

CHAPTER 7  
FIRE DEPARTMENT

- 7.01 Fire Department
- 7.02 Chief of Fire Department
- 7.03 Government of Volunteers, Repl. & Recr., 1871
- 7.04 Fire Apparatus
- 7.05 Use of the Fire Apparatus Outside City Limits
- 7.06 Hazardous Material Incident Response Reimbursement
- 7.07 REPEALED 10/3/78
- 7.08 Municipal Ambulance
- 7.09 Paramedic Unit and Paramedic Vehicle

7.01 FIRE DEPARTMENT. The Fire Department of the City of South Milwaukee shall consist of a Chief and such subordinates as may be authorized by the Common Council from time to time. Rep. & Recr. 2/22/89, 1423, Am 11/8/06 1926

7.02 CHIEF OF THE FIRE DEPARTMENT. The Fire Department shall be under the command and general supervision of the Chief of the Fire Department, whose term of office, duties and authority shall be fixed by the Board of Police and Fire Commissioners of the City of South Milwaukee.

7.03 GOVERNMENT OF PAID-ON-CALL FIREFIGHTERS.

1. Definitions. The Paid-on-Call members of the Fire Department shall be organized and governed by such rules and regulations as they shall adopt and shall be approved by the Chief of the Fire Department and the rate and manner of pay of the members of the Paid-on-Call Fire Department shall be as directed by the Common Council. The number of Paid-on-Call Firefighters shall not exceed 25. Rep. & Recr. 12/7/04, 1871

7.04 FIRE APPARATUS. The fire apparatus provided by the city shall be under the charge and control of the Fire Department.

7.05 USE OF THE FIRE APPARATUS OUTSIDE CITY LIMITS.

- (2) No Fire Department apparatus shall be taken beyond the territorial limits of the City of South Milwaukee to assist at a fire or for any other purpose except by order of the Fire Chief and subject to the restrictions and conditions hereinafter set forth.
- (3) The Chief of the Fire Department is authorized, in his discretion, to aid in the extinguishing of fires in adjoining municipalities only under the following conditions:
  - (a) A request for assistance must come from the Mayor, Acting Mayor, Fire Chief or acting Fire Chief of such municipality, or such other person as may be designated by mutual agreement. In case such request is made under authority of any reciprocal fire protection agreement to which the City of South Milwaukee is a party, such request must be made in accord therewith.
  - (b) Calls may be responded to only with such apparatus as in the judgment of the Chief of the Fire Department can be safely sent without unduly impairing fire protection within the city and when highways and other conditions are favorable.

- (c) The municipality requesting assistance, unless the same is a party to a reciprocal fire protection agreement with the City of South Milwaukee which provides that such services shall be furnished without charge, shall pay the charges for apparatus and services as fixed and determined by the Common Council and as included in a written contract, the terms and conditions for which shall be binding upon all parties.
- (d) Any person, firm or corporation may contract for fire service on the same basis as provided by this section, subject to the approval of the Common Council.

#### 7.06 HAZARDOUS MATERIAL INCIDENT RESPONSE REIMBURSEMENT.

- (1) **PROHIBITED DISCHARGES.** No person, firm or corporation shall discharge or cause to be discharged, leaked, leached or spilled upon any public or private street, alley, public or private property, or unto the ground, surface waters, subsurface waters or aquifers, or within the City of South Milwaukee, except those areas specifically licensed for waste disposal or landfill activities and to receive such materials, any explosive, flammable or combustible solid liquid or gas, any radioactive material at or above nuclear regulatory restriction levels, etiologic agents, or any solid, liquid or gas creating a hazard, potential hazard, or public nuisance or any solid, liquid or gas having a deleterious effect on the environment.
- (2) **CONTAINMENT - CLEANUP AND RESTORATION.** Any person, firm or corporation in violation of the above section shall, upon direction of an Emergency Government Officer, begin immediate actions to contain cleanup and remove to an approved repository the offending material(s) and restore the site to its original condition, with the offending person, firm or corporation being responsible for all expenses incurred. Should any person, firm or corporation fail to engage the necessary men and equipment to comply or to complete the requirements of this section, the Office of Emergency Government may order the required actions to be taken by public or private resources and allow the recovery of any and all costs incurred by the City of South Milwaukee as action imposed by 3.
- (3) **EMERGENCY SERVICES RESPONSE.** Includes, but is not limited to: Fire Service, Emergency Medical Service, Law Enforcement. A person, firm or corporation who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall be responsible for reimbursement to the responding agencies for actual and necessary expenses incurred in carrying out their duties under this ordinance. Actual and necessary expenses may include but not be limited to: Replacement of equipment damaged by the hazardous material, cleaning, decontamination and maintenance of the equipment specific to the incident, costs incurred in the procurement and use of specialized equipment specific to the incident, specific laboratory expenses incurred in the recognition and identification of hazardous substances in the evaluation of response, decontamination, cleanup and medical surveillance, and incurred costs in future medical surveillance of response personnel as required by the responding agencies medical advisor.
- (4) **SITE ACCESS.** Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to Emergency Government Officers and staff and to Police and Fire Department personnel for the purpose of evaluating the threat to the public and monitoring containment, cleanup and restoration activities.

- (5) **PUBLIC PROTECTION.** Should any prohibited discharge occur that threatens the life, safety or health of the public at, near, or around the site of a prohibited discharge, and that the situation is so critical that immediate steps must be taken to protect life and limb, the Coordinator of Emergency Government, his assistant, or the Senior Police or Fire Official on the scene of the emergency, may order an evacuation of the area or take other appropriate steps for a period of time until the board can take appropriate action.
- (6) **ENFORCEMENT.** The Coordinator of Emergency Government and his deputies, as well as the police officers, shall have authority to issue citations or complaints under this section.
- (7) **CIVIL LIABILITY.** Any person, firm or corporation in violation of this section shall be liable to the City of South Milwaukee for any expenses incurred by the City of South Milwaukee or loss or damage sustained by the City of South Milwaukee by reason of such violations.
- (8) **PENALTIES.** Any person, firm or corporation in violation of this section shall forfeit to the City of South Milwaukee upon conviction thereof not to exceed Ten Thousand Dollars (\$10,000.00) plus the costs of prosecution and in default of payment thereof, imprisonment in the County Jail for ninety (90) days. Each day of violation shall constitute a separate offense.  
Cr. 12/20/88, 1412

#### 7.08 MUNICIPAL AMBULANCE.

- (1) **DEFINITION OF TERM.** As used in this section, the term emergency case means and includes the major accident or critical illness which in the opinion of the physician in attendance shall require the immediate conveyance of the patient to a hospital for medical or surgical treatment and that any delay made necessary through calling a private ambulance from without the city would be eminently dangerous for the patient.
- (2) **AVAILABLE TO ANY DEPARTMENT.** The municipal ambulance shall be available at all times for the use of the Police Department, Fire Department, Health Department and any other department of the city in performance of its proper functions.
- (3) **UNDER CONTROL OF FIRE DEPARTMENT.** The municipal ambulance shall be under the exclusive care and control of the Fire Department. Except as hereinafter provided, it shall operated by duly authorized members of the Fire Department. When requested by the officer then in charge of the Fire Department, a police officer may accompany such driver and render whatever assistance may be necessary, provided such a police officer is available. In emergency cases where for any reason a duly authorized member of the Fire Department is not immediately available, the ambulance may be operated by a duly authorized member of the Police Department. Am. 11/02/65, 785
- (4) **EMERGENCY CASES AND OTHER USES.** The municipal ambulance shall be made available by the Fire Department, when not otherwise in sue by the city, at the call of any physician in all emergency cases as hereinbefore defined, and such emergency use shall be given priority over all other uses. Am. 11/02/65, 785

CITY OF SOUTH MILWAUKEE

7-4

7.08

- (5) Any person, firm or corporation using the services of the municipal ambulance shall by such fact waive any and all claims for damages against the City of South Milwaukee that may result through the operation of the ambulance or negligence of the driver or his assistant. Such person, firm or corporation does further agree to indemnify the city against all damage claims by the patient or relatives of such patient arising by reason of the operation of said ambulance. The City of South Milwaukee shall carry adequate insurance against damage to person or property on the public highways through the operation of said ambulance and as to such claims no indemnity agreement shall apply.
- (6) The City of South Milwaukee shall not be liable for failure to answer any call or to answer any call promptly. The Fire Chief may refuse to permit the use of said ambulance any time in his opinion the use thereof would be inconsistent with the provisions of this section or detrimental to the welfare of the City of South Milwaukee.

7.09 PARAMEDIC UNIT AND PARAMEDIC VEHICLE. Pursuant to its contract with the County of Milwaukee, the Paramedic Team shall be available and respond to calls throughout the Cities of St. Francis, Cudahy, South Milwaukee and Oak Creek pursuant to the terms of the contract with Milwaukee County. The provisions of Section 7.05 shall not apply to the paramedic vehicle to the extent that the terms of Section 7.05 are inconsistent with the contract currently in effect regarding the Paramedic Unit for Zone E of Milwaukee County. Repl & Recr 4/5/00, 1764

////