CHAPTER 213

POLICE AND FIRE FIGHTING SERVICE

213.01 Fire Fighters' Association; powers; military duty. (1) The Wisconsin State Fire Fighters' Association organized under the laws of this state is continued, with all of its powers and privileges; and any person having served for the term of 7 years in any company belonging to the association shall be exempt 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 persons; and no hook and ladder company, 40 persons.  

History: 1975 c. 94 s. 91 (9); 1977 c. 318; 1983 a. s. 36, 242.

213.02 City and village fire company trustees: election, powers. (1) The members of any fire company, in any city or village, which has been organized and has elected those officers required by law, and whose organization and election of officers have been confirmed by the governing body of the city or village, shall, when assembled at their usual place of meeting and according to the rules of the company, elect annually not less than 3 nor more than 9 trustees. The trustees shall have the power to do any of the following:

(a) Take charge of the property of the fire company, and transact all business relative to the investment, care and disposal of the property.

(b) Have a common seal that the trustees may alter at their pleasure.

(c) Take possession of, and, pursuant to the rules of the company, manage, control, purchase, take, receive, recover and hold, sell, convey, mortgage, demise, lease and improve all of the property of the company, including all burial places belonging to the company and erect and put in repair all buildings necessary for the company.

(d) Sue and be sued in all matters pertaining to the property and the debts, claims, demands and liabilities of the company under the name “trustees of ... (name the company of which they are trustees).”

(2) All property conveyed to a fire company or to any person as trustee for the use of a fire company shall vest in the trustees of the company as fully as if originally conveyed to the trustees, and shall be held by the trustees and their successors in trust for the company, subject to the provisions of sub. (1).

History: 1997 a. 254.

213.03 City and village fire company trustees: term; vacancies. Trustees of a fire company, elected under s. 213.02, shall hold office for one year and until their successors are elected. A trustee may be removed at any time by the company for cause, after the trustee has had an opportunity to be heard in his or her defense. Every vacancy in the office of trustee may be filled for the residue of the term. Any 2 trustees may call a meeting of the trustees and a majority, being convened according to the bylaws of the company, may transact any business authorized to be done by them.

History: 1997 a. 254.

213.04 City and village fire companies: how disbanded. The common council of any city or the board of trustees of any village in which any fire company may be located shall have power to disband any fire company for misconduct or when they consider it proper. Whenever any fire company is disbanded under this section, the foreman of the fire company shall immediately call a meeting of the company to provide for the disposal of the company's property. The powers of the trustees then in office shall continue for the purpose of disposing of the company's property and settling up its business affairs.

History: 1997 a. 254.

213.05 Organization of town fire companies. Any number of persons, not less than 15, not residing in any city or village may organize a fire company as a nonstock corporation under ch. 181 for the protection of life and property. A corporation organized under this section shall have all of the powers of a corporation, including the powers respecting real estate necessary or proper to accomplish the purposes prescribed by the company’s articles of organization, and shall be governed by all of the provisions of the statutes applicable to fire companies and nonstock corporations.

History: 1997 a. 254.  
Cross-reference: See s. 102.07 (7) for provision as to worker's compensation liability. Volunteer fire department organized as nonprofit corporations under s. 213.05 are not subject to the open meeting law. 86 Atty. Gen. 113.

Whether a private sector fire department may be transformed into a public department upon reaching a certain level of governmental involvement is discussed. 80 Atty. Gen. 61.

213.06 Purposes of town fire companies; refusal to act. The purposes and objects of a corporation organized under s. 213.05 shall be to aid and assist in the extinguishment of fires at or near the place of the corporation’s location. If the company refuses, when notified, to attend any fire within three-quarters of a mile from the location of the engine or truck house, the corporation shall forfeit $50.

History: 1997 a. 254.

213.07 Town fire company reports; exemptions. The secretary of each corporation organized under s. 213.05 shall, within 10 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 active members of the corporation on the date of the election. The town clerk shall file the report in the clerk's office and, when required, give a receipt therefor. Each member of the corporation reported to the clerk under this section shall be exempted from military duty except in case of war, invasion or insurrection. A corporation organized under s. 213.05 and each of the active members of the corporation shall have and be entitled to all of the benefits conferred upon fire companies and the members of fire companies by any general law of the state. Any secretary of a corporation organized under s. 213.05 who falsely reports to the town clerk that any person is a member of the corporation for the purpose of getting the person
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the benefits conferred in this section shall forfeit $25 for each


213.08 What is a town fire department. One or more com-

panies organized under s. 213.05, with not less than 30 active

members, having at least one good fire engine and not less than

500 feet of sound hose kept in an engine house, fit and ready at all

times for actual service, and one or more companies organized

under s. 213.05, with not less than 15 active members and

equipped with at least one good hook and ladder truck, located not

more than one mile apart in the same town, shall constitute a fire

department. The members of the companies that make up the fire

department may meet and elect one of their members chief of the

fire department. The chief shall hold office for one year and until

a successor is elected. The chief shall have control of the com-

panies that make up the fire department and those companies shall

obey the chief’s orders at all times. The chief shall also have all

of the powers and privileges and be subject to the same penalties

as fire wardens.


213.095 Police power of fire chief, rescue squads. The

chief, chief engineer, assistant engineer, captain, lieutenant, exec-

utive officer or other person in charge of any volunteer fire com-

pany, association, fire district, or any other organization organized

or created for the purpose of extinguishing fires and preventing

fire hazards, or first aid calls involving either persons or property,

shall have authority to do any of the following:

(1) Suppress any disorder and order all individuals or com-

panies to leave the neighborhood of any fire or first aid scene.

(2) Command from the inhabitants of the city, village or town

all necessary assistance for the suppression of fires and the

preservation of property exposed to fire.

(3) Enter any property or premises to do whatever may rea-

sonably be necessary in the performance of the officer’s duties

while engaged in the work of extinguishing any fire or performing

any duties incidental thereto.

(4) Enter any property or premises to do whatever may rea-

sonably be necessary in the performance of the officer’s duties

while engaged in the work of aiding persons or minimizing the

loss to property at a first aid scene.

History: 1997 a. 254.

213.10 Fire Fighters Relief Association. (1g) In this sec-

tion, “members of the paid fire department” means all fire depart-

ment personnel who are engaged in the duties of fighting fires, fire

fighting training and directly related skills, including fire preven-

tion, investigation and inspection.

(1m) (a) The members of the paid fire department in any city,

who comply with the constitution and bylaws of the fire fighters

relief association organized in that city, are constituted a body cor-

porate in that city under the name of “The Fire Fighters Relief

Association of the City of ....”. Except as provided in par. (b),

the purpose of a fire fighters relief association shall be giving relief

to the sick and disabled members of the association and their

families and to any other persons for whom the constitution and bylaws

of the association may provide.

(b) If a member in good standing at the time of the member’s

death leaves no person entitled to relief under the constitution and

bylaws of the association, the board of trustees of the association

is empowered to pay the expenses of the last illness and funeral

costs of the deceased member, limited to a sum to be fixed by the

constitution and bylaws of the association.

(2) (a) A member of a fire fighters relief association for a city

who ceases to be a member of that city’s fire department after a

period of 10 consecutive years of service shall be entitled to all of

the advantages and benefits of the fire fighters relief association

as long as that member pays dues and complies with the rules, regu-

lations and bylaws of the association.

(b) A member of a fire fighters relief association for a city who

has not served as a member of the city’s fire department for 10 con-

secutive years shall be entitled to all of the advantages and benefits

of the fire fighters relief association as long as that member pays

dues and complies with the rules, regulations and bylaws of the

association and meets one of the following criteria:

1. The member is retired on a pension by reason of permanent

   disability due to injuries suffered while in the performance of

   duties as a member of the fire department.

2. The member has been granted a duty disability for injuries

   suffered while in the performance of duties as a member of the

   fire department and the member’s actual term of service in the fire

   department, together with the period of time while on duty disabili-

   ty, equals 10 or more years.

3. Each person on becoming a member of a fire department

   whose members have formed a fire fighters relief association shall

   be required to pay the association an initiation fee and annual dues

   so long as the person remains a member of the fire department.

A person shall become a member of the association when that per-

son’s name is placed on the payroll of the fire department.

(4) Every fire fighters relief association shall have all of the

usual powers of a corporation necessary and proper for the pur-

pose of its organization, and may take by gift, grant or purchase,

real and personal property, and hold, enjoy, lease, convey and dis-

pose of its property subject to the association’s bylaws and regula-

tions. All of the real and personal property belonging to an associ-

ation and the rents, issues and profits from that property, shall be

dedicated solely to the purposes and objects of the association.

(5) (a) The control and disposal of the funds, property and

estate and the direction and management of all of the concerns of

a fire fighters relief association, subject to any directions and

restrictions that may be imposed by the bylaws of the association,

shall be vested in a board of trustees. The board of trustees shall

consist of a president, vice president, treasurer, secretary and

executive committee of 3, who shall be elected at such time and

place and by such members of the association entitled to vote as

is provided by the bylaws of the association. The officers so
elected shall hold their respective offices for one year, unless the

bylaws provide otherwise, and until their successors are elected

and qualified. An association may elect or appoint such other offi-
cers for such terms as its bylaws may prescribe. The officers of an
association shall give bonds for the faithful performance of their

respective duties when required to do so by the association’s bylaws.

(b) No person shall be elected to or hold any office in a fire

fighters relief association unless the person is a member of the fire

fighters relief association. If a person’s membership in the associ-

ation is terminated while the person holds any office of the associ-

ation, the person’s term of office shall thereupon be terminated, and

the members of the association who are entitled to vote, as

provided in the association’s bylaws, shall immediately elect a

successor.

(6) The board of trustees of a fire fighters relief association

may purchase group life insurance for the members of the associa-

tion.

(7) (a) All members of a fire department who do not qualify

as members of the paid fire department shall, upon commence-

ment of their employment with a city department, have the option

of joining the fire fighters relief association in that city.

(b) The employees described in par. (a) who are, together with

others who are transferred to or are, on March 27, 1969, perform-

ing duties other than fire fighting, fire fighting training and

directly related skills, including fire prevention, investigation and

inspection, shall have the option of continuing their membership

in the fire fighters relief association.


213.105 State Fire Fighters Memorial. The State Fire

Fighters Memorial, located in the city of Wisconsin Rapids, is des-
ignated the official memorial to honor all fire fighters of this state
who have given their lives in the public service.

History: 1995 a. 217.

213.106 State Police and Fire Fighters Hall of Fame.
The Old Firehouse Police and Fire Museum, located in the city of
Superior, is designated the official hall of fame to honor police
officers and fire fighters of this state for their dedicated public ser-
vices.

History: 1995 a. 217.

213.107 State–sanctioned fire fighter service medal. If
the board of directors of the State Fire Fighters Memorial submits to
the secretary of administration a recommended design for a
state–sanctioned medal honoring the service of the fire fighters of
this state, the secretary shall review and may approve the design.
If the secretary approves the design, the medal shall become the
only state–sanctioned fire fighter service medal and the board of
directors of the State Fire Fighters Memorial has the exclusive
right to sell or authorize sale of the medal.

History: 2009 a. 28.

213.11 Police Relief Association. (1) The members of
the paid police department in any city heretofore or hereafter orga-
nized, who comply with the constitution and bylaws of the associ-
ation hereinafter mentioned, are constituted a body corporate in
such city under the name of “The Police Relief Association of the
City of . . .” for the purpose of providing death benefits to the ben-
eficiaries of the members of such association and their families
and to such other persons as the constitution and bylaws of such
association may provide, the amount to be paid in benefits to be
limited to a sum to be fixed by the constitution and bylaws of said
association.

(2) Any member of the Police Relief Association who, after
at least 5 years of service, ceases to act with the police department
of which that person has been a member shall continue to enjoy all
the advantages and benefits of the association as long as the
person complies with the rules, regulations and bylaws of the same
and pays dues, unless the connection of such person with said
department was discontinued for the good of the service, and
provided that the person ceases to be in the active employment of
the police department by reason of any of the following:

(a) The person is retired from active service on a pension or
annuity.

(b) The person is on a leave of absence for a purpose that is
specified in the bylaws of the association.

(c) The person is serving as a liaison between the police depart-
ment and the city in which the department is located.

(3) A person who becomes a member of such police depart-
ment 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 ini-
tiation fee not exceeding $50 and annual dues so long as the person
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 orga-
nization and may take by gift, grant or purchase, real and personal
estate, and hold, enjoy, lease, convey and dispose of the same sub-
ject to its bylaws and regulations; and all such property and the
rents, issues and profits thereof shall be devoted solely to the pur-
poses 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 cor-
poration, under such direction and restrictions as may be imposed
by the bylaws thereof, shall be vested in a board of trustees to con-
sist of a president, vice president, treasurer, secretary and execu-
tive committee of 3, who shall be elected for such terms, at such
time and place and by such members of the corporation as the
bylaws of the corporation may provide; and such officers so
elected shall hold their respective offices until their successors are
elected and qualified; and such corporation may elect or appoint
such other officers and for such terms as its bylaws 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 may be elected to or hold any office
in such corporation unless that person is employed by the city to
which this section becomes effective and in the active employ-
ment of the police department of the city, or no longer in the active
employment of the police department because the person is serv-
ing as a liaison between the police department and the city, or
retired from active service employment of the police department
of the city on a service pension. If that person’s membership in the
association is terminated while holding the office of trustee or any
other office of such corporation, that person’s term of office shall
thereupon be terminated, and the members of such corporation as are,
by the bylaws thereof, entitled to vote, shall forthwith elect that
person’s successor in the manner prescribed by the constitu-
tion and bylaws of the corporation.

(6) The board of trustees of any police relief association may
purchase group life insurance for the members of the association.


213.12 Pay. The common council of any city and the board
of trustees of any village which owns a fire engine shall annually pay
to each active fire fighter belonging to any fire company organized
by authority of the city or village an amount that the common
council or board of trustees considers a reasonable compensation
for the services of the fire fighters.


213.13 Rest days for fire fighters. (1) Except as provided
in subs. (2) and (3), the common council or governing body of
every city having a paid fire department shall provide for, and the
chief engineer of the department shall assign to, each fire fighter
in the service of the city full rest days as follows:

(a) In 1st class cities, one full rest day of 24 consecutive hours
during each 72 hours.

(b) In 2nd and 3rd class cities, one full rest day of 24 consecu-
tive hours during each 96 hours.

(c) In 4th class cities, one full rest day of 24 consecutive hours
during each 168 hours.

(2) The rest day requirements under sub. (1) do not apply in
cases of positive necessity by some sudden and serious fire, acci-
dent or other peril, which, in the judgment of the chief engineer,
or other officers in charge, demands that a day of rest not be given
at that 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 effi-
ciency of the department.

(3) The provisions of this section shall not apply to cities hav-
ing the 2 platoon or double shift.


213.15 Fire hose threads and fittings to be uniform. All
fire hose fittings, apparatus fittings, 1.5 and 2.5 inches in diameter
purchased or procured by a fire department or fire company shall
be of the national standard hose thread as adopted by the national
fire protection association. No fire department shall utilize hose
and equipment not in conformance with the requirement that all
threads shall be national standard hose thread as adopted by the
National Fire Protection Association. Any person offering for
sale nonstandard hose couplings, fittings or apparatus fittings may
be fined not less than $100 nor more than $300.

History: 1997 a. 254.

Wisconsin Statutes Archive.