

No. 549, S.]

[Published August 4, 1949.

CHAPTER 587.

AN ACT to amend 60.29 (18), (18m) and (20) (a), (b) and (c) of the statutes, relating to fire protection in certain cases.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

60.29 (18), (18m) and (20) (a), (b) and (c) of the statutes are amended to read:

60.29 (18) (a) To establish a fire department or fire departments in any town or any part of the town, or join the town or a part thereof with a neighboring town, group of towns, parts of towns, cities or villages in establishing a joint fire department or joint fire departments, and to join the town or a part thereof with a group of towns, parts of towns, cities or villages in the joint acquisition and ownership of fire fighting equipment and to appropriate the proportionate share of such town or part or parts of a town of the cost of purchasing and maintaining such equipment, when authorized by resolution adopted at any town meeting; to appoint the officers and members thereof, and prescribe and regulate their duties; to provide such compensation for the members of the fire department or departments as the town board may determine; to purchase workmen's compensation insurance covering such firemen; to provide protection from fire by the purchase, use and maintenance of fire engines and other necessary apparatus for the extinguishment of fire and by the erection and construction of cisterns and reservoirs; to erect fire engine houses; to enter into agreements with any town, group of towns, part of a town, city or village in which a fire department is established, or with any fire association, corporation or individual for the maintaining, housing and manning of the fire fighting equipment of such fire department or fire departments; and to levy a tax upon all real and personal property in the town, or that part of the town receiving pro-

tection from such *contract, or* equipment or jointly owned equipment for the purpose of purchasing and maintaining or manning the same; to compel the inhabitants of the town to aid in the extinguishment of fire, and to pull down and raze such buildings in the vicinity of fire as shall be directed by them or any 2 of them who may be at the fire, for the purpose of preventing its communication to other buildings; to establish fire limits or the limits within which wooden or other combustible buildings shall not be erected; to require the owners or occupants of buildings to provide and keep suitable ladders and fire buckets which shall be appurtenances to the realty and exempted from seizure and forced sale; and after reasonable notice to such owner or occupant and refusal or neglect by him to procure and deliver the same to him, and in default of payment therefor, to levy the cost thereof as a special tax upon such real estate, to be assessed and collected as other taxes in such town; to regulate the storage of gun powder and other dangerous materials; to require the construction of safe places for the deposit of ashes; to regulate the manner of putting up stove pipes and the construction and cleaning of chimneys; to prevent bonfires and the use of fireworks, and firearms in the town or any part thereof; to authorize fire wardens, at all reasonable times to enter and examine all dwelling houses, lots, yards, inclosures and buildings of every description in order to discover whether any of them are in a dangerous condition and to cause such as may be dangerous to be put in safe condition.

(b) Whenever such fire department is established *or such town board contracts for such protection* for a part only of a town, or becomes part of a joint fire department under paragraph (a), the cost or proportionate part of the cost of purchasing, maintaining and manning the fire fighting equipment of such fire department shall be paid by the town out of the general fund and the town board shall thereupon levy a tax upon all real or personal property in that part of the town receiving protection from such equipment, in order to reimburse said town.

(18m) Any town failing to provide under subsection (18) or otherwise for a fire department and fire fighting apparatus and equipment for extinguishing fires in such towns shall be liable for the services of * * * *any* fire department in fighting fire and appearing to fight fire in such town upon request.

(20) (a) The supervisors of any town may make deposit and payment out of the general fund to any city * * *, incorporated village, *or duly organized volunteer or private fire company*, in said county or in an adjoining county to secure and pay for fire department service in said town, and for the prevention and extinguishment of fires as may be necessary and proper, and in connection therewith may contract for or purchase fire extinguishing apparatus, which may be housed in such city or village and may be manned by its fire department. If the governing body of such city or village gives its approval, the town may, instead of contracting for fire protection with such city or village, contract for such protection with any private corporation or individual equipped to furnish the same.

(b) Whenever, upon petition of two-thirds of the resident freeholders of a contiguous district described in such petition, of any town to the town board of such town that such district desires fire protection from a nearby city, village or town department, specifying the kind of protection desired and the amount that such protection will cost yearly, *or whenever it becomes necessary to provide protection as demanded under section 60.29 (18m)*, such town board shall contract with the council of such city, the board of such village or the board of such town *or any duly established volunteer or private fire company* as specified in such petition, and such contract shall be executed by resolution of both governing bodies. The town board shall yearly appropriate and pay to such village, city or town, *or duly established volunteer or private fire company* the sum agreed upon for such protection and shall yearly levy a tax upon all the real and personal property in said contiguous district in order to reimburse said town; and any such village, city or town is hereby authorized to enter into such contract.

(c) Any town, part of a town or persons residing therein may join with a neighboring town, part of a neighboring town, city or village in establishing and maintaining a joint volunteer fire department or in obtaining fire service from any corporation, association or individual equipped to furnish adequate protection, *by contract or otherwise*, the proportionate expense of establishing and maintaining such joint volunteer department, or contract for such service shall be paid as provided in paragraph (b) by each town or part of a town, city or village which has joined in the establishing of the department or contracting for such service. *Nothing herein shall obligate a town to pay for fire-fighting services in territories located within districts under the supervision and control of fire wardens.*

Approved August 2, 1949.