

CHAPTER 213.

FIREMEN'S ASSOCIATIONS.

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213.01 Firemen's association; powers; jury and military duty. (1) The Wisconsin State Firemen's Association organized under the laws of this state is hereby continued, with all of its powers and privileges; and any person having served for the term of 7 years in any company belonging to said association shall forever thereafter be exempt from jury duty and from military duty, except in case of insurrection or invasion.

(2) No engine company or independent hose company belonging to said association shall at any time exceed 50 men; and no hook and ladder company, 40 men. [1945 c. 33]

213.02 Trustees; their powers. The members of any fire engine, hook and ladder, sack or other fire company in any city or village which shall have been duly organized and shall have elected such officers as they are by law required to do, and whose organization and election of officers shall have been confirmed or sanctioned by the common council of such city or board of trustees of such village, may, when assembled at their usual place of meeting and according to the rules of such company, elect annually not less than three nor more than nine trustees to take charge of the estate and property of such company, and transact all business relative to the investment, care and disposal thereof; they may have a common seal and alter the same at pleasure, and may take possession of, and, pursuant to the rules and regulations of such company, may manage, control, purchase, take, receive, recover and hold, sell, convey, mortgage, demise, lease and improve all the property of such company, including all burial places belonging thereto, erect and put in repair all buildings necessary therefor, and may sue and be sued in all matters pertaining to such property and the debts, claims, demands and liabilities of such company; and the name in which they shall sue or be sued shall be the "trustees of . . ." (name the company of which they are trustees). And all real estate or other property that has been or may hereafter be conveyed by devise, gift, grant, purchase or otherwise to such company or to any person as trustee for the use thereof shall vest in them as fully as if originally conveyed to them, and shall be held by them and their successors in trust for such company, but subject to be managed, improved, leased, conveyed and disposed of as above provided.

213.03 Term; vacancies. Such trustees shall hold their offices for one year and until their successors are elected, but may be removed at any time by such company for cause, after having had an opportunity to be heard in defense; and every vacancy may be filled for the residue of the term. Any two may call a meeting of the trustees and a majority, being convened according to the by-laws of such company, may transact any business authorized to be done by them.

213.04 Fire companies, how disbanded. The common council of any city or the board of trustees of any village in which any such company may be located shall have power to disband any such company for misconduct or when they deem proper; and whenever any such company shall be so disbanded the foreman thereof shall call a meeting of the company forthwith, at which provision shall be made for the disposal of its real and personal property; and the powers of the trustees then in office shall continue for such purpose and settling up its business affairs.

213.05 Organization of. Any number of persons, not less than fifteen, not residing in any city or village may organize a fire engine, hook and ladder, sack or other fire company for the protection of life and property in the manner prescribed in chapter 180, and thereupon shall have all the powers of a corporation, including the powers respecting real estate under these statutes necessary or proper to accomplish the purposes prescribed by its articles of organization, and shall be governed by all the provisions of these statutes applicable thereto.

213.06 Purposes of. The purposes and objects of such corporation shall be to aid and assist in the extinguishment of fires at or near the place of its location, and for a refusal, when notified, to attend any fire within three-quarters of a mile from the location of the engine or truck house such corporation shall forfeit the sum of fifty dollars.

213.07 Reports; exemptions. The secretary of each such corporation shall, within ten days after the election of officers in each year, deliver to the town clerk a report giving the names of the officers elected for the ensuing year and the names of all the active members of such corporation at the date of such election. The town clerk shall file the same in his office, and, when required, give a receipt therefor. Each and every member of such corporation so reported shall be exempted from military duty except in case of war, invasion or insurrection; and such corporation and each of the active members thereof shall have and be entitled to all the benefits conferred upon fire companies and the members thereof by any general law of the state. Any such secretary who shall falsely report to the town clerk that any person is a member of any such corporation for the purpose of getting him the benefits conferred in this section shall forfeit for each such offense twenty-five dollars.

213.08 What is a town department. One such fire company or more, with not less than thirty active members, having at least one good fire engine and not less than five hundred feet of sound rubber or leather hose kept in an engine house, fit and ready at all times for actual service, and one such hook and ladder company or more, with not less than fifteen active members and equipped with at least one good hook and ladder truck, both located not more than one mile apart in the same town, shall constitute a fire department. The members of such companies may meet together and elect one of their members chief of such fire department, who shall hold his office for one year and until his successor is elected; he shall have control of such companies and they shall obey his orders at all times; and he shall also have all the powers and privileges and be subject to the same penalties as fire wardens of incorporated villages under chapter 61.

213.09 Fire protection in unincorporated villages. (2) (a) Whenever it shall appear that a fire company has been organized as provided in sections 213.05 to 213.08 in an unincorporated village, the boundaries of which have been designated by the town board and recorded by the town clerk, pursuant to the provisions of subsection (6) of section 60.29, a petition may be filed by not less than two-thirds of the resident freeholders of said unincorporated village requesting the town board of the town in which such unincorporated village is situated to provide such fire company with proper equipment to furnish reasonably adequate fire protection for life and property within such unincorporated village, and to raise a specified sum for that purpose by the issuance of bonds on behalf of said unincorporated village, and to levy taxes on all taxable property within the limits of such unincorporated village for the purpose of paying principal and interest on said bonds at maturity. Said petition shall set forth a description of the boundaries of such unincorporated village, a general statement of the proposed equipment to be acquired, and that the public welfare will be promoted by the purchase of such equipment, and that all taxable property in such unincorporated village will be benefited by such purchase.

(b) No petition with the requisite signatures shall be declared invalid on account of the defects therein but the town board may at any time permit the petition to be amended in form and substance to conform to the facts by correcting any errors therein. Several similar petitions or duplicate copies of the same petition may be filed prior to the time of hearing on the first petition and shall be considered the same as though filed with the first petition.

(3) When any such petition shall have been filed with the town board of the town in which such unincorporated village is situated, it shall be the duty of such town board to examine such petition and to fix a time for a hearing thereon, such hearing to be held not later than 30 days, nor less than 15 days from the date of presentation of such petition, at which time all interested property owners within such unincorporated village may be present and offer objections to the proposed acquisition of fire equipment and be heard upon the question as to whether their property will be benefited by such acquisition. Any person wishing to object to such acquisition may, before the date set for the hearing, file his objections thereto with the town clerk.

(4) Notice of the proposed hearing shall be posted in at least 3 public places within the unincorporated village for not less than 10 days prior to the hearing. Such notice shall describe the boundaries of the unincorporated village and shall state the date of hearing, the time and place thereof, together with a brief statement of the fire equipment to be acquired and the specified sum to be expended therefor.

(5) Upon the hearing at the time and place provided in such notice, if it shall appear to the town board that the petition is signed by not less than two-thirds of the resident freeholders of such unincorporated village and that the proposed acquisition of fire

equipment will promote the public welfare and be of benefit to all of the property within such unincorporated village, such town board shall declare its findings by formal resolution which shall be duly recorded in its official minutes.

(6) Any person aggrieved by the action of the town board under the provisions of subsection (5) of this section may bring action in the circuit court of the county in which the town is located to set aside the action of the town board within 20 days after the passage of the formal resolution provided in subsection (5) of this section. Unless action is so taken within such period the determination by the town board shall be conclusive.

(7) (a) Whenever proceedings shall have been taken as hereinabove provided in subsections (2) to (6) and an order entered by the town board pursuant to subsection (5) of this section, the town board is authorized to borrow money and to issue negotiable bonds for that purpose on behalf of such unincorporated village. The bonds shall be authorized on behalf of such unincorporated village by the town board by resolution in an amount not to exceed the amount set out in the petition filed under subsection (2) of this section, and said resolution shall fix the details of the bonds and state the purpose or purposes of said issue and such other information as may be deemed necessary or useful. No indebtedness shall be incurred in excess of 5 per cent of the assessed value of taxable property in such unincorporated village.

(b) Every bond so issued shall be a negotiable instrument payable to bearer but may be registered as to principal and shall mature in a period not exceeding 15 years from date thereof and bear interest at a rate not exceeding 6 per cent per annum. Said bonds shall be executed by the chairman and town clerk and shall be sealed with the seal of such town provided that such town has a corporate seal. The bonds shall be negotiated and sold at not less than par and accrued interest by the town board in such manner as they shall deem to be for the best interests of the unincorporated village.

(c) Prior to the issuance of any of said bonds, the town board shall levy upon all taxable property within the unincorporated village a direct, annual irrevocable tax sufficient to pay the interest on said bonds at maturity and also to pay and discharge the principal thereof at maturity.

(d) Copies of the bond resolution shall be posted in at least 3 public places within the boundaries of the unincorporated village and if within 20 days after the posting thereof there shall be filed in the office of the town clerk a petition requesting the submission of the issuance of such bonds to the electors of said unincorporated village, signed by electors numbering at least 10 per cent of the votes cast for governor in such unincorporated village at the last general election, then said town board shall call a special election for the purpose of submitting the question of approval of the bond resolution to the electors of said unincorporated village and shall designate the polling place or places and direct the town clerk to give notice thereof as hereinafter provided. Notice of such election shall be posted in 3 public places in the unincorporated village not less than 10 days prior to the date of the election and proceedings in connection with said special election shall conform as near as may be with the provisions of subsection (5) of section 67.05, together with all subsequent amendments thereto. If no such petition is filed, within such 20-day period, then no election shall be necessary in connection with the issuance of such bonds.

(8) The proceeds of such bonds shall be expended under the direction of the fire company and all equipment purchased shall be under its control but shall remain the property of the town to be held in trust for the unincorporated village. Whenever the territory in any such unincorporated village becomes a part of an incorporated village or city the equipment so purchased shall become the property of such incorporated village or city.

(9) Whenever by a petition filed by two-thirds of the resident freeholders of such unincorporated village on or before July 1 of any year, it shall appear to the town board that a sum is necessary for the proper maintenance of such company and the operation of its activities for the ensuing year, the town board shall appropriate to said company for such purposes the sum so petitioned for and shall reimburse the treasury of said town by a tax upon the personal property and improvements within such village. [1941 c. 316; 1947 c. 383]

213.095 Police power of fire chief; injury to fire equipment; obstructing fire fighting. (1) The chief, chief engineer, assistant engineer, captain, lieutenant, or any other executive officer of any volunteer fire company, association, fire district company, or any other organization organized or created for the purpose of extinguishing fires and preventing fire hazards, whether the same is incorporated or not, and whether the same be a paid department or not, when on duty at a fire or in response to an alarm for a fire shall

have authority to suppress any tumult or disorder and to order all individuals or companies to leave the neighborhood of any fire, and to command from the inhabitants of the city or town all needful assistance for the suppression of fires and in the preservation of property exposed to fire; the officers above enumerated shall also have authority to go upon and enter any property or premises and to do whatever may reasonably be necessary in the performance of their duties while engaged in the work of extinguishing any fire or performing any duties incidental thereto. Any person who shall neglect or refuse to render assistance when lawfully called upon to do so by any of such officers at a fire, or who shall refuse to obey any lawful order of any officer or man connected with any such fire fighting organization as above enumerated, while on duty at a fire, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding twenty dollars, or by imprisonment of not more than thirty days, or by both such fine and imprisonment at the discretion of the court.

(2) Any person who shall wantonly or maliciously cut or otherwise injure any hose or apparatus belonging to or used by any fire department, company, association or other organization organized for the purpose of and engaged in the suppression of fires, whether incorporated or not, shall be subject to a fine of not less than twenty dollars, nor more than two hundred dollars, or shall be imprisoned for a term of not more than thirty days, either or both, at the discretion of the court.

(3) Any person who shall obstruct or interfere with the use of any fire hydrant in any town, or city, by piles of lumber, building material, articles of merchandise, the excavation or removal of buildings, dirt or rubbish or in any other way or manner, unless by permission of the town or city council, shall pay a fine not exceeding twenty dollars for each offense. Every day that said interference or obstruction shall continue shall be regarded as a separate offense; provided, however, that the permission herein required of the town or city council may be lawfully obtained from the commissioner of public works or any other officer of any city or town whenever he may be so duly authorized by law.

213.10 Firemen relief association. (1) The members of the paid fire department in any city heretofore or hereafter organized, who comply with the constitution and by-laws of the association hereinafter mentioned, are constituted a body corporate in such city under the name of "The Firemen Relief Association of the City of . . .," for the purpose of giving relief to the sick and disabled members of such association and their families and to such other persons as the constitution and by-laws of such association may provide. Provided, that where a member in good standing at the time of his death leaves no one entitled to relief under the constitution and by-laws of said association, such board is empowered to pay the expenses of the last illness and funeral costs of said deceased member, the amount to be paid hereunder to be limited to a sum to be fixed by the constitution and by-laws of said association.

(2) In case any member of the firemen relief association shall cease to be a member of such fire department after a period of ten consecutive years of service therein, he shall be entitled to all the advantages and benefits of the firemen relief association as long as he pays his dues and complies with the rules, regulations and by-laws of the same; provided, that any member of such fire department who shall, at any time, before having served ten years as aforesaid, be retired on a pension by reason of permanent disability due to injuries suffered while in the performance of his duties as such member, or who shall have been granted a duty disability for injuries suffered in like manner and whose actual term of service together with the period of time while on duty disability shall bring his period of service to ten years in such department, shall be entitled to all the advantages and benefits of such association as long as he pays his dues and complies with the rules, regulations and by-laws of such association.

(3) Each person on becoming a member of said fire department shall be required to pay an initiation fee not exceeding fifty dollars and annual dues so long as he remains a member, and such person shall be considered to become a member when his name is placed on the pay roll of such department.

(4) Every such association shall have all of the usual powers of a corporation necessary and proper for the purpose of its organization, and may take by gift, grant or purchase, real and personal estate, and hold, enjoy, lease, convey and dispose of the same subject to its by-laws and regulations; and all such property and the rents, issues and profits thereof shall be devoted solely to the purposes and objects of such corporation.

(5) The control and disposal of the funds, property and estate and the direction and management of all the concerns of such corporation, under such directions and restrictions as may be imposed by the by-laws thereof, shall be vested in a board of trustees to consist of a president, vice president, treasurer, secretary and executive committee of three, who shall be elected annually at such time and place and by such members of the corporation

as shall by the by-laws thereof be entitled to vote at such election; and such officers so elected shall hold their respective offices for one year and until their successors are elected and qualified; and such corporation may elect or appoint such other officers and for such term as its by-laws may prescribe. The officers of such corporation shall give bonds for the faithful performance of their respective duties when required so to do by the laws thereof. No person shall be elected to or hold any office in such corporation unless he be in the active employment of the fire department of the city to which this section becomes effective, and if his employment with such city shall be determined while holding the office of trustee or any other office of such corporation, his term of office shall thereupon be terminated, and the members of such corporation as shall, by the by-laws thereof, be entitled to vote, shall forthwith elect his successor.

213.11 Police relief association. (1) The members of the paid police department in any city heretofore or hereafter organized, who comply with the constitution and by-laws of the association hereinafter mentioned, are constituted a body corporate in such city under the name of "The Policemen Relief Association of the City of . . .," for the purpose of giving relief to the sick and disabled members of such association and their families and to such other persons as the constitution and by-laws of such association may provide. Provided, that where a member in good standing at the time of his death leaves no one entitled to relief under the constitution and by-laws of said association, such board is empowered to pay the expenses of the last illness and funeral costs of said deceased member, the amount to be paid hereunder to be limited to a sum to be fixed by the constitution and by-laws of said association.

(2) In case any member of the policemen relief association shall cease to act with the police department of which he has been a member, after five years of service, he shall continue to enjoy all the advantages and benefits of the association as long as he complies with the rules, regulations and by-laws of the same and pays his dues, unless the connection of such person with said department was discontinued for the good of the service; provided, that all persons becoming members of such policemen relief association on and after the first day of May, 1899, shall not be entitled to any of the advantages and benefits of such association from and after the time when they cease to be active members of such police department of any city aforesaid, unless such member ceases to be active by reason of having been retired from active service on a pension or annuity.

(3) Each person becoming a member of such police department after this section comes into force and effect in any city in this state shall, within one year after becoming a member of such department, be required to join such association and to pay an initiation fee not exceeding fifty dollars and annual dues so long as he remains a member.

(4) Every such association shall have all of the usual powers of a corporation necessary and proper for the purpose of its organization and may take by gift, grant or purchase, real and personal estate, and hold, enjoy, lease, convey and dispose of the same subject to its by-laws and regulations; and all such property and the rents, issues and profits thereof shall be devoted solely to the purposes and objects of such corporation.

(5) The control and disposal of the funds, property and estate and the direction and management of all the concerns of such corporation, under such direction and restrictions as may be imposed by the by-laws thereof, shall be vested in a board of trustees to consist of a president, vice president, treasurer, secretary and executive committee of three, who shall be elected annually at such time and place and by such members of the corporation as shall by the by-laws thereof be entitled to vote at such election; and such officers so elected shall hold their respective offices for one year and until their successors are elected and qualified; and such corporation may elect or appoint such other officers and for such terms as its by-laws may prescribe. The officers of such corporation shall give bonds for the faithful performance of their respective duties when required so to do by the laws thereof. No person shall be elected to or hold any office in such corporation unless he be in the active employment of the police department of the city to which section 213.11 of the statutes becomes effective, and if his employment with such city shall be terminated while holding the office of trustee or any other office of such corporation, his term of office shall thereupon be terminated, and the members of such corporation as shall, by the by-laws thereof, be entitled to vote, shall forthwith elect his successor.

213.12 Pay. The common council of any city and the board of trustees of any village which shall own a fire engine shall annually pay to each active fireman belonging to any fire or hook and ladder company organized by authority of such city or village such sum as such common council or board of trustees shall deem a reasonable compensation for the services of such firemen.

213.13 Rest days for firemen. The common council or governing body of every city having a paid fire department shall provide for, and the chief engineer of the depart-

ment shall assign to, each fireman in the service of the city full rest days as follows: In cities of the first class, one full rest day of twenty-four consecutive hours during each seventy-two hours; in cities of the second and third classes, one full rest day of twenty-four consecutive hours during each ninety-six hours; in cities of the fourth class, one full rest day of twenty-four consecutive hours during each one hundred and sixty-eight hours, except in cases of positive necessity by some sudden and serious fire, accident or other peril, which, in the judgment of the chief engineer, or other officers in charge, demands that such day of rest be not given at such time, but arrangements shall be made so that each full rest day may be had at such time or times as will not impair the efficiency of the department. The provisions of this section shall not apply to cities having the two platoon or double shift.

213.14 [*Repealed by 1933 c. 140 s. 2*]