

## CHAPTER 213

## POLICE AND FIRE FIGHTING SERVICE

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**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. 36, 242.

**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 bylaws 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 15, 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 ch. 181 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.

**Cross-reference:** See s. 102.07 (7) for provision as to worker's compensation liability.

See note to 19.81, citing 66 Atty. Gen. 113.

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

**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 the clerk's 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 the person the benefits conferred in this section shall forfeit for each such offense twenty-five dollars.

**History:** 1991 a. 316.

**213.08 What is a fire department.** One such fire company or more, 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 such hook and ladder company or more, with not less than 15 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 and elect one of their members chief of such fire department, who shall hold the office for one year and until a successor is elected; the chief shall have control of such com-

panies and they shall obey the chief's orders at all times; and the chief shall also have all the powers and privileges and be subject to the same penalties as fire wardens of incorporated villages under ch. 61.

**History:** 1991 a. 316.

**213.095 Police power of fire chief, rescue squads.** The chief, chief engineer, assistant engineer, captain, lieutenant, executive officer or other person in charge of any volunteer fire company, 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 suppress any tumult or disorder and to order all individuals or companies to leave the neighborhood of any fire or first aid scene, 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. Such officers shall also have authority to go upon and enter any property or premises and do whatever may reasonably be necessary in the performance of their duties while engaged in the work of aiding persons or minimizing the loss to property at a first aid scene.

**213.10 Fire fighters relief association. (1)** The members of the paid fire department in any city heretofore or hereafter organized, who comply with the constitution and bylaws of the association hereinafter mentioned, are constituted a body corporate in such city under the name of "The Fire Fighters 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 bylaws of such association may provide. Provided, that where a member in good standing at the time of the member's death leaves no one entitled to relief under the constitution and bylaws 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 bylaws of said association.

**(2)** In case any member of the fire fighters relief association shall cease to be a member of such fire department after a period of ten consecutive years of service therein, that member shall be entitled to all 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 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 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 that member's period of service to ten years in such department, shall be entitled to all the advantages and benefits of such association as long as that member pays dues and complies with the rules, regulations and bylaws 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 the person remains a member, and that person shall be considered to become a member when that person's name is placed on the payroll 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 bylaws 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 bylaws 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 at such time and place and by such members of the corporation as shall be by the bylaws thereof be entitled to vote at such election. 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; and such corporation may elect or appoint such other officers and for such term 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 shall be elected to or hold any office in such corporation unless the person is in the active employment of the fire department of the city to which this section becomes effective, and if the person's employment with such city shall be terminated while holding the office of trustee or any other office of such corporation, the person's term of office shall thereupon be terminated, and the members of such corporation as shall, by the bylaws thereof, be entitled to vote, shall forthwith elect a successor.

**(6)** The board of trustees of any such corporation may purchase group life insurance for the members of the corporation.

**(7)** For purposes of this section, "members of the paid fire department" means all fire department personnel who are engaged in the duties of fire fighting, fire fighting training and directly related skills, including fire prevention, investigation and inspection. All other members of such department shall have the option of joining such association upon commencement of their employment with such department; and such employes, together with others who are transferred to or are, on March 27, 1969, performing 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 such association.

**History:** 1983 a. 242; 1991 a. 316.

**213.105 State fire fighters memorial.** The State Fire Fighters Memorial, located in the city of Wisconsin Rapids, is designated 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 service.

**History:** 1995 a. 217.

**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 bylaws 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 bylaws of such association may provide. Provided, that where a member in good standing at the time of the member's death leaves no one entitled to relief under the constitution and bylaws 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 bylaws of said association.

**(2)** In case any member of the policemen relief association shall cease to act with the police department of which that person has been a member, after five years of service, the person 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; 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 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 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 bylaws 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 bylaws 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 bylaws 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 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 shall be elected to or hold any office in such corporation unless that person be in the active employment of the police department of the city to which this section becomes effective, and if that person's employment with such city shall be 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 mem-

bers of such corporation as shall, by the bylaws thereof, be entitled to vote, shall forthwith elect that person's successor.

(6) The board of trustees of any such corporation may purchase group life insurance for the members of the corporation.

History: 1981 c. 390 s. 252; 1991 a. 316.

**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 fire fighter 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 fire fighter.

History: 1983 a. 242.

**213.13 Rest days for fire fighters.** 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: 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.

History: 1983 a. 242.

**213.15 Fire hose threads and fittings to be uniform.** All fire hose fittings, apparatus fittings, 1 1/2 and 2 1/2 inches in diameter purchased or procured after December 29, 1963 shall be of the national standard hose thread as adopted by the national fire protection association. Any fire department presently utilizing a nonstandard thread size shall have a period of 5 years from December 29, 1963 to bring all existing hose and equipment into 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 after December 29, 1963 may be fined not less than \$100 nor more than \$500.