

Constitution
And
By – Laws

Elkhart Lake
Fire Department

Elkhart Lake, Wisconsin

Table of Contents

Description	Page
Article I - Title.....	2
Article II - Officers.....	2
Article III - Duties of Officers and Members.....	3-8
Article IV - Practice Drills, Etc.	8
Article V - Rules of Companies.....	8-9
Article VI - Appointments and Divisions of Departments	10
Article VII - Membership.....	10-11
Article VIII - Honorary Membership.....	12
Article IX - Admission of Expelled Members.....	12
Article X - Removal of Officers.....	12-13
Article XI - Expulsion of Members.....	13-14
Article XII - Withdrawal of Members.....	14
Article XIII - Property.....	15
Article XIV - Meetings.....	16
Article XV - Appropriations.....	17
Article XVI - Assessments.....	17
Article XVII - By-Laws and Amendments.....	17

PREAMBLE

The members of the Elkhart Lake Fire Department of Elkhart Lake, Wisconsin, in order to maintain a more perfect union among themselves, establish discipline, and promote the object for which they are associated, do ordain and adopt the following laws, for the government of their department.

ARTICLE I

Title

- Sec. 1. This organization shall be known and designated as the Elkhart Lake Fire Department.
- Sec. 2. The objective of this organization shall be the extinguishment of fires and protection of life and property.

ARTICLE II

Officers

- Sec. 1. The officers of this fire department shall consist of a Chief, 1st Assistant Chief and 2nd Assistant Chief each serving 3 year terms alternating years for election so not any of the positions are up for election the same year, and a Secretary-Treasurer, a Safety Officer and one Captain for each apparatus serving one year terms.
- Sec. 2. The election of officers shall be by ballot, the first ballot shall be the nominating ballot. The second, and succeeding ballots if necessary, shall be the formal ballots. A candidate receiving a majority vote shall be declared elected.
- Sec. 3. The Fire Department shall annually elect a board of trustees consisting of three members of the department. The Fire Chief, First Assistant Chief, and Secretary-Treasurer may constitute the board of trustees upon election thereto. Said trustees shall have complete charge of the operation and control of the personal property and real estate of the Fire Department in accordance with Wis. Stat. Sec. 213.02 as amended.

ARTICLE III

Duties of Officers and Members

Sec. 1. Duties of the Chief

- (1) The Chief shall designate the members of each apparatus in such numbers as he may determine.
- (2) The Chief shall prescribe fire alarm signals for use of the department and shall have the fire alarm tested at a regular time each day.
- (3) It shall be the duty of the Chief to see that all company officers have all the hose thoroughly washed and dried after use at fires and drills, that no wet or dirty hose is placed on the apparatus, and that all apparatus and equipment is properly cleaned and put in its proper place.
- (4) The Chief shall see that all hose is tested and passes the NFPA specification for hydrostatic pressure and that all supply hose is tested annually per standard.
- (5) The Chief shall investigate and make every effort to determine the cause of each fire and shall preserve all evidence of incendiarism.
- (6) The Chief shall have general supervision of the department, which supervision shall be subject to and not conflict with any village ordinance, state laws, and ISO standards or the constitution or by-laws of this department.
- (7) It shall be the duty of the Chief to preside at all meetings of the department, to call special meetings, to preserve order, to decide all points of order that may arise, to enforce observation of this constitution and by-laws, and also to attest all bills.
- (8) It shall be the duty of the Chief when present at incidents, to have complete command and entire responsibility of all fire fighting operations and to see that the fire apparatus is kept in proper condition at all times.
- (9) Not later than September 1st of each year, the Chief shall file with the village clerk a detailed estimate of the appropriations needed for the conduct and operation of the department during the ensuing year.

- (10) It shall be the duty of the Chief to submit a written report to the Village Board and Town Board not later than February first of each year, and at such other times as the Chief deems it necessary and desirable, relating to the conditions of the various pieces of apparatus and equipment, the number of incidents occurring since the previous report, and the date of incidents and loss occasioned thereby. He shall also report upon the drill and training program of the department, together with other pertinent information, including recommendations of such improvements, as he deems proper and necessary for the operation of the department and for the protection and welfare of the community.
- (11) The Chief shall report at each monthly meeting the number of incidents, alarms, activities, and other facts that pertain to the welfare of the department accruing since the last meeting. The Chief shall report a detailed account of these activities of the entire year at the annual meeting
- (12) The Chief shall enforce all fire prevention ordinances of this village and state laws and regulations pertaining to fire prevention, and shall keep citizens informed on fire prevention methods, and on the activities of the department.
- (13) The Chief shall keep an incident log of every incident to which any apparatus was called and enter in such a log the locality of the incident, time alarm was received, cause of incident, where incident started, cause of delay (if any) in responding, time incident was stabilized, names of fire personnel responding and general remarks.
- (14) The Chief shall keep an inventory of all apparatus and equipment, and an inventory of all hose showing dates tested and results of tests on each length, which shall be individually numbered.
- (15) The Chief shall make all appointments to all committees and other activities, except when stated otherwise by a motion.
- (16) The Chief shall perform such other duties as are usually incumbent on the commanding officer of the fire department.

Sec. 2. Duties of the Assistant Chiefs

- (1) The assistant Chiefs shall report to the Chief at all incidents and drills and assist him in the discharge of his duties. In the absence of the Chief, the first assistant Chief, and if both are absent, the second assistant Chief shall officiate in the capacity of Chief.
- (2) The first assistant Chief, or if absent, the second assistant Chief, shall preside at all meetings in the absence of the Chief, and shall appoint all committees called for at a meeting at which he may preside.
- (3) Should the Chief and both assistant Chiefs be absent from a incident, the senior Captain, and if absent the next ranking Captain, and if none be present, the person having charge of the apparatus first arriving at the incident shall assume the duties of the Chief until the arrival of a superior officer.
- (4) In the absence of a superior officer, any member or officer who has taken command shall be held directly responsible for the direction and results of any incident.

Sec. 3. Duties of Captain

- (1) The Captain shall obey all orders from the Chief.
- (2) Upon arrival at an incident, the Captain shall immediately report to the incident commander for further orders.
- (3) The Captain shall require, when the release order is given that the hose is placed on the engine and that all company equipment is returned to its proper place on the apparatus, and he shall require that the rules for care and management of the apparatus are obeyed. On returning from an incident, wet hose shall be removed from the truck and placed on the drying area and the truck be loaded with dry hose, if such is available. The Captain shall make sure after each incident that the water tanks and extinguishers are recharged and ready for use and the apparatus otherwise be prepared for response to another incident.
- (4) The Captain shall be held responsible for the condition of the apparatus and equipment of his company during the time it is under his command and for the condition and appearance of the section of the fire station in which it is housed.
- (5) The Captain shall report to the Chief all fire hydrants that are at any fire or drill found to be frozen, leaky, out of order or that are in such shape or condition as to make them difficult to connect thereto.
- (6) The Captain shall present all requests for supplies to the Chief upon return to the station. In case any apparatus shall need repairs, the Captain shall immediately report the condition to the chief.

Sec. 4. Duties of the Lieutenants

- (1) It shall be the duty of the Lieutenant of each apparatus to assist the Captain in the discharge of duties.
- (2) In the absence of the Captains, the Lieutenants shall officiate in his capacity. In the absence of the Captain and the Lieutenant, the Chief shall appoint one member to take charge and he shall be recognized as Captain and shall be respected and obeyed accordingly.

Sec. 5. Duties of the Secretary-Treasurer

- (1) It shall be the duty of the Secretary-Treasurer to keep the minutes of all meetings, keep a register of all members of the department, issue all notices, assessments, and other moneys due the department and deposit the same in such a bank as the department may designate in the name of the department. The Secretary shall notify each member admitted as a member of the department of such admittance, and shall furnish the member with a copy of the constitution and requirements to be a member of the department.
- (2) The Secretary shall keep a written account of all monies received and expended by the department. The Secretary shall issue orders to pay out of the department funds in his custody only such amounts as the department has properly authorized paid and only on warrants properly drawn and signed by the Chief. The Secretary shall submit to the monthly meeting a report of the amounts on hand and due, and submit a detailed report of the past year at the annual meeting.
- (3) The Secretary shall on or before the last day of December, deliver to the chairman of the auditing committee all books, papers, or other property necessary to make a complete audit. Such property, after the audit, shall be held in custody by the committee, and delivered to the Secretary-Treasurer, at the annual meeting.
- (4) Upon the expiration of his term of office, or when otherwise called upon by the Department, the Secretary shall deliver to the person designated by the department all monies, books, papers, or any other property belonging to the Department that may be in the Secretary's position or under the Secretary's control. Failure to comply with the Department's directions shall result in the Secretary's expulsion from both his office and the Department. The Secretary shall perform such other duties pertaining to his office as the department or Chief may direct.

Sec. 6. Duties of the Members

- (1) It shall be the duty of the members of the fire department or its respective companies as often as any fire shall break out, to proceed immediately upon the alarm thereof to the fire station. Members will follow SOG's when responding to all calls. When so directed they shall return their apparatus, well washed and cleaned, to the fire station. All members shall return to the fire station and help until all apparatus is properly prepared for response to another incident and then shall answer roll call. No member shall be considered present at any incident, drill, etc., unless he has answered roll call or has been excused by an officer.
- (2) In the event that sufficient firefighters shall have responded to a minor incident and a firefighter has been designated by the officer in command to take charge of the station, the remaining persons shall stay at the station until word is received from the commanding officer. The firefighter in charge of the station shall then have the power to excuse the remaining men to return to work after taking their names for the roll call.

ARTICLE IV

Practice Drills and Fire Schools

- Sec. 1. It shall be the duty of the Chief or assistant Chief to call out for practice and drills all companies of the department on the fourth Monday of each month. The Chief shall also call out for drill one or more companies whenever he deems it advisable, but each company shall be drilled and trained not less than once each month.
- Sec. 2. It shall be the duty of the Chief or assistant chief to arrange the drills and training that they will include the proper and efficient use of all modern methods of extinguishments and life saving techniques.
- Sec. 3. It shall be the duty of the Chief or assistant Chief to call out training for all members. Such training shall be conducted by a recognized and capable instructor, at such time as may be decided by the department.

Sec. 4. Each member shall be required to attend 6 practice drills per year. Failure to attend these required sessions could result in expulsion of the member from the fire department (see Art. XI, sec. 3). Members with valid excuses shall be exempt from these requirements but will be required to attend all practice drills and meetings scheduled so as not to conflict with the member's employment.

ARTICLE V

Rules of Companies

Sec. 1. Members shall, in responding to alarms and drills, hold themselves in readiness to do what may be required of them, and all members shall assist in the work of the department whether it may be their assigned duties or not. At incidents and drills all members shall take an active part in helping other companies when the company to which they are assigned is inactive.

Sec. 2. Prompt, quiet obedience must be given to the orders from the officers and disputation cannot be allowed while on duty. Any member who shall consider his commanding officer wrong in the conduct of his office shall report same to the Chief.

Sec. 3. A civil demeanor should always be preserved toward all non members of a department, but no orders shall be taken from them.

Sec. 4. All reckless destruction of property shall be avoided and members must remember that it is their duty to protect property.

Sec. 5. The positions of the companies at a incident shall be determined by the officer in command. The assistant Chiefs shall report to the Chief any changes they consider necessary in the placing of hose crews or any other equipment.

Sec. 6. Members stationed along hose lines shall require that no heavy articles or vehicles are moved or dragged across the hose, that spectators do not stand upon or damage the lines, to report at once the bursting of any hose they charge, to pass orders to and from the hydrant. As soon as members execute an order which calls them from their duties or location, they shall return to it without delay.

Sec. 7. No person or persons shall be allowed to enter the fire station or handle any apparatus or implements belonging to the department, at any time whatsoever, unless accompanied by an active member of the department. Such members shall be held fully responsible for the conduct of their guests.

Sec. 8. The Department reserves the right to suspend a member who has engaged in improper conduct. For purposes of this paragraph “improper conduct” includes intoxication at meetings or while on duty or use of insubordinate or indecent language.

Sec. 9. Any member who fails to return Department equipment in response to an order from the Department shall be responsible to reimburse the Department for its reasonable attorneys’ fees incurred in securing the return of the Department’s equipment.

ARTICLE VI

Appointments and Division of Department

Sec. 1. The department shall consist of a total of 55 personnel, 40 personnel from the Village of Elkhart Lake and 15 personnel from the Town of Rhine. The department shall be divided as follows: Chief, 1st assistant Chief, 2nd assistant Chief, Safety Officer, Captains and Lieutenants or as many men as the Chief may designate for each apparatus and any fire marshals as needed.

Sec. 2. The Captain of each company shall be elected annually. Lieutenants shall be appointed by the officers. A Safety Officer shall be appointed by the Chief.

Sec. 3. The officers of the department (Chief, assistant Chiefs, Secretary-Treasurer, Safety Officer, and Captains) shall meet each year after the annual meeting and before the next regular meeting, discuss the operation of the department, and aid the Chief in any other business that may arise.

ARTICLE VII

Membership

- Sec. 1. All members of the Elkhart Lake Fire Department shall be not less than 18 years of age, High School students and not more than 55 years of age at the time of application for membership. In addition, all members must maintain residency in either the Village of Elkhart Lake or the Town of Rhine, Wisconsin not less than sixty days. The Department may designate such additional minimum qualifications as are deemed appropriate at the time of application. The Department reserves the right to require physicals, drug testing and criminal background checks as conditions of membership.
- Sec. 2. Candidates for membership may be proposed at any meeting by any active member in good standing. Applicants shall have filled out such application form as shall be provided him.
- Sec. 3. At the next regular meeting the applications shall be filed in rotation, if no vacancies exist. All applications shall be voted on in rotation as vacancies occur. As soon as application becomes it shall be voted upon and if it shall receive a majority of the votes cast, the applicant shall be declared admitted.
- Sec. 4. Should a person be declared rejected he shall not again be proposed until the expiration of at least six months. Any member who shall have moved from the village or township or resigned for any reason, shall be required to make application for membership in the same manner as a new member and shall be voted on in the same manner.
- Sec. 5. All members admitted to the department shall serve a probationary period of one year and must be registered for Entry Level 1 and 2 within one year. If the member has not proven satisfactory to the officers (consisting of the chiefs, sec-treas. and captains) the member shall again be voted upon by a majority vote of the members present at a regular meeting. If not approved, shall be declared dismissed.
- Sec. 6. A member serving a probationary period shall have no vote or voice on department activities until having passed probation and has been declared a member of a regular company.
- Sec. 7. Members entering Armed Forces will still be considered active members for their enlisted term by consideration of the Soldier-Sailor Act.

ARTICLE VIII

Honorary Members

Sec. 1. The department may elect proper persons as honorary members of the department, required to attend meetings, fire, incidents, schools or any other functions of the department. Honorary members shall have the privilege of attending these functions but shall have no voice or vote, and cannot hold office or serve on committees.

Sec. 2. Proper persons may make application for honorary membership who have reached the age of fifty years, and have served at least twenty years as an active member.

Sec. 3. Deceased or disabled members who have not met their requirements of 20 years of service and 50 years of age remain eligible for honorary membership.

Any applicant for honor roll membership should apply or be mentioned one meeting prior to voting.

Applicants for honor roll membership shall be nominated from the floor and voted by ball ballot with a majority vote of eligible members present. The officer in charge of the meeting shall cast the deciding vote in the event of a tie.

ARTICLE IX

Admission of Expelled Members

Sec. 1. No person expelled from this department shall be re-admitted unless he shall receive a two-thirds vote of the members present at a regular meeting, after one month's notice for re-admittance has been given. Such consideration shall be given before any application for new membership.

ARTICLE X

Removal of Officers

- Sec. 1. If any officer shall neglect his duties, pervert his office, or disturb the peace and good order of the department, his conduct may be a matter of complaint. Every complaint must be in writing and signed by at least three members of the department and filed with the Secretary-Treasurer at a regular meeting. A copy of the complaint shall promptly be provided to the officer against whom the complaint has been filed.
- Sec. 2. If said complaint be sustained by a majority of the members present, a committee of five shall be appointed to review the complaint; every member having knowledge of the case may be examined by said committee. The officer against whom the complaint has been filed shall be given a reasonable opportunity to defend himself in response to the complaint. However, the opportunity to respond does not require the Department to provide the officer with a due process hearing.
- Sec. 3. The committee shall report their decision at the next regular meeting, if the report sustains the complaint, the offender may be punished by a fine or dismissal from office, at the option of a majority of the members present. If the complaint is not sustained it shall be dismissed and so entered upon at the meeting.

ARTICLE XI

Expulsion of Members

- Sec. 1. Any member who shall neglect his duty or disturb the peace and good order of the department, shall upon motion sustained by two – thirds of the members present at regular meeting, be expelled.
- Sec. 2. Any active member not attending a minimum of 6 practice drills and 6 meetings called in one year shall be either placed on probation or eligible for expulsion. Members shall be excused from this requirement if they have a valid excuse. However, these members are required to attend all drills and meetings which are scheduled so as not to conflict with the member's employment.

Sec. 3. A leave of absence may be granted by the Chief to such members who will be out of the village on business, vacation, or other reasons, when application has been made in advance, if it be an extended period of time. Such leaves may also be granted to members who have been inactive due to injury or sickness, if such member shall have continually been under the care of a physician. A leave of absence shall not be granted for a period longer than six months, but such leaves may be subject to one renewal for an additional six months upon application in advance, and approved and confirmed by a majority vote of the members present at a regular meeting. All leaves of absence granted shall not count against the member's attendance record for expulsion. Any grant may be approved by the department upon motion and sustained by a vote of majority of the members present at a regular meeting.

Sec. 5. Any member having been placed on probation shall have no vote or voice on department activities. If he shall continue to be absent from a sufficient number of activities during this period, he shall be dropped from the roll.

Sec. 6. Any member eligible for expulsion through violation of Sec. 2 shall upon motion sustained by two-thirds of the members present at a regular meeting, be expelled.

ARTICLE XII

Withdrawal of Members

Sec. 1. Any member may withdraw from the department by making application in writing, and turn over all property in his possession belonging to the department.

Sec. 2. Any member who has withdrawn from the department and shall desire to re-enter the department, shall be acted upon in the same manner as a new applicant.

ARTICLE XIII

Properties

- Sec. 1. All furniture, books, and other property purchased by the department or acquired by any other means, shall belong to the department and kept at the fire station. Withdrawal from the Elkhart Lake Fire Department shall forfeit all interest in the same.
- Sec. 2. No member shall remove or cause to be removed any tools, equipment, clothing, or any property consigned to or belonging to the fire department for any use other than regular fire department use, except when permission has been granted by the chief, and shall then be returned immediately when not in use.
- Sec. 3. The department shall have the power to buy, sell, own, control, receive, recover, and hold, mortgage, lease and improve all property, real and personal and transact all business relative to the investment.

ARTICLE XIV

Meetings

Sec. 1. There shall be an annual meeting of the members on the second Monday in January of each year at 7:00 o'clock p.m. for election of officers and the transaction of such other business as may come before the meeting.

Sec. 2. There shall be a regular meeting at the fire station on the second Monday of each month, at 7:00 o'clock p.m.

Sec. 3. Special meetings may be called by the Chief whenever he may deem it for the interest of the department or at the written request of any five members, within three days of such application.

Sec. 4. In the case of an alarm of incident at the time of the meeting, the meeting shall stand adjourned subject to the call of the Chief.

Sec. 5. Twelve members shall form a quorum for the transaction of any business.

Sec. 6. Order of Business:

Roll Call

Reading of minutes of the previous meeting.

Proposal and admission of membership.

Bills and communications.

Report of committees.

Unfinished business.

Miscellaneous and new business.

Report of officers.

Election of officers.

Open discussion

Roll Call

ARTICLE XV

Appropriations

- Sec. 1. No funds shall be appropriated or paid out of the treasury except by a majority vote of the members present at a regular or special meeting.
- Sec. 2. All appropriations of one hundred dollars or more must be voted upon by secret ballot or black ball method.

ARTICLE XVI

Assessments

- Sec. 1. An assessment may be levied upon all members equally, at any stated meeting, by a vote of majority members present at any meeting.

ARTICLE XVII

By-Laws and Amendments

- Sec. 1. The department shall have the power to make such by-laws from time to time for their regulation not to inconsistent with the constitution, as they may deem proper.
- Sec. 2. No part of the constitution shall be repealed, altered, or amended unless proposed in writing, specifying the intended ballot or black ball method of the members present, it may be adopted.

Constitution Updated and Amended July 08, 2013
All changes prior to July 08, 2013 shall now be null and void