88 (2) The Chairman shall preside at all
89 meetings, prepare agendas, appoint
90 all committees, authorize all calls for
91 any special meetings and generally
92 perform the duties of the presiding
93 officer.
94 (c) Members.
95 (1) The Fire Board shall consist of two
96 (2) members from the Village Board
97 and three (3) members from the
98 Town Board. All Fire Board mem-
99 bers shall be elected officials of the
100 Village and the Town.
101 (2) The Fire Board members shall be se-
102 lected by their respective presiding
103 officer of the Village Board and

Village of Sister Bay Code of Ordinances

- 1 Town Board, subject to approval by a 56
2 majority vote of their members. 57
- 3 (3) The terms of the Fire Board members 58
4 shall be as determined by the Village 59
5 Board and Town Board. 60
- 6 (4) No compensation shall be paid to the 61
7 Fire Board members by the Fire Board 62
8 for serving on the Fire Board. 63
- 9 (d) Clerk / Treasurer. 64
- 10 (1) The Fire Board shall hire a Clerk / 65
11 Treasurer, who shall not be a member 66
12 of the Fire Board. 67
- 13 (2) The term and compensation of the 68
14 Clerk / Treasurer shall be determined 69
15 by the Fire Board. 70
- 16 (3) The Clerk / Treasurer shall attend all 71
17 meetings of the Fire Board and pre- 72
18 pare minutes of each meeting. 73
- 19 (4) The duties of the Clerk / Treasurer 74
20 shall be as stated in the Rules of Op- 75
21 eration to be adopted by the Fire 76
22 Board consistent with this Chapter. 77
- 23 (e) Authority of the Fire Board. The Fire Board 78
24 shall adopt the Rules of Operation set forth 79
25 in Exhibit A attached hereto, (for information 80
26 purposes only and not part of the Chapter), 81
27 with the caveat that any inconsistent provi- 82
28 sions shall be subject to this Chapter and all 83
29 references to "Commission" shall refer to 84
30 "Fire Board," and is hereby authorized to do 85
31 the following: 86
- 32 (1) Establish policies, rules and regula- 87
33 tions for the operation of the Fire De- 88
34 partment. 89
- 35 (2) Have overall authority over the Fire 90
36 Chief and all members of the Fire 91
37 Department. 92
- 38 (3) The appointment of the Fire Chief as 93
39 voted on by the members of the Fire 94
40 Department is subject to approval of 95
41 the Fire Board. 96
- 42 (4) Hire a Clerk (or Clerks) for both the 97
43 Fire Board and the Fire Department. 98
- 44 (5) Develop an annual operating budget 99
45 for the Fire Department and submit 100
46 such budget to the Village Board and 101
47 the Town Board for approval. 102
- 48 (6) Approve all expenditures of the Fire 103
49 Department made within the operat- 104
50 ing budget. 105
- 51 (7) Have an annual audit made of the fi- 106
52 nancial records of the Fire Depart- 107
53 ment and furnish a copy of the audit 108
54 to the Village Board and the Town 109
55 Board. 110
- (8) Insure the Fire Department operates 10
in accordance with all laws, rules, 11
regulations, and policies concerning 12
fire departments, fire inspections, 13
and first responders. 14
- (9) Perform such other duties as are 15
necessary to maintain the operation 16
of the Fire Department in accor- 17
dance with requirements of law and 18
perform such other duties as are re- 19
quired by the joint agreement of the 20
Village and Town. 21
- (10) Shall review an annual capital 22
equipment plan that outlines the 23
expected capital expenses for vehi- 24
cles and equipment as well as the 25
replacement of existing vehicles and 26
equipment. This report shall be 27
submitted to the Village and Town 28
when the annual budget requests 29
are submitted. 30
- (11) Shall be considered the employer of 31
record for the members of the Fire 32
Department. 33
- (f) Meetings. 34
- (1) The Fire Board shall meet at least 35
quarterly. Each meeting shall be no- 36
ticed in and held in accordance with 37
the requirements of subchapter V of 38
Chapter 19, Wisconsin Statutes, 39
commonly known as the "Wisconsin 40
Open Meetings Law." Copies of the 41
minutes of those meetings shall be 42
provided to the Village Board and 43
Town Board. 44
- (2) The Rules of Operation as adopted 45
shall govern the proceeding of the 46
Fire Board, except as may be con- 47
trary to Wisconsin Statutes; in such 48
event, the State Statutes shall pre- 49
vail. Roberts Rules of Order shall 50
apply in those areas these rules do 51
not cover. 52

Sec. 23.7 Fire Chief.

- (a) The Fire Chief shall be a member of the 53
Fire Department elected by majority vote 54
of the members of the Fire Department for 55
a term of two (2) years. The member 56
elected shall be subject to approval by the 57
Fire Board. If approval is denied by the 58
Fire Board, the members shall elect another 59
member as Fire Chief, who will be subject 60
to approval by the Fire Board. 61
- (b) The Fire Chief shall be paid compensation 62
as determined by the Fire Board. 63

Village of Sister Bay Code of Ordinances

- 1 (c) Duties and Authority of the Fire Chief: 57
- 2 (1) Responsible for implementing the 58
- 3 policies established by the Fire Board. 59
- 4 (2) Responsible for promulgating rules 60
- 5 and regulations for the operation of 61
- 6 the Fire Department. 62
- 7 (3) Prepare and present an annual 63
- 8 budget. 64
- 9 (4) Prepare and present an annual capital 65
- 10 equipment purchase plan. 66
- 11 (5) Responsible for manning and training 67
- 12 of the Fire Department, supervision 68
- 13 of the Firefighters and First Respond- 69
- 14 ers and to oversee the day-to-day 70
- 15 operations of the Fire Department. 71
- 16 (6) Shall attend all meetings of the Fire 72
- 17 Board in an advisory role. 73
- 18 (7) Perform such other duties and re- 74
- 19 sponsibilities as required of Fire 75
- 20 Chiefs by law. 76
- 21 (8) Appoint two (2) Assistant Chiefs, one 77
- 22 in charge of the south fire station in 78
- 23 the Village and one in charge of the 79
- 24 north fire station in the Town. 80
- 25 a. The Assistant Chiefs shall each 81
- 26 be responsible for the supervi- 82
- 27 sion of the Firefighters in their 83
- 28 respective stations, and for the 84
- 29 maintenance and repair of the 85
- 30 Fire Department equipment 86
- 31 assigned to their stations. 87
- 32 b. The Assistant Chiefs shall fol- 88
- 33 low the orders of the Chief 89
- 34 and the policies, rules and 90
- 35 regulations of the Fire De- 91
- 36 partment. 92
- 37 c. In the absence of the Chief, 93
- 38 the senior Assistant Chief shall 94
- 39 assume command, and in the 95
- 40 absence of the senior Assistant 96
- 41 Chief, the junior Assistant 97
- 42 Chief shall assume command. 98
- 43 d. The Assistant Chiefs shall re- 99
- 44 ceive such compensation as is 100
- 45 determined by the Fire Board. 101
- 46 (9) Appoint a First Responder Crew Chief 102
- 47 who shall be responsible for the su- 103
- 48 pervision of the First Responders, and 104
- 49 for the maintenance and repair of the 105
- 50 First Responder equipment assigned 106
- 51 to their stations. The Crew Chief shall 107
- 52 receive such compensation as is de- 108
- 53 termined by the Fire Board. 109
- 54 (10) Appoint Captains and Lieutenants, 110
- 55 whose duties shall be set forth in the 111
- 56 Fire Department Rules of Operation.
- (11) Appoint a Fire Inspector(s) who shall make all necessary fire prevention inspections in the Village and Town in accordance with law and keep such records of inspections and make such reports to governmental agencies as required by law.
- (12) Insure that the Fire Department provides public educational services as required by State Statute.
- (13) Oversee the applications and eligibility for prospective members of the Fire Department and approve their membership and their promotions.
- (14) Keep the Fire Board promptly informed of all new members and of all promotions, and shall keep the Fire Board informed as to additional personnel, insurance and workers compensation matters concerning the members.
- (15) Keep the Fire Board informed as to all new laws, rules and regulations applicable to the Fire Department.
- (16) Perform such other duties as required by the Fire Board.
- (d) The Fire Chief shall not be removed from office during the Chief's term except for cause and after an opportunity to be heard before the Fire Board on specific charges.

Sec. 23.8 Members

- (a) New members shall make known their intention to join the Fire Department by contacting the Fire Chief or another member of the Fire Department. A written application shall then be filed with the Fire Chief.
- (1) Prospective members shall be at least eighteen (18) years of age and hold a valid Wisconsin driver's license.
- (2) Prospective members shall be subject to such other qualifications as provided by the Fire Department's Rules of Operation.
- (b) Members shall be paid such compensation as determined by the Fire Board. Such compensation shall be subject to all state and federal withholding required by law.
- (c) All members, shall be considered employees "at will" and terminable by the Fire Chief after review by the Fire Board.
- (d) All members shall complete all training requirements of the Fire Department and the State of Wisconsin.

Village of Sister Bay Code of Ordinances

1 (e) All members shall comply with the Rules of
2 Operation and all other policies made by
3 the Fire Board and all lawful directives of the
4 Fire Chief.

5 Sec. 23.9 Equipment.

6 (a) The Fire Department south station located at
7 2258 Mill Road, Sister Bay, Wisconsin shall
8 be provided by and located in the Village
9 and shall remain the sole property of the Vil-
10 lage which shall be solely responsible for all
11 maintenance and repairs.

12 (b) The Fire Department north station located at
13 1487 Highway 42, Ellison Bay, Wisconsin
14 shall be provided by and located in the
15 Town and shall remain the sole property of
16 the Town which shall be solely responsible
17 for all maintenance and repairs.

18 (c) All equipment and other personal property
19 of the Fire Department shall be owned by
20 the Fire Board and maintained by the Fire
21 Department. Within 60 days from the date
22 of the adoption of this ordinance the Fire
23 Board shall prepare and submit to the Vil-
24 lage and the Town an inventory of vehicles,
25 equipment and personal property with a
26 value of \$5,000 or greater. Thereafter the
27 Fire Board shall prepare a list of additions
28 and deletions to the list of vehicles, equip-
29 ment and personal property and shall sub-
30 mit that to the Village and Town along with
31 the annual audit.

32 (d) All new equipment purchases not author-
33 ized in the annual operating budget shall be
34 approved by the Fire Board.

35 (1) Purchases exceeding the annual op-
36 erating budget shall be approved by
37 the Village and Town Board prior to
38 purchase.

39 (2) The Fire Chief may purchase or au-
40 thorize purchases of necessary items
41 for the day-to-day operations of the
42 Fire Department within the operating
43 budget approved by the Village
44 Board and Town Board.

45 (e) The Fire Board shall keep insurance on all
46 vehicles, equipment and other personal
47 property of the Fire Department. In addition
48 the Village, Town and the Firefighters Asso-
49 ciation shall be named as additional insured,
50 affording full protection, subject to reason-
51 able deductibles, against claims, casualties,
52 damages and liabilities incurred in the op-
53 eration of the Fire Board and Fire Depart-
54 ment. The Fire Board shall carry E&O cover-
55 age. The Fire Board shall carry all necessary

56 liability and workers compensation cover-
57 age on all employees and volunteers.

58 (f) The Town of Liberty Grove shall insure the
59 North Fire Station and the Village of Sister
60 Bay shall insure the South Fire Station upon
61 such terms and limits as each respective
62 board determines to be appropriate.

63 Sec. 23.10 Reserved.

64 Sec. 23.11 Budget.

65 (a) By October 1st of each year the Fire Board
66 shall formulate and approve a budget for
67 the operation of the Fire Department for
68 the following calendar year and submit the
69 budget to the Village Board and the Town
70 Board for approval.

71 (b) The cost of the total amount of the annual
72 budget, as approved by the Village Board
73 and the Town Board shall be shared by the
74 Village and the Town on the following ba-
75 sis: one-third (1/3) by the Village, and two-
76 thirds (2/3) by the Town.

77 (c) The amounts due from the Village and the
78 Town for the annual budget shall be paid
79 by the Village and the Town to the Fire
80 Board on a quarterly basis on the first day
81 of January, April, July and October of each
82 year.

83 (d) The Fire Board shall maintain an emer-
84 gency account consisting of unspent
85 budgeted funds and revenues in excess of
86 the approved budget in an amount not less
87 than 15% of the annual expenses. Once the
88 emergency account is funded any budg-
89 eted funds not expended plus net reve-
90 nues in excess of the budget in a specific
91 calendar year shall be returned to the Vil-
92 lage and the Town in the same ratio as
93 paid. Expenditures from the emergency
94 account shall only be made when the
95 budget is exhausted and the expenses are
96 approved by a majority vote of the Fire
97 Board.

98 (e) Funds donated to the Fire Department
99 shall be retained for use by the Fire De-
100 partment and Fire Board.

101 (f) The Fire Board account shall be adminis-
102 tered by the Fire Board and maintained by
103 the Clerk / Treasurer.

104 Sec. 23.12 Dispute Resolution.

105 (a) If disputes arise between the Village and
106 the Town relating to this Agreement, the
107 Village and Town Board shall meet and at-
108 tempt to resolve the differences. If the

Village of Sister Bay Code of Ordinances

1 Boards cannot agree, each Board shall ap- 55
2 point two of their Board Members to an ad 56
3 hoc Conference Committee. The Confer- 57
4 ence Committee shall meet and agree by 58
5 majority vote on any disputed items. The 59
6 decision of the Conference Committee shall 60
7 be binding upon both the Village and Town 61
8 Boards. 62
9 (b) In the event that the Conference Committee 63
10 is unable to resolve a disputed matter within 64
11 60 days after the matter is referred to the 65
12 Conference Committee, either Board may 66
13 request arbitration pursuant to the provi- 67
14 sions of Section 788 of the Wisconsin Stat- 68
15 utes. The Village and the Town Boards shall 69
16 select a single arbitrator and the decision of 70
17 the arbitrator shall be final and binding upon 71
18 the Boards. The cost of the arbitration shall 72
19 be borne equally by the Village and the 73
20 Town. If the Village Board and Town Board 74
21 are unable to reach an agreement regarding 75
22 the selection of an arbitrator, each shall 76
23 name an arbitrator, and the arbitrators so 77
24 named will select a third arbitrator, who will 78
25 preside at the arbitration.

26 **Sec. 23.13 Dissolution.**

27 (a) Either the Village Board or the Town Board
28 may dissolve the Fire Department and the
29 Fire Board at any time by giving six (6)
30 months prior written notice to the other
31 Board, in care of the Clerk of that unit of
32 government, and to the Fire Board. From
33 and after the date of dissolution, each unit of
34 government shall own those assets and li-
35 abilities which are solely titled in the name
36 of each unit of government. Fire Stations and
37 fixtures shall not be subject to apportion-
38 ment or division and shall belong to the unit
39 of government in which the station is lo-
40 cated. The value of jointly owned vehicles
41 and equipment shall be divided in an
42 amount equal to the average of the pro-rata
43 share of contributions from August 24, 1994
44 to the date of dissolution. In the event of a
45 dispute in valuation of assets or liabilities,
46 each Board shall hire an appraiser at its own
47 cost, the two appraisers shall choose a third
48 appraiser whose cost shall be shared 50/50
49 by the Village and the Town. The three ap-
50 praisers shall value the assets and liabilities
51 and allocate the assets according to the
52 ownership percentage aforementioned, and
53 allocate the liabilities to each unit of gov-
54 ernment according the same percentage.

(b) Upon dissolution, either of the units of
government may provide the other unit of
government the opportunity to purchase
its interest in the assets of the Fire Depart-
ment at the value fixed by agreement or by
appraisal, as described above. In such case
the other unit of government shall have a
period of sixty (60) days from the date of
such provision within which to decide
whether or not it desires to purchase such
assets. If one unit of government desires to
purchase the interest of the other, it shall
have a period of time, not exceeding one
(1) year from the date of its election, within
which to pay the total due the unit of gov-
ernment selling its assets. If both units of
government choose not to purchase the
assets of the other unit of government,
each shall keep its percent of the assets as
established above. The written notice of
decision by the selling unit of government
shall be deemed adequate and sufficient
security for the other party as a binding
commitment during this period of time.

79 **Sec. 23.14 Amendment.**

80 This Chapter may be amended from time to time
81 by agreement of both the Village and the Town.
82 The amended agreement will be considered by
83 the Village and Town for adoption by ordinance.

84 **Sec. 23.15 Reserved.**

85 **Sec. 23.16 Legal Advice and Fees.**

86 Except when barred by conflict of interest or
87 when they are otherwise unable to serve, the at-
88 torney for the Village and / or the attorney for the
89 Town shall serve as legal representatives for the
90 Fire Board, and charges incurred shall be paid by
91 the Village and the Town in a 1/3 2/3 split or as
92 otherwise recommended by the Fire Board. The
93 Village Board and the Town Board may authorize
94 the Fire Board to retain special counsel, or direct
95 that payment be made other than as set forth in
96 this Chapter and/or the budget.
97