

**Chapter 34**

**Fire Prevention and Protection\***

**Article I. In General ..... 2**  
    Sections 34-1 – 34-30. Reserved..... 2

**Article II. Fire Department..... 2**

    Division 1. Generally..... 2

        Section 34-31. Composition of Department..... 2

        Section 34-32. Bylaws..... 2

        Section 34-33. Subordinates..... 2

        Section 34-34. Disciplinary Action..... 2

        Section 34-35. Control and Care of Apparatus..... 2

        Section 34-36. Police Power of Department..... 3

        Section 34-37. Fire Inspectors..... 3

        Section 34-38. Penalty..... 4

        Sections 34-39 – 34-60. Reserved..... 4

    Division 2. Chief\* ..... 4

        Section 34-61. General Supervision..... 4

        Section 34-62. Presiding Officer..... 4

        Section 34-63. Command of Firefighting Operations..... 4

        Section 34-64. Department Budget..... 4

        Section 34-65. Reports to the Council..... 4

        Section 34-66. Enforcement of Fire Prevention Ordinances..... 5

        Section 34-67. Fire Record Book..... 5

        Section 34-68. Apparatus Inventory..... 5

        Section 34-69. Duties of Commanding Officer..... 5

\*Cross Reference – Fire Limits for Buildings and Building Regulations, § 18-1; Civil Emergencies, Chapter 26; Open Burning, § 30-61 et seq; Fireworks, § 62-51 et seq.

## Article I. In General

### Sections 34-1 – 34-30. Reserved

## Article II. Fire Department

### Division 1. Generally

#### Section 34-31. Composition of Department.

The fire department shall be known as the Tomahawk Volunteer Fire Department, and shall consist of the fire chief and such subordinates as may be authorized by the council.  
(Code 1989, § 5.01)

#### Section 34-32. Bylaws.

The department shall adopt bylaws for the control, management and government and for the regulation of business and proceedings of the department.  
(Code 1989, § 5.02)

#### Section 34-33. Subordinates.

Subordinates shall be appointed by the chief subject to approval of the members of the department.  
(Code 1989, § 5.03(2))

#### Section 34-34. Disciplinary Action.

The fire chief shall have the power to suspend, demote, expel or otherwise discipline members of the department, subject to appeal to the department.  
(Code 1989, § 5.04)

#### Section 34-35. Control and Care of Apparatus.

- (a) 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.
  - (b) No apparatus shall be used for any purpose except for firefighting that is within the city limits, or in training therefor, except pursuant to an agreement approved by the common council after the chief has given his or her recommendations on such use. With the approval of the chief such apparatus may be used for emergency purposes within the city.
- (Code 1989, § 5.06)

**Section 34-36. Police Power of Department.**

- (a) *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.
- (b) *Control of Fires.* The fire chief may prescribe certain limits in the vicinity of any fire within which no persons, except firefighters and police officers and those admitted by order of any officer of the department, shall be permitted to come. The chief 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 the adjoining property; and during the progress of any fire he or she may order the removal or destruction of any property necessary to prevent the further spread of the fire. He or she may also cause the removal of all wires or other facilities and turning off of all electricity or other services where the same impedes the work of the department during the progress of a fire.
- (c) *Entering Premises.* Any firefighter, while acting under the direction of the fire chief or other officer in command, may enter upon the premises adjacent to or in the vicinity of any building or other property then on fire for the purpose of extinguishing such fire; and if any person shall hinder, resist or obstruct any firefighter in the discharge of his or her duty, the person so offending shall be deemed guilty of resisting firefighters in the discharge of their duties.
- (d) *Duties of Bystanders.* 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 removing or guarding property. Such officer may cause the arrest of any person or persons refusing to obey such orders.

(Code 1989, § 5.07)

**Section 34-37. Fire Inspectors.**

- (a) *Fire Chief to be Fire Inspector.* The fire chief shall hold the office of fire inspector, with power to appoint one or more deputy fire inspectors, who shall perform the same duties and have the same powers as the fire inspector.
- (b) *Correction of Fire Hazards.* When any inspection by the fire chief or his or her deputies reveals a fire hazard, the chief or his or her deputies 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 chief or his or her deputy may have the same removed by the city, and the cost of such removal shall be recovered in an action by the city against the owner of the property and may also be entered in the tax roll as a special charge against the property.
- (c) *Entering on Premises.* No person shall deny the chief or his or her deputies free access to any property within the city at any reasonable time for the purpose of making fire inspections. No person shall hinder or obstruct the fire inspector in the performance of his or her duty, or refuse to observe any lawful direction given by him or her.

(Code 1989, § 5.08(1), (4), (5))

**Cross Reference** – Officers and Employees, § 2-131 et seq.

**Section 34-38. Penalty.**

Any person who shall violate any provision of this article or any order, rule or regulation made under this article shall be subject to a penalty as provided in Section 1-14.  
(Code 1989, § 5.10)

**Sections 34-39 – 34-60. Reserved.**

**Division 2. Chief\***

**Section 34-61. General Supervision.**

The chief shall have the general supervision of the department, which supervision shall be subject to and not conflict with this article and the bylaws of the department. He or she shall be responsible for the safety of the members of the department.  
(Code 1989, § 5.05(1))

**Section 34-62. 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 article and bylaws.  
(Code 1989, § 5.05(2))

**Section 34-63. Command of Firefighting Operations.**

The chief shall have complete command and entire responsibility of all firefighting 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 or she may deem it proper, and see that the fire apparatus is kept in proper condition at all times.  
(Code 1989, § 5.05(3))

**Section 34-64. Department Budget.**

Not later than October 1 of each year, the chief shall file with the city clerk a detailed estimate of the appropriations needed for the conduct of the department during the ensuing fiscal year.  
(Code 1989, § 5.05(4))

**Section 34-65. Reports to the Council.**

The chief shall submit a written report to the common council not later than February 1 of each year, and at such other times as he or she 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 or she deems proper and necessary for the operation of the department.  
(Code 1989, § 5.05(5))

\*Cross Reference – Officers and Employees, § 2-131 et seq.

**Section 34-66. Enforcement of Fire Prevention Ordinances.**

The chief shall enforce all fire prevention ordinances of the city 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.

(Code 1989, § 5.05(6))

**Section 34-67. Fire Record Book.**

The chief shall keep a fire record book of every fire to which the department was called and shall enter in such book the locality of fire, time alarm was received, cause of fire, where fire started, cause of delay, if any, in responding, amount of insurance carried on buildings and contents, estimated fire loss, time fire was extinguished, names of men and women responding and general remarks.

(Code 1989, § 5.05(7))

**Section 34-68. Apparatus Inventory.**

The chief 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.

(Code 1989, § 5.05(8))

**Section 34-69. Duties of Commanding Officer.**

The chief shall perform such other duties as are usually incumbent on the commanding officer of the fire department.

(Code 1989, § 5.05(9))