



WISCONSIN FIRE SERVICE GUIDEBOOK

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THE DEPARTMENT OF SAFETY AND PROFESSIONAL
SERVICES' MISSION:

*“To promote economic growth and stability
while protecting the citizens of Wisconsin
as designated by statute.”*

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DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

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INTRODUCTION

The Fire Prevention/Safety and Health Section of the Department of Safety and Professional Services developed this guidebook to familiarize fire departments with the structure of state and local government; to provide guidelines for established and acceptable management and operational practices, and to provide information on selected topics that may be difficult to find in the field. Many of the topics covered in the guidebook are taken from experience working with actual local fire department issues. This guidebook also provides information about benefit programs provided only to public sector firefighters. The book accurately reflects all names, websites, phone numbers, and contacts as of last revision.

The steps to becoming a member, fire officer, or fire administrator in many of the fire departments serving citizens of the State of Wisconsin are not necessarily formal or structured. Many members, Fire Officers, or Fire Chiefs are appointed or elected through popular vote by members of their department. New Fire Chiefs face many challenges when they assume this position of leadership, including: the budgeting process, personnel decisions, the political environment, changing technology, alternative funding sources, legal requirements, and procurement issues. In addition, a chief officer must be a personnel manager, administrator, accountant, educator, and consultant. Traditionally, fire departments have had significant regulatory and political power and authority within the respective community. In some cases, the power and authority may be assumed rather than supported by local or state law.

Few individuals assuming the role of chief officer are prepared for the responsibilities that they now have. The Wisconsin State Fire Chief's Association sponsors various educational opportunities for new Fire Chiefs. Check the Wisconsin State Fire Chief's Association [website](#).

Traits of great fire departments are acquired through leadership ability, formal training, and experience from on-the-job training. Although no single guidebook or formal training program can create a great fire department, we have included information in the *Wisconsin Fire Service Guidebook* that you will find useful in your duties.

Much of this guidance is in the form of informal summaries of litigation, legal opinions, and interpretations from numerous sources; you should always obtain an opinion tailored to your individual situation from your corporate legal counsel.

Other guides are available to the Wisconsin Fire Service: In addition to this guidebook the following books may be helpful:

- *Handbook for Wisconsin Police & Fire Commissioners* from the League of Wisconsin Municipalities either at their website (www.lwm-info.org/) or by writing to them at: League of Wisconsin Municipalities, 131 West Wilson, Suite 505, Madison, WI 53703.
- *The Officer Development Handbook* is published in partnership with the International Association of Fire Chiefs Foundation (IAFC) and is intended to help fire officers at all levels plan a systematic development program for their professional fire service careers. The *Officer Development Handbook* outlines four key elements of professional development: education, training, experience, and self-development; and discusses each of these elements at different levels of a fire officer's career: supervising fire officer, managing fire officer, administrative fire officer, and executive fire officer. Each section also includes an overview of the corresponding National Fire Protection Association (NFPA) 1021 Standard for Fire Officer Professional Development.

RESPONSIBILITIES OF THE FIRE DEPARTMENT

The duties and responsibilities of the fire department can be underestimated by the municipal board, the community at large, the members of the department, and by the Fire Chief. The Fire Department is a business - its product is Fire Protection. The business of fire protection involves management, money, skillfully trained people, and service.

Responsibilities of the Fire Chief as an Official and Elements Affected: Administrator

- Policy
- Emergency Management
- Personnel
- Inspections
- Safety and Professional Services Deputy
- 2% Dues Requirement
- Local Obligations
- Fire Preplanning

Community Awareness

- Enforcement Of Violations
- Public Education
- Fire Ground Management
- Liability
- Risk Management
- Occupancy Functions/Characteristics
- Fire Department Policy
- Fire Protection

Standard Operating Guidelines

- Administrative
- Incident Command
- Confined Space Rescue
- Tech Rescue
- Hazard Communication
- Personnel
- Personal Protective Equipment
- Respiratory Protection/Exposure Control
- Bloodborne Pathogens
- Staffing And Readiness
- Training
- Accountability
- Fire Suppression
- Firefighter Certification
- Fire Inspector
- Officer
- First Responder/EMS

- SARA, Title III
- OSHA Requirements
- SPS 330 Fire Department Health & Safety
- Regulations
- Health and Safety Program
- Maintenance and Inspection Program
- Readiness
- Replacement/Budgeting New Equipment
- Water Supply
- ISO Requirement/Rating

Meetings (Ss 19.33-19.39 & 19.82)

- Meeting Minutes
- Fire Call Report
- Investigations
- Public Education Activities/Programs

Safety and Professional Services Forms & Reports

- Fire Inspection Reports (Ss. 101.14)
- 2% Compliance Certification (Ss. 101.575)
- Fire Incident Reports (SPS 314)
- USFA (FEMA) Incident Reports
- Training Records (State, Sara, Title III)
- Maintenance (Equipment and Apparatus)

Municipal Reports

- Annual Report
- Department Budget
- Capital
- Operation Expenses
- Contracts
- Mutual Aid
- Fire Protection

Personnel Management

Civil Rights Act, American with Disabilities Act (ADA) and other personnel laws and requirements should be discussed with your corporate counsel, human resources director, or department board.

Knowledge of Codes & Standards

The Codes and Standards listed here are examples, not a complete list. Not all these examples are adopted by the Department of Safety and Professional Services.

Fire Service National Standard

- NFPA 1 Fire Code
- NFPA 1001 Standard for Fire Fighter Professional Qualifications
- NFPA 1002 Standard for Fire Apparatus Driver/Operator Professional Qualifications
- NFPA 1021 Standard for Fire Officer Professional Qualifications
- NFPA 1403 Standard on Live Fire Training Evolutions
- NFPA 1901 Standard for Automotive Fire Apparatus
- NFPA 1911 Standard for the Inspection, Maintenance, Testing, & Retirement of In-Service Automotive Fire Apparatus
- NFPA 1914 Standard for Testing Fire Department Aerial Devices
- NFPA 1971 Standard on Protective Ensembles for Structural Fire Fighting & Proximity Fire Fighting
- NFPA 1981 Standard on Open-Circuit Self-Contained Breathing Apparatus (SCBA) for Emergency Services
- NFPA 1982 Standard on Personal Alert Safety Systems (PASS)
- NFPA 1983 Standard on Life Safety Rope & Equipment for Emergency Services

Wisconsin Administrative Code

- SPS 314 Fire Prevention
- SPS 328 Smoke Detectors & Carbon Monoxide Detectors
- SPS 330 Fire Department Safety & Health Standards
- SPS 332 Public Employee Safety & Health
- SPS 360-366 Wisconsin Building Code
- IBC International Building Code
- IEBC International Existing Building Code
- IFC International Fire Code

Wisconsin State Statutes

- 101.14 Fire Inspections, Prevention, Detection & Suppression
- 101.141 Record Keeping of Fires
- 101.573 Fire Dues Distribution
- 101.575 Entitlement to Dues
- 165.55 Arson Investigation

OSHA Standards

- 29 CFR 1904 Recording & Reporting Occupational Injuries & Illness
- 29 CFR 1910 Occupational Safety & Health Standards
- 29 CFR 1926 Safety & Health Regulations for Construction

Is Your Fire Chief Legally a Fire Chief?

All local municipal government bodies, such as a city, village, or town, are responsible for providing fire protection within their jurisdiction. The fire protection may be by a fire department established by the municipality, established jointly with one or more local governments, or created through contract with another municipality or fire department. The Fire Chief may be a part-time or full-time employee or considered to be a volunteer employee. The relationship between the Fire Chief and the municipal body may be by contract or via election by the members of the fire department.

The very nature of the Fire Chief's role and responsibilities results in frequent calls for judgment and discretion. A directive by the Fire Chief has the potential to impact firefighters, families, municipal government, public and private finance, and property. In litigation situations, the prosecution generally attempts to establish what authority or lack of authority was involved. Wisconsin statutes allow the Fire Chief limited police powers.

Fire Chiefs are the highest-ranking Officer of the Fire Department. Public sector Fire Department Fire Chief's appointed after October 1, 2018, who have not served in a fire officer role prior, must have Fire Officer training consistent with SPS 330.08. Fire Chiefs or Fire Officers appointed prior to October 1, 2018, must have training for the duties they are expected to perform consistent with SPS 330.07 (crew resource management, scene size-ups, smoke reading, communications, etc.) All Fire Chiefs must have appropriate level ICS/NIMs training.

What document verifies that you are representing the municipality in an official capacity? Are you acting under a formal contract, ordinance, etc.? Were you formally sworn into office? If the members of the fire department elected you, what establishes your position as an official?

The Fire Chief of a city is designated by statute as a city officer and must take an oath of office. §62.09(1) and (4) Wis. Stats.

Formal recognition of the fire department and Fire Chief in a village or town will vary depending upon local practice.

19.01 Oaths and bonds.

(1) FORM OF OATH. Every official oath required by [article IV, section 28](#), of the constitution or by any statute shall be in writing, subscribed and sworn to and except as provided otherwise by s. [757.02](#) and [SCR 40.15](#), shall be in substantially the following form:

Below is an example oath of office that could be used to swear in a new Fire Chief

STATE OF WISCONSIN,
County of _____

I, the undersigned, who have been elected (or appointed) to the office of _____, but have not yet entered upon the duties thereof, swear (or affirm) that I will support the constitution of the United States and the constitution of the state of Wisconsin, and will faithfully discharge the duties of said office to the best of my ability. So, help me God.

Subscribed and sworn to before me this _____ day of _____, _____ (year)

Is Your Fire Department Officially Recognized?

The official recognition of the fire department either as a municipal agency or via contractual arrangement has broad implications in the areas of financial responsibility and legal liability. Do not make false assumptions regarding protection from civil liability and insurability. The statute provides some protection for "city officials" by directing that the municipality is responsible for the negligence of an employee. If you have questions consult your municipal corporate counsel.

Section 62.25 (2)(a) Damages, if any, in an action against a city officer in his official capacity, except the action directly involving the title to his office, shall not be awarded against such officer, but may be awarded against the city.

The key to protection from civil liability is the formal recognition of the fire department by the municipality before any liability exists. Lack of an ordinance may act as a buffer to distance the municipality from financial responsibility in the event of a liability situation.

Furthermore, any request to receive benefits under the Public Safety Officer Benefit program must include a certified copy of the municipal ordinance or official documentation authorizing the fire department to conduct fire services for the municipality.

Mechanisms to Recognize a Fire Department or Fire Chief

Governmental bodies have three mechanisms by which they can recognize a fire department or Fire Chief: a resolution, an ordinance, or a contract.

1. Resolutions - official written statements, which are non-binding.
2. Ordinances - official recognition of a fire department as a municipal department and have the full force of law behind them.
3. Contracts - binding official written positions, which have the full force of law behind them.

Key Points to Include in an Ordinance Officially Recognizing the Fire Department or Fire Chief

- Bylaws (if the ordinance establishes the fire department as a municipal department)
- Delegated responsibilities, authority, powers, and duties of the Fire Chief
- Process by which the Fire Chief will be installed (appointed or elected) in office and term.
- Process by which the Fire Chief may be removed from office.
- Process by which firefighters shall be installed and terminated.
- Requirement to maintain membership.
- Any compensation of department personnel and periodic review of your compensation program
- Appropriation of funds to maintain administration and operation of fire department.
- Delegation of individual areas of responsibility: fire suppression, fire inspection, public education, first responder, EMS, etc.
- Firefighter training requirements
- Designation and number of officers
- Manner in which position vacancies will be filled.
- Police powers of the department
- Duties of the Fire Inspector
- Equipment replacement program
- Record keeping and reporting requirements (to local, state, and federal government)
- Specific regulatory enforcement authority and citation provisions.
- Fees that the fire department may charge for specific services.

Key Points to Include in Fire Protection Contracts Recognizing the Fire Department

Fire protection contracts are agreements between the fire department and local units of government or property owners to furnish fire protection services. It is important that contracts are written in definitive terms and language to avoid significant legal and financial problems. There is no "standard" fill-in-the-blank contract for fire protection, but here are some suggestions:

Categorize fire inspection responsibilities separately from suppression responsibilities.

- Provide a fair share of the costs of providing services.
- Address the fixed and the variable costs including who pays the cost of enforcement litigation.
- Define the limits of the involvement of the fire department with private property owners.
- Who receives 2% Fire Dues payments and how.

Fire Chief Training Requirements

The Fire Chief is the highest-ranking Officer of the Fire Department. All new Fire Officers, including Fire Chiefs, of public fire departments appointed after October 1, 2018, must meet SPS 330.08. A Fire Officer who served in a Fire Officer role/rank prior to October 1, 2018, and has no break in rank/service, can be grandfathered from 330.08 requirements, but must still meet the requirements under SPS 330.07. All Fire Chiefs must have appropriate NIMS training. Information regarding SPS 330 FAQs and Officer requirements can be found here: [FAQFireDepartment.pdf](#)

Establishing a Fire Department

Cities

By law, [ss. 62.13 (I) & (2), Wis. Stats] every city with a population of 4,000 or more must have its own fire department and police and fire commission. The police and fire commission appoints the Fire Chief, supervises fire department staff recruitment and examination procedures, and acts on disciplinary and appeals issues. In cities that do not have a police and fire commission, the mayor shall be the head of the fire department. [ss 62.09 (8)(d), Wis. Stats]

Villages and Smaller Cities

Populations of 5,500 or more [ss. 61.65 (2) (a) & (b), Wis. Stats.] must provide fire protection in one of four ways:

- 1) Create their own fire department -- if the village has created its own fire department, a police and fire commission is required to oversee the personnel issues.
- 2) Contract with another municipality for fire protection.
- 3) Establish a joint fire department -- with another municipality -- is required to create a joint board of fire commissioners with the participating municipality(s) to govern the joint department [ss. 61.63 (2)(b) 2, Wis. Stats]. These are often called fire districts.
- 4) Utilizing a fire company organized under Ch. [213](#)

Towns

Towns [ss. 60.55, Wis. Stats].) must provide fire protection in one of five ways:

- | | |
|--------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 1) Establish Town Fire Department | 4) Utilize a fire company organized under Ch. 213 |
| 2) Establish a joint fire department -- with another municipality. | 5) Creating a combined protective services department under s. 60.553 |
| 3) Contract with any person | |

The Town Funds Fire Protection through:

- | | |
|---------------------------------------------------|-----------------------------------------|
| • Appropriating money to pay for fire protection. | • Tax levy; or |
| • Special assessment. | • Direct bill to the responsible party. |

Fire Protection District

A fire protection district is either a nonprofit municipal corporation or inter- governmental entity formed for the mutual benefit of providing fire protection and associated services to each governmental entity involved. Generally, the governing body of the fire district is a board or commission consisting of representatives of each municipal entity under the jurisdiction of the fire district. The main advantage of a fire district is administrative representation and financial equity, based upon a predetermined factor. The fire protection district board develops a budget for district operations, which is then procured through tax levy by each municipal entity in the district. The fire district should be supported by an Agreement signed by all member municipal entities and registered or recorded with the Secretary of State. In some cases, a municipality, (city or village) may be required to adopt a municipal ordinance to compliment the Agreement. Chapter 66.0301 and 66.03125 (Mutual Assistance) may be used for guidance. There is no statutory reference to “Fire Districts” in Wisconsin.

A fire protection district should be viewed as a business and the business is for the benefit of the participants. A frequent benefit to individual property owners within a fire protection district is the improvement of the Insurance Service Office (ISO) Risk Rating, which results in lower fire insurance premiums for commercial business. Once the district is formed, the board or commission should realize that their role is to guide the operation of the fire protection district as a whole. Individual politics must be cast aside. A comprehensive agreement will eliminate many potential problems, especially politics and liability.

Key components of the agreement establishing a fire protection district should include:

- **Boundaries/Service Area** The agreement should outline the boundaries of the service area and specify what service is provided within those boundaries.
- **Duties and Powers of the Board** The agreement shall describe the scope of the relationship between the board and the fire department. Generally, the scope is limited to the control of the finances of the fire district and establishing policies pertaining to the operation of the board and the fire department. The internal operations of the fire department are generally the responsibility of the fire department, if they do not conflict with board policies. The Fire Chief serves at the pleasure of the board through a predetermined procedure such as recommendations from the members of the fire department or a nominating committee.
- **Scope of Fire Department Operations** “Fire protection” is a general term and should be written into the agreement as specific items such as: fire prevention inspections, first responder/emergency medical activities, water rescue, public fire prevention education, assistance to law enforcement agencies, natural disaster assistance, etc. Similarly, if the agreement uses the terminology "approved emergency services," the document should describe which activities are approved.
- **District Governance** Any agreement should detail provisions for board actions; title and duties of the officers of the board; makeup and terms of the board members; restrictions for board membership (e.g. active firefighters excluded from membership); Fire Chief’s role on the board (generally limited to an advisory capacity and a non-voting member) as the Board is his/her employer; and meetings, meeting notices, compliance with Wisconsin's open meeting law, and what constitutes a quorum. The provision that details voting should include the number of votes a member may have which may be based upon single representation per municipal entity, equal vote per member population, or equalized value of property.
- **Fiscal and Budget** Mechanisms for funding and appropriation of expenditures must be defined; limitations or restrictions regarding financial management expressed; and a fiscal agent determined (the district may be its own fiscal agent or defer to a municipality.)
- **Liability** Includes employer-employee relationship (generally firefighters are considered employees of the fire protection district), responsibilities for errors and omissions insurance, workers compensation, and comprehensive insurance for vehicles and equipment.

- Terms All agreements should address the calendar term of the agreement; amendments; definitions such as breach of contract; procedures for handling disputes; withdrawal from the district; and a required annual report to the municipal entities from the board.
- Financial Responsibility and Costs Specific shares of financial responsibility for each participating entity are usually based on equalized value of property improvements. Allocated costs include fixed expenses and variable costs.
 - Fixed costs occur regardless of the equipment "turning-a-wheel" and include insurance, building maintenance or rent, salaries, reserve account for equipment purchase, etc.
 - Variable costs reflect the operational expenses of the fire department and may include fuel, firefighter wages (as opposed to salaries), medical exams, maintenance/repair, supplies, etc.
 - Other costs such as training expenses may be budgeted in either category.

Fire Department Types

Public

Public fire departments generally refer to a fire department that is part of a local unit of government such as a city, village, or town. These departments are typically funded through local taxes and are responsible for providing fire protection services within their designated area and geographic areas.

Private

Private fire departments or brigades are owned and operated by a private company or organization, not a municipality or government agency. They often serve businesses that have unique fire hazards or require specialized firefighting equipment and training. Private brigades are funded through the company or organization they serve, not through public tax revenue. Private fire brigades can be organized in different ways, such as a nonstock, nonprofit corporation, according to Wisconsin law. In essence, a Private Fire Brigade in Wisconsin is a specialized firefighting force that is operated by a private entity to protect the assets and personnel of that entity. Examples include Kewaunee Nuclear Plant Fire Brigade and Johnson SC Fire Brigade.

Fire Department Organization

Career Fire Department

Fire departments, entirely staffed by full-time positions, are classified as Career Fire Departments. These fire departments rely on full-time firefighters and do not rely on any paid-on-call or volunteer firefighters to complement or supplement staffing (except for mutual aid.) Some examples are Milwaukee, Madison, Green Bay, and Eau Claire.

Combination or Part-Paid Fire Department

Fire Departments that use some full-time and paid-on-call or volunteer members to provide adequate staffing are classified as Combination Departments. Combination departments vary from having mostly full-time staff, to mostly paid-on-call or volunteers to compliment the activities of the fire department. Full-time staff may be officers, fire inspectors, dispatchers, or a single engine company. Some examples are Menomonee Falls, Fitchburg, Plover, and Rice Lake.

Volunteer Fire Department

Fire Departments that have no staff paid for 36 or more hours per week are classified as Volunteer Fire Departments. The Volunteer classification can be misleading since firefighters may be compensated. Volunteer departments may compensate their members for fire calls, training, clothing allowance or paid-on-call. Volunteer Fire Chiefs or inspectors may be paid a yearly salary or stipend for their services. See IRS and the Wisconsin Department of Revenue for additional tax clarification issues. Some examples are Washburn, Augusta, Knowles, and Sharon.

Note: The term Volunteer Firefighter has a different meaning from volunteer fire department. The definitions of wages in ss. 109.01(3) and 108.26, Wis. Stats., distinguishes "paid" from "volunteer" firefighter. Generally, reimbursement for expenses is not considered to be wages. If the reimbursement compensation does not exceed the yearly compensation for an entry-level career firefighter in the same department or nearby department, persons receiving only reimbursement of their expenses have not been paid wages or a salary and are therefore "volunteers." Stipends and per diems could be deemed reimbursement of expenses. However, "Volunteers" are considered employees for Worker's Compensation benefits.

Fire Department Classification

Chapter 180 Stock Corporation

Chapter 180 business corporations (ss 180 Wis. Stats.) are organized under "Articles of Incorporation" like non-stock corporations with the exceptions of profit motive, disbursement of profits to the stockholders, and the allowance for capital stock. These fire departments are generally private sector companies that contract with a municipal entity to provide fire suppression equipment and firefighters in response to an emergency. Although departments organized as business corporations are common in areas of the Southwestern United States, they are less common in the Midwest.

Chapter 181 Non-Stock-Nonprofit Corporation

Most fire districts and fire service associations in Wisconsin are incorporated through "Articles of Incorporation" under the Wisconsin Non-Stock Corporation Law (ss 181, Wis. Stats.) These departments do not have capital stock. A board of directors manages the affairs of the corporation. The principals of non-stock-nonprofit corporations may be private individuals, or municipalities with direct representation on the board of directors. For information about incorporating as a non-profit, non-stock corporation or to verify your corporation status, contact the Department of Financial Institutions, Division of Corporate and Consumer Services, P.O. Box 7846, Madison, WI 53707-7846, (608) 261-7577 or look on their website at www.dfi.wis.gov.

Chapter 213 Fire Department

The Wisconsin Statutes (ss 213, Wis. Stats.) provide a mechanism for private individuals to form a body and create a fire department for the protection of property in rural areas. Chapter 213 department is linked to a municipality through contractual services for fire protection. The department's administration, budget, expenses, and personnel compensation are handled directly by the department and not by the municipality. Chapter 213 fire departments are provided considerable protection under the statutes. ss. 102.07 (7), provides that every member of a volunteer fire company organized under Chapter 213 shall be deemed an employee of such company or department. Most Chapter 213 departments in existence today were formed prior to the incorporation of the municipality for which they provide fire protection. Many of these departments depend on direct municipal purchasing and administrative services but continue to function as a matter of tradition. The municipal board may disband the Chapter 213 organization through a process found in ss. 213.04.

Municipal Agency

Fire departments, organized in this manner, are an agency of the municipality, like the public works department and employees are considered to be public sector. The fire department budget, employee compensation, and benefits are administered directly by the municipality. Municipal agencies also include Public Safety Departments which are combined public service organizations (ss. 61.66 Wis. Stats.), where members are cross trained for fire and law enforcement, are limited to villages with populations of less than 20,000. Public Safety departments have both law enforcement and fire services under a single chief executive or administrative officer.

Tribal Fire Department

Fire service agency that is operated by and serves a federally recognized Native American tribe within the state. These departments are responsible for providing fire protection and often emergency medical services to the tribal lands and its residents

Federal/State/Military

A fire service agency that serves a federal/state/military installation or is part of a military unit located within the state. These departments are primarily responsible for protecting military assets, personnel, and infrastructure from fire and other emergencies.

Private Fire Brigade

A private fire brigade, or fire department, is a specialized organization that provides fire protection and emergency response services to a specific client, such as a major industrial facility, commercial property, or residential community. These departments are not funded by local property taxes like public fire departments, but rather through contracts with their client(s).

Regulations and the Fire Service

Department of Safety and Professional Services Deputy

Fire Chiefs of departments providing coverage to commercial occupancies and areas frequented by the public are designated deputies of the Department of Safety and Professional Services (ss. 101.14 Wis. Stats.) This designation carries with it fire prevention inspection responsibilities and authority to use discretion to address a broad range of fire and life safety issues. Safety and Professional Services has four Fire Prevention Districts within the state. A Fire Prevention Coordinator who supports the local Fire Chief or inspector as a technical consultant, training officer, and fire prevention code enforcement officer manages each district. Fire departments primarily communicate with the Department of Safety and Professional Services through their Fire Prevention Coordinator.

Open Meetings Law

Wisconsin's open meeting law (ss. 19.83 (1), Wis. Stats.) applies to governmental or quasi-governmental corporations, which were created directly by the legislature or by some governmental body pursuant to specific statutory authorization. Fire departments created under ss. 213.05, Wis. Stats., or private sector employer fire departments contracting to municipalities are not obligated under the open meeting law. (However, these fire departments may be obligated to comply with the open records law.) A simple guideline: if you are spending public money and/or taxes, follow the Open Meetings Law. Guide to Open Meetings Compliance:

<https://www.doj.state.wi.us/sites/default/files/office-open-government/Resources/OML-GUIDE.pdf>

Record Keeping Requirements for Public Sector Agencies

Fire departments are required by state statute, administrative rule (ss. 19.21, 19.32(1), 101.055 (7), and 101.141 Wis. Stats.), and OSHA regulations to maintain certain records and to provide public access to certain records under the state open records law. Fire departments should also create and maintain some records, not required by law, to provide accountability or a history of specific activities if the fire department is sued. Documents and records should be maintained for 7 years as required by the Wisconsin Open Records Law. For information regarding Wisconsin Public Records laws, see here: https://www.doj.state.wi.us/sites/default/files/office-open-government/Resources/PRL%20Guide_2024.pdf

Principal categories of records are:

- Finances
- Personnel
- Investigations
- Water supply, apparatus, and equipment
- Standard Operating Procedures/Guidelines
- Training
- Fire prevention inspections
- Communications
- Fire incident and emergency service

Fire Incident Reporting

Collecting comprehensive fire incident data should be standard practice with every fire department. Records are necessary to complement the administrative process and maintain a reference for future inquiries. Fire incident reports can provide data to address local problems and to enhance public relations and public education. Wisconsin Statutes (ss.101.141, & ss. 165. 55, Wis. Stats.) direct the chief of the fire department to investigate the cause, origin and circumstances of every fire and direct the Department of Safety and Professional Services to maintain records of all fires occurring in this state. We also encourage industrial fire brigades and federal fire departments to participate in the program.

Statistics gathered by the Department of Safety and Professional Services are used to evaluate potential problems and to respond to inquiries from legislators, researchers, educators, NFPA, International Association of Arson Investigators, insurance companies, and individuals. Statistics are often reviewed in the process of building and fire safety code development or to revise and support fire safety programs. Both the U.S. Fire Administration and the National Fire Protection Association request the fire incident report for some specific fires from local fire departments.

2007 Act 75 was enacted on March 12, 2008. Act 75 moved the entire state into reporting electronically. Electronic reporting can be accomplished by any FEMA approved vendor software products or by using the free software program offered directly through the FEMA website. All hazard incidents can be reported using the system. The Fire Prevention staff will help you learn about reporting to FEMA.

2013 Act 20 was enacted on July 1, 2013; Act 20 ties the requirement for reporting to FEMA to 2% dues as a qualifier to receive funding. This qualifier has been added to the self-certification process and the auditing process. In accordance with State Statutes, the fire incident report must be filed within 60 days after the fire occurs. Municipalities and fire departments must be in substantial compliance with the fire incident reporting requirements in Section 101.141 of the Wisconsin Statutes. Fire departments shall follow the requirements within NFPA 1: 1.11.3.1 and keep a record of every fire and other emergency incident that is encountered. We urge each fire department to report **ALL INCIDENTS** to FEMA, not just fire incidents, to give a clear picture of what you do as a fire department, to keep your account active, and to assist with grant requirements.

Reporting to Federal Emergency Management Agency (FEMA)

FEMA provides a comprehensive system for fire incident reporting. This system incorporates detailed fire, fire service and civilian injury and fatality, and hazardous material reports based on NFPA 901 codes. All fire-related, other emergency responses and hazardous material reports may be downloaded directly to FEMA where they are combined with the data from other states for analysis. The national database is used by a wide assortment of organizations in efforts to reduce the fire problem by "fighting fires with facts." It continues to be used to identify other life/safety problems such as vehicle recalls when they were identified as fire hazards on the database. Each year the Consumer Product Safety Commission analyzes the data to identify other products that pose fire hazards.

Major fire prevention and public education programs have been initiated and justified based upon the national database. Some examples of residential fire problems identified by analysis of the data include space heater usage in the southeastern U.S. and the increased fire death rate in residences without working smoke detectors. This data prompted additional safety design requirements for space heaters, extensive public education programs, and legislation to require increased fire-safe behavior. These actions should also reduce the number of fire service injuries. Seventy-five percent of fire ground injuries occur at residential fires.

These reports have many uses at the local level, as well. They provide a standard format for recording information about calls. Data can be readily analyzed and compared to previous year's activities, as well as to state and national averages. You can use this information to justify budget requests and track the effectiveness of your procedures and fire codes. You can also identify individuals with fire problems, including property owners whose buildings tend to catch fire (a "flag" for arson) and families in need of additional fire safety education. Most of all, the information contained in this data shows you how your limited resources can be used most effectively. Information about incident reporting can be obtained at <https://www.usfa.fema.gov/nfirs/neris/> or by contacting the Safety and Professional Services Fire Prevention Program.

Craig 1300 Risk Reduction Tool

The Wisconsin Fire Safety Dashboard (Risk Reduction Tool) is now available!



The [Wisconsin Fire Safety Dashboard \(Risk Reduction Tool\)](#) is an exciting new resource for Wisconsin Fire Departments and stakeholders to provide quality data through visuals such as charts and heat maps.

The DIS Fire Prevention/Safety & Health program team created this dashboard in coordination with mySidewalk, developer of the industry's Community Risk Assessment Insight Generator (CRAIG 1300). The Wisconsin Fire Safety Dashboard (Risk Reduction Tool) supports DIS's statewide Community Risk Reduction (CRR) initiative to improve local Community risk reduction efforts and limit civilian and firefighter casualties.

Check out the new dashboard to begin planning for potential risks in your area!

Legal Custodian of Records:

Any officer of a municipality or district is the legal custodian of records and property under his/her responsibility. Records consisting of plan approvals and petitions for variance should be kept as part of the record for each occupancy. Most records shall be retained for 7 years (s. 19.21 (4) (b)) unless a shorter period has been established by municipal ordinance.

The Department of Safety and Professional Services is required to maintain a record of all fires within the state of Wisconsin. Because the Fire Chief is a deputy of the Department of Safety and Professional Services, it is his/her responsibility to collect the respective information and forward it to Safety and Professional Services. A non-complying chief is in violation of statute and could be subject to litigation or removal from office.

Public sector employers are required to maintain and post records of injuries and job-related illnesses per Fire Department Health and Safety Rule - SPS 330.50, and federal rule 29 CFR 1904.2:

(7) (a) Public employers shall maintain records of injuries and illnesses. (7) (b) Public employer shall maintain records of employee exposures to toxic materials and harmful physical agents required by Sub. (3) (Adopted OSHA Standards). (7) (c) The employer shall notify the exposed employee of his/her monitoring results, and any corrective action taken. (7) (d) Employer must post a summary of employee's rights and protections required under this section. These records must be maintained for at least 5 years. Representatives of the state and employee representatives must be allowed access to these records.

A nonprofit corporation which receives more than 50% of its funding from a county or municipality, as defined in ss. 59.001(3) Wis. Stats., and which provides services related to public health or safety to the county or municipality is subject to Wisconsin's open records law (ss. 19.33 to 19.39, Wis. Stats.). Municipalities should have a written procedure documenting how the public can access records during reasonable hours. It should include a requirement for records requests to be in writing with a detailed description of the information requested (at discretion of records custodian), and fee (if any) for copying which can't exceed the direct cost.

Transfer of Records at Termination of Office

Fire Chiefs of public sector departments who are elected to office are legal custodians of fire department and the respective municipal records (ss. 19.33 (1) & 19.21(1) Wis. Stats.). When the official leaves office s/he is required to deliver all records and property to the successor, or the municipal clerk on behalf of the successor. If the public official refuses or neglects to deliver the property as required, the successor may make a complaint to any county circuit judge (s 19.22 (1), Stats.). "Record" for these purposes is defined in ss. 19.32 (2), Wis. Stats. Punitive damages may include a fine of \$25.00 to \$2,000.00 plus civil or criminal penalties and costs.

Fire Prevention Inspection Records

Fire department inspections must comply with all statutory and code requirements including requirements for 2% Fire Dues distribution payment. Inspection records are public records subject to the open records law and must be maintained for seven years. Each record should indicate:

-Business/Building Name	-Occupant/Occupant Name	-Location/Legal Address of Building
-Owner Name	-Occupancy Type	-Mailing Address
-Compliance Date (if necessary)	-Violations noted (if necessary)	-Potential Hazards (Right-to-Know)
-Owner/Occupant Signature	-Appeal Information	

Citation Authority

Our goal is to achieve voluntary compliance with fire prevention rules and regulations. Unfortunately, some individuals will challenge the system. Enforcement of the fire code can be accomplished using either Compliance Orders or Municipal Citations.

Compliance Orders: Compliance orders may be prosecuted by the County District Attorney or referred to Safety and Professional Services and the Attorney General. They are most useful when the situation is likely to be resolved without prosecution or may be followed up by a municipal citation. Prosecution may be cumbersome and takes time. Detailed information must be collected to make the process complete. Penalties are not fixed, and negotiation is common.

Municipal Citations: Municipalities may create citations for ordinance violations (ss. 66.113, Wis. Stats.). A penalty structure is created and fines or even jail time may be imposed. The local district attorney or municipal court prosecutes citations. The DA may modify the penalty up or down. Generally, a citation is issued following a correction order. Be sure to check the statutory reference for the information you are required to collect to ensure a complete process and for information about the appeal process. Many municipalities use a format used by law enforcement officers (which asks for birthdate, etc.) to collect information. If information cannot be obtained from the responsible party, the WI Department of Transportation can assist.

Fire Limits

Fire limits are a geographical designation that has been in use for many years. Limits were developed to identify areas that pose a high fire risk to the public or a significant challenge to the fire department. Fire limits are created by local ordinance or resolution. State government is not involved in determining if a municipality must designate fire limits or what those designations must be. Designated fire limit areas traditionally consist of older buildings that are not required to have many of the fire resistive elements of more recent codes. Other factors considered in fire limit areas designation include industrial processes, hazardous substance storage, and access provided to the fire department. Areas within designated fire limits may require more frequent inspections (quarterly) as designated by local ordinance rather than the standard twice-yearly inspections. Municipalities may abolish or redesign designated fire limits to address problem areas within the community. Fire limit areas should be periodically reviewed.

Fire Inspections in OSHA Regulated Occupancies

The Federal Occupational Safety and Health Administration (OSHA) enforces worker safety codes on private sector employers. The agency conducts periodic on-site inspections of the facilities that they govern. OSHA policy (March 10, 1972) clarifies that local fire inspectors have the authority to enter, inspect, and to issue the appropriate corrective orders. This policy agrees that in most states the mandate of the fire marshal or fire inspector is quite broad - to promote fire prevention in order to protect all people in all types of establishments, facilities, and places of employment. OSHA policy and ss. 101.14, Wis. Stats., both authorize Fire Chiefs to make fire prevention inspections and to issue orders to correct conditions liable to cause fire. Although orders may be written using the appropriate Department of Safety and Professional Services or OSHA violation code reference, local fire inspectors shall not misconstrue or misrepresent themselves as being part of the federal OSHA program. Concerns other than fire prevention related violations should be referred to OSHA.

Crimes against Public Health and Safety – Fire

Negligent Handling of Burning Material

- 1) *Whoever handles burning material in a highly negligent manner is guilty of a Class A misdemeanor.* (ss. 941.10, Wis. Stats.)
- 2) *Burning material is handled in a highly negligent manner if handled with criminal negligence under ss. 939.25 (reference to criminal negligence) or when the person should realize that a substantial and unreasonable risk of serious damage to another's property is created.*

Interfering With Fire Fighting

(ss. 941.12, Wis. Stats.)

- 1) *Whoever intentionally interferes with the proper functioning of a fire alarm system or the lawful efforts of fire fighters to extinguish a fire is guilty of a Class E felony.*
- 2) *Whoever tampers with or removes, without authorization, any fire extinguisher, fire hose or any other firefighting equipment, is guilty of a Class A misdemeanor.*
- 3) *Whoever interferes with accessibility of a fire hydrant by piling or dumping material near it without first obtaining permission from the appropriate municipal authority is guilty of a Class C misdemeanor. Every day during which the interference continues constitutes a separate offense.*

False Alarms

Whoever intentionally gives a false alarm to any public officer or employee, whether by means of a fire alarm or otherwise, is guilty of a Class A misdemeanor. (ss. 941.13, Wis. Stats.)

Obstructing Emergency or Rescue Personnel

Any person who knowingly obstructs any emergency medical personnel (including firefighters) in the performance of duties relating to an emergency or rescue is guilty of Class A misdemeanor. (ss. 941.37 (2), Wis. Stats.)

Following Emergency Vehicles

Emergency vehicles responding to an alarm shall not be followed any closer than 500 feet by unauthorized vehicles or shall have such parked within one block or 300 feet of the access to the point at which fire apparatus are parked. (ss. 346.90, Wis. Stats.)

Approach of Emergency Vehicle

Upon the approach of any authorized emergency vehicle giving audible signal by siren, any operator of a vehicle shall yield right of way, drive vehicle to right side of roadway and stop and remain standing until emergency vehicle has passed. (ss. 346.19, Wis. Stats.)

Crossing Fire Hose

Unauthorized vehicles shall not cross unprotected fire hose. (ss. 346.91, Wis. Stats.)

Battery to Law Enforcement Officers or Firefighters

It is a Class D felony to intentionally cause bodily harm to a firefighter acting in an official capacity if the person knows or has reason to know the individual is a firefighter. (ss. 940.19 (2), Wis. Stats.)

Good Samaritan Law

Wisconsin's Good Samaritan Law provides a Civil Liability Exemption for Emergency Caregivers. (ss. 895.48 Wis. Stats.)

Recklessly Endangering Safety

Reckless disregard may be a Class D or Class E Felony and may be enforced whenever an individual shows reckless disregard or does not heed the warnings of fire service officials and law enforcement officers to stop the reckless behavior. (ss. 941.30, Wis. Stats.)

Homicide by Negligent Handling of Dangerous Weapon, Explosives, or Fire

Whoever causes the death of another human being by negligent operation or handling of a dangerous weapon, explosives, or fire is guilty of a Class D felony. (ss. 940.08 Wis. Stats.)

Impersonating a Peace Officer, Fire Fighter or Other Emergency Personnel.

(1)(b) Except as provided in sub. (2), whoever impersonates a fire fighter with intent to mislead others into believing that the person is actually a fire fighter is guilty of a Class A misdemeanor.

(2) Any person violating sub. (1) with the intent to commit or aid or abet the commission of a crime other than a crime under this section is guilty of a Class H felony. (ss. 940.70(1)b & (2))

Emergency Response with Private Vehicles

The Wisconsin State Statutes explicitly address emergency response by authorized persons using private vehicles. An accident involving a private vehicle responding to an emergency can pose significant liability to the operator, fire department, and municipality.

(ss. 340.01 (3) (d) Wis. Stats) Definition: privately owned motor vehicles being used by ... personnel of a full time or part-time fire department or by members of a volunteer fire department while enroute to a fire or on an emergency call pursuant to orders of the chief or other commanding officer.

Municipality and/or Fire Department Responsibilities

- Establish a policy with a standard operating guideline or resolution that addresses the process of approving emergency response via a private vehicle if such use is not prohibited by other department policy.
- Provide a program to assure responsibility and ensure that emergency vehicle operators know the laws relating to the operation of emergency vehicles including any policy on use of personal vehicles to respond to emergencies. Have all personnel sign the training form indicating that s/he has received the training and understands the policy and rules.
- Verify that the owner/operator of a private vehicle approved to respond to an emergency has a valid drivers' license and adequate vehicle insurance.
- Give Class 2 notice of intent (under Chapter 985) at least 90 days before equipping the first vehicle with pulsating headlamps. [Note: (ss. 347.25 (1), Wis. Stats.) Police vehicles, fire equipment, and ambulances are authorized to operate with pulsating or flashing high beam headlamps.]

How Insurance Companies May View Emergency Response in Private Vehicles

Many insurance policies written for conventional automobile insurance do not include coverage of private vehicles for emergency response nor do they recognize them as authorized emergency response vehicles.

Cause and Determination of Fires

All fires shall be investigated to determine their cause and origin. If it is determined that the cause was of incendiary origin, the state fire marshal shall be notified. (ss. 165.55, Wis. Stats.)

165.55(1) *The chief of the fire department or company of every city, village and town in which a fire department or company exists, and where no fire department or company exists, the city mayor, village president or town clerk shall investigate or cause to be investigated the cause, origin and circumstances of every fire occurring in his or her city, village or town by which property has been destroyed or damaged when the damage exceeds \$500, and on fires of unknown origin he or she shall especially investigate whether the fire was the result of negligence, accident or design. Where any investigation discloses that the fire may be of incendiary origin, he or she shall report the same to the state fire marshal.*

Division of Criminal Investigation - Arson Bureau/State Fire Marshal's Office

The Arson Bureau's primary mission is to provide police and fire officials investigative assistance with fire and explosion incidents that are suspected to be the result of criminal activity, result in a fatality, result in high-dollar loss, or are complex in nature necessitating additional resources and/or expertise. Assistance from the Arson Bureau can be requested by either fire or law enforcement officials by calling the Wisconsin Department of Justice mainline at (608) 266-1671.

The Arson Bureau also provides training related to fire and explosion investigations to fire and law enforcement agencies, which can be requested via the DOJ mainline number listed above.

Police Powers of the Fire Chief

The Fire Chief is granted, by statute, limited police powers to protect the life and health of the public, determine the cause of fire, and conduct emergency operations. Additional or more specific authority may be rendered through a local ordinance.

Powers Include:

- Inspection Warrants (ss 66.122, 66.123, 165.10, and 755.045, Wis. Stats.) Any state, county, city, village, or town officer, agent or employee charged under statutes or municipal ordinance with powers or duties involving inspection. A municipal judge may issue such warrants. When there is no time to secure a warrant, such as for investigations that occur during and immediately after a fire, or for searches of public buildings open to the public, a warrant is not required.
- Information On Fire Loss (S 165.55 (14), Wis. Stats.) Require an insurer to furnish any information in its possession specifically relating to fire loss.
- Evacuate neighborhood and command needful assistance for the suppression of fires.
- Enter Property or Premises (ss. 213.095, Wis. Stats.) while in the act of fire suppression or rendering Emergency Medical Services (EMS.)
- Declare Activities to Be Hazardous and Order Activities to Cease or Be Corrected (ss. 101.14(1) & (2), Wis. Stats) Where activities are related to the cause of fire or infringe on life safety in the event of fire.

Razing of Dilapidated Buildings

Local municipalities may initiate correction and upgrade of the deficiencies found in dilapidated buildings or raze the structure. The statute (ss. 66.05, Wis. Stats.) contains an equation by which the building may be classified as a "public nuisance" if the cost of repair exceeds the value of the property.

Municipalities have several options to remedy the problem. They may, through the circuit court, appoint a receiver to manage the property as corrections are being made or to sell the property; raze the structure; or contract to have the structure razed. All the cost of these actions can be charged against the real estate value.

Emergency Protective Placement

A sheriff, police officer, or firefighter may make an emergency protective placement of an individual. (ss. 55.06 (11) (a), Wis. Stats.) A determination must first be made that the individual is likely to suffer irreparable injury or death or present a substantial risk of serious physical harm to others because of developmental disability, infirmities of aging, chronic mental illness, or other incapacity. The person making the emergency protective placement must prepare a statement outlining the facts considered in the determination and is immune from liability for actions performed in good faith.

Fire Numbers - Rural Numbering

Rural numbering systems are vital to emergency responders who rely on these sequential numbering systems to aid them in locating buildings and specific tracts of land within a township. The primary authority (ss. 39.07 (65), Wis. Stats.) to establish a rural numbering system (streets, roads, and property) belongs to the county. Counties may elect to carry out the responsibility themselves or work with the respective township to establish requirements such as sign design and placement. These requirements must be specified in an ordinance.

Wisconsin Smoke Alarm Regulations

Wisconsin has been a proactive state in the implementation of smoke alarm regulations. All residential living units of any type—apartment, trailer home, single family, multi-family, must have working smoke detectors. Since April 1, 1992, all new construction under the uniform dwelling code (SPS 328) must have "hard-wired" smoke alarms that are interconnected so that the activation of one smoke detector will activate all others.

- One- and two-family dwellings—Fire inspectors may, with permission of the owner or renter, issue orders necessary to ensure compliance with smoke alarm regulations. (ss. 101.145 (6), Wis. Stats.)
- Commercial residential occupancies—During routine fire prevention inspections of commercial residential occupancies, the fire inspector focuses on common public areas. Fire inspectors cannot initiate the inspection of a living unit unless the owner or renter requests it. In this case, inspection of a multi-family interior living unit for compliance with the smoke alarm regulations are provided for by statute (ss. 101.645 (4), Wis. Stats.)

We encourage the creation of local ordinances to provide a local mechanism for enforcement. Enforcement under the state code should be directed to the local district attorney. The following regulations address the application of smoke alarms:

- 1 & 2 Family Residential Dwellings (ss. 101.645, Wis. Stats.)
- Multi-family Dwellings (ss. 101.145, Wis. Stats.)
- Schools, health care & correctional facilities, day care facilities, and community based residential facilities (CBRF) (ss. 50.035, Wis. Stats.)

Dry Hydrant Systems

Dry hydrants are a non-pressurized pipe system permanently installed in existing bodies of water that provide a ready means of suction supply to fire department tankers. Dry hydrant systems must be well planned and designed. Department of Natural Resources permits (including land use permits) are required prior to installing a dry hydrant. The DNR has published [A Guide to Planning and Installing Dry Fire Hydrants](#), Pub-FR-044. Contact your DNR District Office for additional information and permits.

Street Hydrant Systems

The Wisconsin Administrative Code ([NR 111.72 -.7](#)) does not include specific requirements for or directions on placement of hydrants. Although this criterion is not required, municipalities are encouraged to develop local ordinances defining the requirement for hydrant placement. NFPA 1142 on water distribution systems is an excellent reference source. References to hydraulic requirements, if hydrants are installed, are regulated by the Department of Natural Resources portion of the Administrative Code which states:

Hydrants shall be provided at each street intersection and at intermediate points between intersections as recommended by the insurance services office of Wisconsin. Generally, hydrant spacing may range from 350 to 600 feet depending on the area being served.

As a rule, hydrant spacing should not exceed 600 ft. between hydrants; 500 ft. is common. Built-up areas and high hazard areas will dictate reduced spacing. Hydrants are normally placed as close to the street as possible and at least 50 feet from buildings. The setback from buildings should be such that the hydrant will be beyond the area bearing a wall collapse, and where firefighters are not likely to be driven away by heat or smoke.

Hydrants placed in areas subject to vehicle traffic must be protected against damage and collision. Hydrants should be set so that the hose connections are at least 18 inches above grade. Additionally, fire departments may find NFPA 1, Chapter 18 helpful in evaluating water supply.

Fireworks and Explosives

Who Regulates Fireworks in Wisconsin?

Federal and state laws regulate fireworks. Wisconsin law does not ban all fireworks, however, it restricts the use of fireworks and allows local municipalities to issue “use permits” to major groups. Not all fireworks require permits. Generally, Class “C” or higher fireworks are only legal when purchased by such a group with a use permit issued by a municipality. Municipalities are statutorily authorized to adopt local ordinances that place additional restrictions on the use of fireworks. A city, village or town may enact an ordinance that is more restrictive than state law. County fireworks ordinances do not apply and may not be enforced in any city, village, or town.

Fireworks Use Permits

Items that explode, leave the ground, or shoot a projectile (go up or blow up) cannot be sold without a permit from the local municipality (City, Village or Town)

Who Can Issue a Permit?

Authorization to issue permits is only granted to municipal officials or their designees (such as the Police Chief, Fire Chief, or fire prevention bureau). All permits issued by other people or organizations are not valid. Officials issuing permits may require an indemnity bond for all claims.

Who Can Receive a Permit?

Public authority	Civic organization
Fair association	Any individual or group of individuals
Amusement Park	Agricultural producer (protection of crops)
Park board	

What Type of Fireworks Do Not Require a Permit?

Fireworks that fall under the definition of federal explosive code (49 CFR 173.50 Div 1.4) may be sold and used without a permit. Essentially fireworks which present a minor explosion hazard, and which are not expected to produce projection of fragments of appreciable size or range; and those where an external fire does not cause virtually instantaneous explosion of almost the entire contents of the package do not require a permit.

The Following Items May Be Sold Without a Permit

- caps, sparklers
- toy snakes, smoke bombs
- novelty devices that spin or move on the ground
- model rocket engines
- party poppers
- cone fountains 75 grams total weight
- cylindrical fountains
- fountains may have 1 or more tubes if within federal limits on grains of powder
- sparklers (wire or wood up to 36”) may produce audible & visible effects
- fuseless devices (snaps) may contain up to ¼ grain of explosive mixture.

What Are Fireworks?

(ss. 167.10, Wis. Stats.) *Fireworks are anything manufactured, processed or packaged for exploding, emitting sparks or combustion, which does not have another common use, but does not include any of the following: fuel or a lubricant; a firearm cartridge or shotgun shell; a flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle; a match, cigarette lighter, stove, furnace, candle, lantern or space heater; tobacco and a tobacco product; or any of the items listed above as not requiring a permit for sale.*

Storage and Handling of Fireworks:

(ss. 167.10 (6) (a)-(e), Wis. Stats.)

ss. 167.10(6)(a) No wholesaler, dealer or jobber may store or handle fireworks in premises unless the premises are equipped with fire extinguishers approved by the fire official of the municipality where the premises are located.

- Not within 50 feet of a dwelling, public assembly or where gasoline or volatile liquids are dispensed in quantities greater than 1 gallon.
- No smoking is allowed in a fireworks storage area.
- Fire officials shall be notified of all storage of fireworks.

Operation of the Fireworks Display:

Site selection, display setup, firing, site safety, handling ignition failures, and operator qualifications should all follow NFPA 1123 and NFPA 1126. Local ordinances and permits should include a requirement that the operators of the fireworks display follow the provisions of NFPA 1123 and maintain a copy of the standard on site. For fireworks displays in front of proximate audiences use NFPA 1126.

Transportation of Fireworks:

- Out-of-state and in-state shipping must conform to federal regulations (CFR 194.01) for common motor carriers, contract carriers or private motor carriers.
- Any vehicle transporting fireworks, regardless of class, may stay without a permit within any city, village, or town for up to twelve hours.
- No city, village or town may enact an ordinance that prohibits the transportation through that municipality of any quantity of fireworks for which the wholesaler or retailer has a permit from another city, village, or town.

Miscellaneous Enforcement Issues

- Municipal fire and law enforcement personnel shall be notified of the proposed use of fireworks at least 2 days prior to use.
- Municipal law enforcement officials have authority to enforce violations of sale, use, or storage and handling. Violations are prosecuted in circuit court. Fireworks involved in violations shall be seized and held until conviction.
- Fireworks seized for violations of ss 167.10 shall be returned to the owner if the prosecution does not result in a conviction.
- The Department of Safety and Professional Services licenses and inspects fireworks manufacturers and makes rules to establish safety standards.
- Wholesale jobbers may sell to out of state residents, to Wisconsin residents or to a group if the purchaser has a valid permit.
- Parents, guardians, foster parents, and group homes are held liable for acts of minors causing damage if they consent to the minor's use of fireworks.

How Are Explosives Classified?

The U. S. Dept. of Transportation classifies explosives as follows:

- Division 1.1 (High *Explosives*): consists of explosives that have a mass explosion hazard. A mass explosion is one which affects almost the entire load instantaneously. (Examples: dynamite, TNT, nitroglycerine, C-3, HMX, RDX, encased explosives, military ammunition.)
- Division 1.2 (Low *Explosives*): consists of explosives that have a projection hazard but not a mass explosion hazard (Examples: non-detonating encased *explosives*, military ammunition, etc.)
- Division 1.3 (Low *Explosives*): consists of explosives that have a fire hazard and either a minor blast hazard or a minor projection hazard or both, but not a mass explosion hazard. (Examples: smokeless powder, propellant *explosives*, display fireworks.)
- Division 1.4: consists of explosives that present a minor explosion hazard. The explosive effects are largely confined to the package and no projection of fragments of appreciable size or range is to be expected. An external fire must not cause virtually instantaneous explosion of almost the entire contents of the package. Examples: squibs (non-detonating igniters), *explosive* actuators, *explosive* trains (low-level detonating cord).
- Division 1.5 (*Blasting Agents*): consists of very insensitive explosives. This division is comprised of substances which have a mass explosion hazard but are so insensitive that there is very little probability of initiation or of transition from burning to detonation under normal conditions of transport. (Examples: oxidizer and liquid fuel slurry mixtures and gels, ammonium nitrate combined with fuel oil.)
- Division 1.6: consists of extremely insensitive articles that do not have a mass explosion hazard. This division is comprised of articles which predominately contain extremely insensitive substances and that demonstrate a negligible probability of accidental initiation or propagation. (Examples: Low vulnerability military weapons.)

Disposal of Explosives, Blasting Agents, and Fireworks:

- Safety -- All explosives, blasting agents and fireworks of unknown history or exposure should be considered dangerous. They may be sensitive to movement, friction, and other influences.
- Mutual Aid for Explosive Disposal—The Explosive Ordnance Disposal (EOD) Units [Bomb Squads] of the Brown - Outagamie County Sheriff's Office, the Dane County Sheriff's Office, the Kenosha Sheriff's Department, and the Milwaukee County Sheriff's Department will provide mutual aid explosive ordnance disposal assistance to other state law public safety agencies. Requests must be via email, fax, or a similar device from a law enforcement agency to the respective EOD unit.

Emergency Planning and Community Right to Know

The federal "right to know" law (EPCRA - 40 CFR 311 & 312) authorizes fire departments with jurisdiction over a facility to request the owner or operator of that facility to file a hazardous substance inventory form. The owner or operator of the facility must allow the fire department to conduct an on-site inspection of the facility and shall provide the fire department with the specific locations of all hazardous substances at the facility.

Superfund Amendments and Reauthorization Act of 1986 - SARA Title I & Title III

This series of federal rules provides for the safety of industry employees and emergency responders when working with hazardous substances and responding to accidental releases. The rules-initiated employee right-to-know and community right-to-know programs, and direct specific training requirements for emergency responders.

Firefighters have traditionally been the emergency responders to Haz-mat incidents; however, they often lacked hazardous material training and knowledge of what materials are stored at specific locations. All firefighters are required to have at a minimum, the Operations Level hazardous material incident response training. Advanced level training may be required depending on the type of response that the firefighter may encounter. Training is offered through the Wisconsin Technical College System (WTCS).

Spill Prevention Control and Countermeasure (SPCC) Plan

Facilities which store petroleum substances must prepare an emergency action plan to prevent the discharge of oils into the waters of the United States. In the event of a catastrophic release, the emergency response plan should include the dispatch of the fire department. (40 CFR 112)

This requirement applies to facilities, which due to their location, could reasonably expect spilled oil to reach protected waters of the United States. The owner/operator is responsible for determining if their facility is in this category. Owners and operators are responsible for any oil reaching a sewer line that is eventually discharged, directly or indirectly, into navigable waters. Any facility normally attended at least eight hours per day must have a complete copy of the SPCC plan on site. If the facility is attended for less than eight hours per day, the plan must be maintained at the nearest field office.

SPCC Plan requirements apply to facilities with:

- Aboveground storage capacity of single container more than 660 gallons
- Aggregate storage capacity greater than 1,320 gallons (not necessarily in tanks)
- Total below ground storage capacity greater than 42,000 gallons.

General Liability Exclusions for Fire Departments

Wisconsin State Statutes provide considerable protection against liability to fire departments. Chapter 213 fire departments (see page 12) have the greatest amount of protection. A specific procedure for notifying and filing a liable claim against a fire department for operational activities and negligent fire inspection activities can be found in the statutes (ss. 893.80, Wis. Stats.)

- Awards for negligence in operational activities shall not exceed \$50,000, and those against volunteer fire companies organized under Chapter 213 shall not exceed \$25,000.
- Maximum amount recoverable in a claim resulting from an accident caused by the operation of a municipal owned motor vehicle is restricted to \$250,000. (ss. 345.05(3), Wis. Stats.)
- Good Samaritan Law (ss. 895.48 Wis. Stats.) Designed to provide civil liability protection for the untrained responder, who, in good faith effort attempts to provide care or remedy at the scene of an accident or emergency. Many circumstances such as level of training, department protocol, job description, and payroll status, will influence how this law applies to volunteer firefighters. Check with your municipal corporate counsel.

State Certification of Emergency Medical Responders

Prior to conducting any Emergency Medical Responder activities, individuals must obtain an Emergency Medical Responder certification from the Wisconsin Division of Health. ([DHS 110.05\(1\)](#))

Fire Department Health & Safety Rule

Public employees must be protected by health and safety rules equivalent to those provided through the OSHA rules for the private sector. (ss. 101.055, Wis. Stats., Ch. SPS 330)

The scope of SPS 330 contains minimum requirements for an occupational health and safety program for public sector fire department employees involved in fire department operations. Employers must make adequate training, equipment, and other safeguards available to protect the health and safety of the firefighter. Private sector fire departments must comply with specific OSHA fire brigade regulations.

Firefighter Training

Public Sector Fire Departments must meet the training requirements set forth in SPS 330. Private Sector Fire Departments must meet training requirements set forth in OSHA 1910.156.

- [SPS 330 Training FAQs](#)
- [SPS 330 Presentation/Overview](#)

DSPS offers Staff hosted and coordinated training opportunities annually on a variety of topics, with presentations being available for review under “Presentations” here: [DSPS Fire Prevention/Safety & Health \(NFIRS and 2% Dues\)](#).

Traffic Control Strategies

Fire departments should collaborate with local law enforcement departments when establishing traffic control strategies and guidelines. Public Sector Fire Departments must use and place traffic control devices in accordance with the Manual of Uniformed Traffic Control Devices as referenced in SPS 332. Other resources available for reference:

- FEMA FA 197, Developing Effective Standard Operating Procedures for Fire & EMS, which provides fire departments and law enforcement staff clear guidance to avoid controversy over traffic control and equipment placement at the scene of an emergency.
- NFPA 1551 (6:4.7.1 and 6:44.7.2)
- Standard on Fire Department Occupational Safety, and Health Programs, which directs apparatus placement and identifies associated markings that shall be used to protect personnel working at the scene.
- Traffic Incident Management Training (TIM) as provided by WI DOT

Any firefighter or member who works on highways, roads, streets, or their easements, including any of these workplaces that are not permanent places of employment, shall be provided with and wear an approved traffic-safety vest, or other clothing or equipment that provides equivalent high visibility of the employee.

Bloodborne Pathogens Standard

The Bloodborne Pathogens Standard (29 CFR 1910.1030) requires the employer to prepare a written exposure control plan. The Bloodborne Pathogens Exposure Control Plan is the employer's written policy relating to the control of infectious disease hazards. This plan must:

- Evaluate routine tasks and procedures in the workplace that involve blood or potentially infectious materials.
- Identify workers performing such tasks; and
- Use a variety of methods to reduce the risk of exposure. Refer to the above standard for specific requirements.

Firefighter Injury or Death

Public Sector Fire Departments must report any Line of Duty Death or work-related death within 8 hours to the department. Additionally, any inpatient hospitalization of 3 or more employees because of a work-related incident must also be reported within 8 hours of the incident. The employer shall make the report orally or in person to the department. Fatalities and hospitalizations are to be reported to the Department's Division of Industry Services at telephone 608/266-3151 or 877/617-1565 or 411 (Telecommunications Relay) during normal business hours. During non-business hours, report fatalities and hospitalizations to Wisconsin Emergency Management, which can be contacted at 800/943-0003.

Fire Department Funeral Ceremony

Resources and guides for honoring fire department members upon their death, whether in the line of duty or of other causes, can be found in *Appendix E*.

Worker's Compensation

Firefighters are provided some financial protection against loss of income if injured on the job (ss. 102.04 (1) and 102.07 (7), Wis. Stats.) The state worker's compensation act includes firefighters employed on a part-time or on-call basis and volunteers of Ch. 213 fire departments or emergency management unit.

Disability Compensation

Firefighters participating in the Wisconsin Retirement Program may be eligible for duty disability compensation for injury or disease (ss. 40.63, Wis. Stats. and ss. 891.43, Wis. Stats.), if the cause occurs while performing his/her duty. Contact the Department of Employee Trust Funds by mail at: P.O. Box 7931, Madison, WI 53707-7931, by phone at: (877) 533-5020, or on the web at: <http://etf.wi.gov/>.

Tuition Exemption for Children of Firefighters Killed in the Line of Duty

(ss. 20.285 (1) (bm), 20.292(1) (am), 36.27 (3m), and 28.24 (5), Wis. Stats.)

Wisconsin has a tuition waiver program for children whose parents were firefighters killed in the line of duty. Tuition waivers apply to resident undergraduate tuition at the University of Wisconsin and the Wisconsin Technical College System (WTCS). To qualify for this program, the applicant's parent must have been a firefighter who was killed in the line of duty prior to the child attaining age twenty-one.

The resident undergraduate tuition waiver remains in place until either 1) enough credits are completed to satisfy the requirements for a bachelor's degree in the student's major course of study; or 2) five consecutive years have passed, whichever happens first.

The Public Safety Officers Benefit Program (PSOB)

PSOB (*see Appendix E*) is a federally administered firefighter death benefit program created by Congress to provide a one-time lump sum payment to police officers and volunteer and career firefighters who are permanently and totally disabled in the line of duty. Payment may also be made to family of a police officer or firefighter killed in the line of duty. The amount is adjusted yearly with the Consumer Price Index.

A person receiving the disability benefit is not eligible for the death benefit if he/she dies from the injury. For more information visit their web site at www.psob.gov/; contact (888) 744-6513 or write:

Public Safety Officers' Benefit Program
Bureau of Justice Assistance
810 Seventh Street, NW
Washington, D.C. 20531

In addition, the program can provide funding to defray educational costs for eligible survivors of public safety officers permanently and totally disabled or killed in the line of duty.

To obtain a publication called *Public Safety Officer's Death Benefit Program*, contact the National Volunteer Fire Council (NVFC) Resource Center at the address and phone number below. Copies of this publication are available at reduced prices for NVFC members.

National Volunteer Fire Council (NVFC) www.nvfc.org
1050 17th Street, NW, Suite 490
Washington, DC 20036
Phone: (202) 887-5700

State Administered Public Safety Officer Death Benefit Program

A special benefit under the Worker's Compensation Act is provided for firefighters killed in the line of duty. The death must be a direct result of employment. The benefits are available for the family of a firefighter killed while responding to or operating at an emergency. However, no benefits are available to the family of a firefighter participating in fundraising, social or promotional activities. (ss. 102.46 and 102.47, Stats.) For more information contact the Department of Workforce Development, Worker's Compensation office at (608) 266-1340.

Funding Sources

Taxes or Fees for Service

In the absence of a municipal ordinance specifying otherwise, insurance companies are reluctant to compensate the local fire department or municipality for costs incurred beyond those associated with routine fire suppression. A resolution or ordinance directing that extra-ordinary costs be billed to the responsible party may protect the municipality from having to absorb the costs. Permits and the associated permit fees for services cannot be arbitrarily created without municipal action. Charges for services must be supported by local ordinance or state code.

Town Boards may procure money to provide fire protection to the town through application of any one of the four means listed below, or a combination of the three fees/taxes.

1. Appropriate money to pay for fire protection in the town; or
2. Charge property owners a fee for the cost of fire protection provided to their property according to a written schedule established by the town board; and/or
3. Levy taxes on the entire town to pay for fire protection; and/or
4. Levy taxes on individual properties served by a particular source of fire protection, to support the source of that protection.

2% Fire Dues

The history of the 2% Fire Dues distribution goes back to 1870, when the Wisconsin Statutes required that all insurers contribute a percentage of their fire insurance premium to the local municipality to support the purchase of fire equipment. This concept continued with periodic modifications of the program. Today, the 2% Dues Program is supported by 2% of all premiums for fire insurance written on Wisconsin commercial and residential properties. Each year, insurers are required to report and pay the dues to the Office of the Commissioner of Insurance (OCI). In the mid-1970s fire department inspection programs became part of the 2% Dues qualifications. (ss. 60.55 (2), Wis. Stats.) In 2013 Act 20 was enacted on July 1, 2013; Act 20 ties the requirement for reporting to FEMA to 2% dues as a qualifier to receive funding. This qualifier has been added to the self-certification process and the auditing process. In accordance with State Statutes, the fire incident report must be filed within 60 days after the fire occurs. Municipalities and fire departments must be in substantial compliance with the fire incident reporting requirements in Section 101.141 of the Wisconsin Statutes. Additional FAQs regarding 2% Fire Dues can be found here:

<https://dsps.wi.gov/Documents/Programs/FirePrevention/FAQDuesUses.pdf>

Distribution of the Funds

- Annually there is a distribution to the Department of Safety and Professional Services Fire Prevention Section to administer the Fire Dues Program. The Department of Safety and Professional Services 2% activities include fire inspector training, [Fire Prevention/Safety and Health program training events](#), NFIRS Training/Support, ImageTrend Elite software (free to use by Wi. Fire Service and other support to fire departments across the state.
- Annually there is a distribution to the Wisconsin Technical College System Board for firefighter training.
- The rest of the money is distributed to municipalities based on the ranking of the municipality's "equal value of improvements" in relation to that of the other qualifying municipalities.
- Funds shall be available for distribution annually no later than August 1st to municipalities for fire prevention and protection.

Municipal Distribution Equation

If the subject municipality's equal value of improvement is equal to .5% of the total of all qualifying municipalities, the subject municipality will receive .5% of the total amount of money available for distribution. The distribution is also related to growth. Municipalities experiencing growth, especially in the commercial sector, will continue to increase their share of the distribution. A municipality must maintain a growth rate equal to that of the growth rate of the state to maintain the same amount that was received the previous year. If the state experiences a growth rate of 10% from the previous year, the municipality must also experience a 10% rate of growth to the adjusted valuation of real estate improvements in their communities.

2% Dues Fire Department Audits

Fire departments must prove eligibility for these funds through an annual online self-certification process and periodic on-site audits of their fire records conducted by the Fire Prevention Coordinator. For questions on the audit process contact your local State of Wisconsin Department of Safety and Professional Services Fire Prevention Coordinator. [Fire Prevention/Safety & Health Map](#)

Use of the 2% Distribution

Municipalities are required to use the funds provided for from the 2% Fire Dues in a prescribed manner. Only four categories of expenditures are allowable.

1. Fire Protection Equipment: fire trucks, brush trucks, tenders, ladders, hose, turnout gear, helmets, boots, gloves, thermal imaging cameras, foam, axes, nozzles, fans, and any equipment used to supplement fire suppression. The use of these funds to support equipment maintenance or repair, vehicle fuel or vehicle insurance is not allowed. The money can also be held in a reserve account for a number of years in order to accumulate enough money to purchase a vehicle or used to pay the balance on a recently purchased vehicle.
2. The 2% dues can be expended on fire inspection services (e.g. wages and benefits, contracting for fire inspection services, etc.) or for other fire education services or equipment. Equipment may include brochures, pamphlets, technical aids such as laptops, tablets and software used for inspection activities, uniforms, and business cards
3. Training of fire fighters and fire inspectors performing fire inspection or fire education activities duties under s. 101.14. Training may include fees, membership, lodging, books, wages, and travel.
4. Municipalities can also use the 2% dues to supplement retirement programs such as the Wisconsin Service Awards Program or other approved retirement program sponsored by the local municipality. Approved means state approved.

Fire Dues Self- Certification with eSLA

In January 2019, the Department of Safety and Professional Services Fire Prevention/Safety & Health Program upgraded from the Wisconsin Online System to eSLA. eSLA is the current process that Fire Chiefs and Municipality Clerks use to complete the 2% Fire Dues Self-Certification Form. eSLA is the only means to complete the self-certification process. The certification process is open from Jan 1st to April 1st at midnight. [SPS 314.01\(14\)\(c\)1.](#)

Chiefs can view the information the DSPS Fire Prevention/Safety & Health Program has about their fire department and the municipalities they serve. Clerks can view the information the DSPS Fire Prevention Program has about their municipality and the fire department(s) that serve it. Some of the information participants will be able to change directly, while for other points they will need to contact the Fire Prevention/Safety & Health Program to complete those changes. All correspondence can be done by emailing the Fire Dues Tech box: DSOSSBFireDues@Wisconsin.gov.

All Fire Chiefs and Municipal Clerks need to be able to log into eSLA. They will do this by creating a user account in their name, they will then contact the DSPS Fire Prevention/Safety & Health Program tech box (DSOSSBFireDues@Wisconsin.gov) to have their user account associated with the Fire Department or Municipality's account. Registration Instructions for an eSLA user account can be found at: <https://dsps.wi.gov/Pages/Programs/FirePrevention/Default.aspx> under the 2% Dues tab or you may [contact the tech box](#) for information.

WI Department of Natural Resources Assistance Program

Forest Fire Protection (FFP)

This grant program is also available to Wisconsin Fire Organizations who have an executed fire suppression agreement with the DNR to fight fires on DNR lands and to Wisconsin County/Area Fire Organizations if a majority of the fire department members serve organized forest fire control areas designated by the Department. The number one priority funding category of the FFP program is the funding of Personal Protective Equipment followed by forest fire training, forest fire prevention, fire suppression tools/dry hydrants, communications equipment, mapping, and last, vehicles. The code that governs this program is NR 47, Wis. Admin. Code, subchapters I and VIII.

The FFP program provides grant funding for the purchase of the following categories:

<https://dnr.wisconsin.gov/aid/ForestFireProtection.html>

- Personal Protective Equipment must meet NFPA 1977 Standards (Structural gear (e.g., SCBA) is ineligible)
- Forest Fire Training
- Forest Fire Prevention Materials
- Forest fire suppression tools, equipment, supplies and materials, and dry hydrants.
- Communication equipment for forest fire suppression or protection.
- Mapping, rural numbering systems or direction/location devices such as GPS
- Off-road all-wheel drive vehicles of ½ to 5-ton capacity, excluding ATVs. The purchase of vehicles **IS** eligible under this grant program for **individual fire departments only**.

Applications for this program are mailed in April to fire departments that have executed fire suppression agreements with the DNR and to county/area fire organizations statewide. The application deadline for this program is July 1 of each year. The maximum grant award for the FFP program for individual fire departments is \$10,000, which means a fire department's project would total at least \$20,000 in grant-eligible project costs. The minimum grant award for the FFP program for individual fire departments is \$750, which means a fire department's project would total at least \$1,500 in grant-eligible project costs. For county/area fire organizations, the maximum grant award is \$25,000; the minimum grant award is \$5,000.

Insurance Services Office (ISO)

The Insurance Services Office is a private agency supported by the insurance industry and other members for the purpose of establishing Public Protection Classifications, which are one of many elements used to develop fire insurance rates for individual properties. The ISO maintains a schedule that reflects the major elements of a municipality's fire department and fire suppression system, which includes the water supply. The schedule involves 10 classifications from 1 (the best) to 10 (the least protected). The rating schedule is primarily used to determine a basis for commercial fire insurance premiums but, some companies also use the rating to create differentials in residential premiums. See appendix for further information or view this link: <https://www.isomitigation.com/ppc/fsrs/>

State of Wisconsin Payments for Municipal Services

Many Wisconsin municipalities provide fire protection, emergency medical service, and law enforcement to protect state-owned facilities, employees working in those facilities, and public visitors to the facilities. Since state-owned property is excluded from property taxes, the State of Wisconsin has established a program to compensate municipalities that do not have a special charge or user fee for such services. The compensation is provided through a predetermined yearly payment rather than through individual billings for services. For more information contact:

Department of Revenue
Payments for Municipal Services
2135 Rimrock Road
P.O. Box 8906
Madison, WI 53708-8906
Phone: (608) 266-2772

Reimbursement for Fire Fighting on Federal Property

Fire departments that respond to and fight fires on property owned by the federal government may apply for reimbursement of direct losses and expenses over and above normal operating expenses per federal regulations (44 CFR 151). There are no limits on reimbursement; however, all claims must be accompanied by sufficient supporting data to prove expenses and losses incurred on the property and in the amount claimed. The claim must be filed in writing, within 90 days to:

U.S. Fire Administration
FEMA
16825 South Seton Avenue
Emmitsburg, MD 21727.

Billing of Fire Protection Costs to Tax Exempt Properties

Municipalities may be developed to recover costs of service (e.g., production, storage, transmission, sale and delivery and delivery or furnishing of water for public fire protection purposes) to tax exempt properties. Such fees may be assessed in the water utility bill. (ss.196.03(3)(b), Wis. Stats.)

Federal Assistance Programs for the Fire Service

The federal government makes assistance programs available to many fire departments. For a complete listing we recommend you contact the U.S. Fire Administration and ask for Federal Domestic Assistance Information

U.S. Fire Administration
FEMA
16825 South Seton Avenue
Emmitsburg, MD 21727.
Phone: (800) 238-3358 or 301-447-1000

Examples of Federal Assistance Programs:

Community Development Block Grants (CDBG)

Grants are available through the Department of Housing and Urban Development (HUD) to construct new fire protection facilities. Applications may be obtained by contacting a local governmental official and can be made directly to the community. Local officials may also petition the Wisconsin Department of Safety and Professional Services to provide CDBG funding.

Reimbursement for Expenses of Hazardous Material Response

Local governments have the authority to pass an ordinance allowing them to bill responsible parties for reasonable and necessary expenses incurred in the response to discharges of hazardous substances. (ss. 166.22, Wis. Stats.)

Wisconsin Federal Surplus Property Program

Fire departments are eligible to acquire equipment and supplies through the Federal Surplus Property program. When the federal government no longer has a need for supplies and equipment, they declare them as surplus and make them available to local governments. Items available through this program may include compressors, trucks, pumps, generators, forklifts, rough terrain vehicles, machine tools, office equipment and more. Items can be viewed on the website or in person at the Federal Surplus Distribution Center. Before you can obtain any of these items, a determination of eligibility must be made. In Wisconsin, this program is administered by the Department of Administration (DOA).
<https://doa.wi.gov/Pages/Federal-Surplus-Property-Program.aspx>

Emergency Medical Services (EMS) Funding Assistance and Outreach Grants

Emergency Medical Services Funding Assistance Program (EMS-FAP) aids local EMS units.
<https://www.dhs.wisconsin.gov/ems/fap.htm> Applications are generally to be submitted to the program by November of each year. Contact DHSFAP@dhs.wisconsin.gov for more information.

The Office of Rural Health Policy in the US Department of Health and Human Services provides grants for projects that demonstrate innovative ways of delivering essential health services in rural areas. Grants under this program must capitalize on existing local resources generally by forming a consortium of three or more health care providers to carry out the project. Traditionally, emergency medical services are an area that has been targeted for funding by this program. Contact:

Office of Rural Health Policy
 Health Resources and Services Administration
 5600 Fishers Lane, 9A-55
 Rockville, MD 20857
 Phone: (301) 443-0835
 Fax: (301) 443-2803

Reimbursement for Fire Calls on Highways

Municipalities

Municipalities can legally recover some costs for the response to fires on or along county, state or federal highways. First the municipality must try to recover the costs from the responsible party. Once the city, village or town has submitted written proof of reasonable efforts to collect the cost from the responsible party, they may submit bills for services to the state, or to the county. If the town is successful collecting from the responsible party, any amount they collect that is for expenses already reimbursed from the state must be remitted to the state or county.

Reimbursement to Cities, Villages, and Towns

The county in which the vehicle fire was located must reimburse the town up to \$200 for costs for each response to a vehicle fire on a county trunk highway, unless the fire call was on a portion of highway maintained by the Wisconsin Department of Transportation (WDOT). The Wisconsin Department of Transportation shall reimburse the City, Village or Town up to \$500 for costs on highways maintained by WDOT. [Note: Reimbursement from the county is for vehicle fires only, while reimbursement from WDOT is for any fire call involving extinguishing of fires, flushing gasoline from highway and use of extrication equipment.]

For more information:

Website: <https://wisconsin.gov/Pages/doing-bus/local-gov/astnce-pgms/aid/fire-call-claim.aspx>

Firefighter Retirement Programs

Volunteer fire departments regularly inquire about the mechanics establishing a retirement program. Federal rules limit the options available to volunteers. IRS rule 1.415-6, states that a pension cannot exceed wages. If volunteer firefighters are not being compensated as wages, they cannot be supported through a pension fund. The State of Wisconsin has implemented its own Service Award Program for volunteer fire fighters and emergency medical technicians.

Service Award Program

Created by 1999 Wisconsin Act 105, the Service Award Program operates under the direction of an eight-member board, appointed by the Governor. The program's purpose is to assist municipalities in retaining volunteer fire fighters and emergency medical technicians by establishing a tax-deferred benefit program for volunteer fire fighters and emergency medical technicians. Municipalities participating in the program must approve a resolution and work with an approved vendor to provide services. The program matches up to statutory provisions per year of service to the municipality. At retirement, each fire fighter with over twenty years of service would collect the amount in his or her account. Those with over ten years of experience would collect a portion of the amount in their account. Info regarding the State of Wisconsin Service Award Program: [DOA Service Award Program \(wi.gov\)](http://www.doa.wisconsin.gov/DOA_Service_Award_Program(wi.gov))

Program Administrators/Vendors Approved by the Service Award Board (Updated 04/12/2023):

Penflex, Inc./UBS Financial Services
(Lincoln Financial) / McNeil & Company Inc.
Leah Campolungo, Penflex, Inc.
(518) 783-6933

lcampolungo@penflexinc.com

www.mcneilandcompany.com/programs/penflex/

VFIS/The Horton Group
Michelle Strauss, The Horton Group
(262) 347-2641
michelle.strauss@thehortongroup.com
www.vfis.com/

Wisconsin Fire Sprinkler Contractor Requirements

All maintenance, testing, or installation of fire sprinkler systems in the state must be conducted by individuals who are licensed with Department of Safety and Professional Services ([SPS 305.50](#)). Applicable licenses are automatic fire sprinkler apprentice, automatic fire sprinkler journeyman, fire sprinkler fitter maintenance, and automatic fire sprinkler contractor.

Exception: The weekly, monthly or semiannual inspection and testing of sprinkler alarm equipment including fire pumps, valves, or appurtenances; the refilling of storage and pressure tanks; or the replacement of automatic fire sprinkler heads under emergency conditions may be conducted by non-credentialed individuals.

Wisconsin Fire Detection, Prevention, and Suppression Inspector Requirements

No person may perform inspections of fire detection, prevention and suppression devices being installed during the construction or alteration of, or the addition to, public buildings and places of employment unless the person holds a certification issued by the Department as a certified Fire Detection, Prevention and Suppression Inspector. A person who inspects fire detection, prevention and suppression devices as a certified Fire Detection, Prevention and Suppression Inspector shall:

- Maintain a record of the inspections made including the dates and the findings of the inspections;
- Provide a copy of the inspection report to the property owner or his or her agent;
- Make available to the department upon request inspection records;
- Maintain his or her certification at all times during which he or she is certified as a Fire Detection, Prevention and Suppression Inspector.

Migrant Labor Camps

The Department of Workforce Development (DWD) recently updated their Admin Code 301- Migrant Labor. This update includes a requirement for “Documentation from the fire department providing fire protection for the migrant labor camp that the structures used for the migrant labor camp meet all local and state fire codes for the number of expected occupants identified on the application. The documentation shall be based on a fire inspection conducted no more than 6 months before submittal of an application for a certificate to operate a migrant labor camp.” DWD has provided a form for use for fire departments: DETM-19725-E, Local and State Fire Code Compliance Documentation for a Migrant Labor Camp (wisconsin.gov) Fire Departments may also provide their fire inspection documents to property owners to submit with their permit applications in lieu of the DWTM-19725-E, as long as it provides equivalent information (inspection date, name of inspector, compliance confirmation, etc.) If a fire inspection shows violations of fire codes, documentation of non-compliance does not need to be provided as these occupancies would not receive permitting.

Information regarding the Migrant Labor Camp Standard can be found here: [301.pdf](#)

Information regarding the recent changes can be found here:
<https://dwd.wisconsin.gov/jobservice/msfw/migrant-intro.htm>

The requirements that housing for migrant seasonal agricultural workers comply with all local and state fire and safety laws and federal, state, and local residential commercial building codes existed prior to the February 2024 updates and have not changed. See DWD 301.07(21)(a) and 301.07(11)(a). According to Wis. Stat. § 103.90(3), a Migrant Labor Camp is defined as:

(a) "Migrant labor camp" means the site and all structures maintained as living quarters by, for or under the control and supervision of any person for:

1. Any migrant worker; or
2. Any other person who is not related by blood, marriage or adoption to his or her employer and who occasionally or habitually leaves an established place of residence to travel to another locality to accept seasonal employment in the planting, cultivating, raising, harvesting, handling, drying, packing, packaging, processing, freezing, grading or storing of any agricultural or horticultural commodity in its unmanufactured state.

(b) "Migrant labor camp" does not include:

1. Premises occupied by the employer as a personal residence and by no more than 2 migrant workers.
2. Any accommodation subject to ch. 50.

Wisconsin Admin Code SPS 314- Fire Prevention applies to:

SPS 314.01 (1) Scope. These are department rules in addition to the requirements in NFPA 1 section 1.1:

1. This chapter applies to all public buildings and places of employment that exist on or after September 1, 2014, except as provided in pars. (b) to (d).

According to Department of Safety and Professional Services- Regulation of Industry, Buildings, and Safety a Public building is defined as: WI SS 101.01 (12) "Public building" means any structure, including exterior parts of such building, such as a porch, exterior platform, or steps providing means of ingress or egress, used in whole or in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public or by 3 or more tenants.

SPS 314 does not apply to 1-2 family dwellings that are not places of employment or public buildings unless the dwelling exceeds exceptions listed in SPS 314. In cases where SPS 314 does not apply due to occupancy type and number of tenants, fire departments can check the appropriate box on the DWD forms, as not applicable. It should be noted that some dwellings, structures, or buildings may have gone through a change of use or occupancy to accommodate or become migrant labor camps. **In these change of use situations, it is important that fire department's consult and work with their local or State building inspectors to ensure appropriate compliance.** *Officials and owners may want to check with local municipalities on any additional ordinance or zoning requirements.* SPS 314 and NFPA codes for enforcement in most Migrant Labor Camps and Housing situations can be best associated with lodging or rooming houses (NFPA 101:6.1.8.1.2).

If your fire department has completed an inspection of a migrant labor camp as defined by DWD and consistent with definitions in WI SS 101, you should complete the form as required by DWD or provide your fire inspection records to property owners.

If more information is needed, please reach out to your District Fire Prevention Coordinator:

<https://dsps.wi.gov/Documents/Programs/Maps/FireDeptSafetyHealth.pdf>

If you have questions specifically related to the DWD rules and updates, you may contact:

MSFW@dwd.wisconsin.gov

APPENDICES

APPENDIX A

WISCONSIN AND NATIONAL FIRE SERVICE ORGANIZATIONS

Wisconsin State Fire Chiefs Assoc.
11801 W. Silver Spring Dr. #200
Milwaukee, WI 53225
414-501-2603
www.wsfca.com

Wisconsin Fire Inspector's Assoc.
P.O. Box 1075
Menomonee Falls, WI 53051
www.wsfia.org

Wisconsin Firefighters Assoc.
P.O. Box 126
Durand, WI 554736-0126
(800) 588-2989
<https://www.wistateff.org/>

Wisconsin Society of Emergency Service Instructors
P.O. Box 764
Oshkosh, WI 54903
<https://www.wsesi.org/>

Wisconsin Assoc. of Hazardous Materials Responders
3144 Catur Lane
Eau Claire, WI 54701
www.wahmr.com

WI Chapter - International Assoc. of Arson Investigators
PO Box 61
South Milwaukee, WI 53172
www.wiiaai.com

Professional Firefighters of Wisconsin
7 North Pinckney St. Suite 135
Madison, WI 53703-2840
(608)251-5832
www.pffw.org

International Assoc. of Firefighters
1750 New York Avenue, NW
Washington, D.C. 20006
(202) 737-8484
www.iaff.org

National Assoc. of State Fire Marshals (NASFM)
1319 F. Street, N.W., Suite 301
Washington, D.C. 20004

www.firemarshals.org
International Association of Arson Investigators
2331 Rock Spring Road
Forest Hill, MD 21050
(410) 451-FIRE(3473)
<https://www.firearson.com/>

National Association of Fire Investigators
4900 Manatee Ave. West, Suite 104
Bradenton, FL 34209
(877) 506-NAFI
<https://www.nafi.org>

International Assoc. of Fire Chiefs
4025 Fair Ridge Drive
Fairfax, VA., 22033-2868
(703) 273-0911
www.iafc.org

International Assoc. of Black Professional Fire Fighters
1200 "G" Street NW Suite 800
Washington, D.C. 20005
(877)213-2170
www.iabpf.org

National Volunteer Fire Council (NVFC)
1050 17th Street, NW, Suite 490
Washington, DC 20036
(202) 887-5700
www.nvfc.org

International Soc. of Fire Service Instructors (ISFSI)
P.O. Box 2320
Stafford, VA 22555-2320
(800) 435-0005
www.isfsi.org

Congressional Fire Services Institute
900 Second Street, NE, Suite 303
Washington, DC 20002
(202) 371-1277
<http://www.cfsi.org/>

Soc. of Fire Protection Engineers
7315 Wisconsin Avenue, Suite 1225 W
Bethesda, MD 20814
(301) 718-2910 www.sfpce.org

APPENDIX B

INFORMATIONAL & EDUCATIONAL RESOURCES

National Volunteer Fire Council

1301 Pennsylvania Avenue, N.W. Suite 1000

Washington, DC 20004

(202) 662-0600

www.nvfc.org

Education and Resources: <https://www.nvfc.org/firefighters/education/>

Heart Health Firefighter: <https://www.nvfc.org/programs/heart-healthy-firefighter-program/>

Junior Firefighter Program: <https://www.nvfc.org/programs/national-junior-firefighter-program/>

Make me a Firefighter: <https://www.nvfc.org/programs/make-me-a-fire-fighter/>

International Association of Firefighters

1750 New York Avenue, NW Suite 300

Washington, DC 20006

Phone: (202) 737-8484

<https://www.iaff.org/>

Behavioral Health Resources: <https://www.iaff.org/behavioral-health/>

Fireground Survival Resources: <https://www.iaff.org/fire-ground-survival/>

Injury and Illness: <https://www.iaff.org/illness-injury/>

National Fire Protection Association (NFPA)

1 Batterymarch Park

P.O. Box 9101

Quincy, MA 02269-9101

(800) 344-3555

www.nfpa.org

Fire Prevention Week: <https://www.nfpa.org/events/fire-prevention-week>

Research: <https://www.nfpa.org/education-and-research/Research/NFPA-Research>

Webinars: <https://www.nfpa.org/events/webinars>

Codes/Standards: <https://www.nfpa.org/for-professionals/codes-and-standards/nfpa-link>

National Fallen Firefighter's Foundation- Everyone Goes Home

2130 Priest Bridge Dr., Suite 6

Crofton, MD 21114

(410) 721- 6212

<https://everyonegoeshome.com/>

Resources: <https://everyonegoeshome.com/resources/>

Training: <https://everyonegoeshome.com/training/>

Fire Hero Learning Network: <https://www.fireherolearningnetwork.com/>

First Responder Center of Excellence

2130 Priest Bridge Drive, Suite 5

Crofton, MD 21114

(443) 302-2915

<https://firstrespondercenter.org/>

Resources: <https://firstrespondercenter.org/resource-hub/>

Training: <https://firstrespondercenter.org/trainings/>

Vision 20/20 Community Risk Reduction

500 New Jersey Avenue NW
Washington, DC 20001
(404) 465-2030

<https://strategicfire.org/>

Community Risk Reduction Training: <https://strategicfire.org/crr-training/>

Data Hub: <https://strategicfire.org/discovery/>

Tools and Resources: <https://strategicfire.org/crr/>

Fire Safety Research Institute (FSRI)

6200 Old Dobbin Lane, Suite #150
Columbia, MD 21045

<https://fsri.org/>

Fire Training: <https://training.fsri.org/>

Resources: <https://fsri.org/resources>

US Fire Administration/FEMA & The National Fire Academy

16825 South Seton Avenue
Emmitsburg, MD 21727
(301) 447-1000

www.usfa.fema.gov

Fire Prevention: <https://www.usfa.fema.gov/prevention/>

Statistics: <https://www.usfa.fema.gov/statistics/>

NFA Training: <https://www.usfa.fema.gov/nfa/>

Emergency Management Institute: <https://training.fema.gov/emicourses/>

USFA Reports/Manuals

<https://apps.usfa.fema.gov/publications/subject>

USFA: [America at Risk](#)

USFA: [Critical Health & Safety Issues in the Volunteer Fire Service](#)

USFA: [Funding Alternatives for Emergency Medical and Fire Services](#)

USFA: [Radio Communications](#)

USFA: [Retention and Recruitment for Volunteer Emergency Services](#)

USFA: [Risk Management Practices in the Fire Service](#)

Bureau of Alcohol, Tobacco and Firearms (ATF)

650 Massachusetts Avenue, NW.
Room 8290
Washington, DC 20226

www.atf.gov

Fire Research Laboratory: <https://www.atf.gov/laboratories/fire-research-laboratory>

Training: <https://www.atf.gov/careers/arson-explosives-training-programs>

National Institute for Standards and Technology

100 Bureau Drive, Stop 8600
Gaithersburg, MD 20899-8600
(301) 975-5900

<https://www.nist.gov/>

Fire Research: <https://www.nist.gov/el/fire-research-division-73300>

Fire Videos: <https://www.nist.gov/video-category/fire>

Laboratory Projects: <https://www.nist.gov/el/fire-research-division-73300/national-fire-research-laboratory-73306>

National Institute of Safety and Health- Center for Firefighter Safety

1095 Willowdale Road
Morgantown, WV 26505-2888

<https://www.cdc.gov/niosh/centers/firefighter-safety-and-health.html>

Fatality Investigations: <https://www.cdc.gov/niosh/firefighters/ffipp/about.html>

Cancer Registry: <https://www.cdc.gov/niosh/firefighters/registry/index.html>

National Wildfire Coordinating Group

<https://www.nwcg.gov/>

National Safety Council

1121 Spring Lake Drive
Itasca, IL 60143-3201
(630) 285-1121
www.nsc.org

US Consumer Product Safety Commission (CPSC)

Washington, DC 20207-0001
(301) 504-6816 or Toll-free consumer hotline (800) 638-2772
<https://www.cpsc.gov/>
Recalls: <https://www.cpsc.gov/Recalls>

National Fire Sprinkler Association

514 Progress Drive, Suite A
Linthicum Heights, MD 21090
<https://nfsa.org/>
Training: <https://nfsa.org/training/>
Demonstrations: <https://nfsa.org/sprinklertraining/> or <https://nfsa.org/sidebyside-2/>

American Fire Sprinkler Association (AFSA)

9696 Skillman Street, Suite 300
Dallas, Texas 75243-8264
(214) 349-5965
www.firesprinkler.org

The Tobacco Institute

1875 I Street, NW
Washington, DC 20006
www.tobaccoinstitute.com

National Fire Information Council

<http://www.nfic.org/index.html>
Email: contact@nfic.org

Insurance Services Office, Inc (ISO)

Customer Service Division
545 Washington Boulevard
Jersey City, NJ 07310-1686
(800) 888-4476
www.iso.com
Mitigate Website: <https://www.isomitigation.com/mitigate/>

League of Wisconsin Municipalities

202 State Street, Suite 300
Madison, WI 53703-2215
(608) 267-2380
or outside of Madison: (800) 991-5502
www.lwm-info.org/

Wisconsin Towns Association

W7686 County Road MMM
Shawano, WI 54166-6086
(715) 526-3157
<https://www.wisctowns.com/>

International Fire Service Training Association Headquarters (IFSTA)

930 N. Willis
Stillwater, OK 74078
(800) 654-4055
www.ifsta.org

Wisconsin Emergency Medical Office

Bureau of EMS and Injury Prevention
P. O. Box 2659
Madison, WI 53701-2659
(608) 266-1568
<https://www.dhs.wisconsin.gov/ems/>
Training: <https://www.dhs.wisconsin.gov/ems/training/index.htm>

Wisconsin Department of Justice- State Fire Marshal's Office

P.O. Box 7857
Madison, WI 53707
608-266-1671
<https://www.wisdoj.gov/Pages/CriminalJusticeServices/state-fire-marshal.aspx>

Wisconsin Emergency Management & REACT

Building 7, 1 Williams Street
Camp Douglas, WI 54619
(608) 427-7420
<https://react.wi.gov/>
WEM Training: <https://www.trainingwisconsin.org/>

Ansul Fire School

One Stanton Street
Marinette, WI 54143-2542
(800) 323-8491 or (715) 735-7411
www.ansul.com

Wisconsin Technical College System (WTCS)- Fire Service Training - continuing education and degree programs.

310 Price Place
P.O. Box 7874
Madison, WI 53707
(608) 266-7289

Sixteen WTCS Campus Locations:

Chippewa Valley - Eau Claire	Gateway - Burlington
Southwest Wisconsin - Fennimore	Milwaukee Area - Milwaukee
Blackhawk - Janesville	Lakeshore - Cleveland
Waukesha County - Pewaukee	Northeast Wisconsin - Green Bay
Moraine Park - Fond du Lac	Mid-State - Marshfield
Fox Valley - Appleton	Nicolet - Rhinelander
Western Wisconsin - La Crosse	North Central - Wausau
Madison Area - Madison	Wisconsin Indianhead - Shell Lake

APPENDIX C

AREAS OF FIRE SERVICE RESPONSIBILITY IN WISCONSIN

Wisconsin Department of Safety and Professional Services

<https://dsps.wi.gov/Pages/Programs/Default.aspx>

Industry Services (Safety and Buildings)

Building Design and Construction Review/Inspection

Fire Alarm, Detection, & Suppression System Review/Inspection

Boiler & Elevator Safety Program

Public Sector Employee Safety

Fire Department Health & Safety Standards (SPS. 330)

Fire Inspector Training

Fire Code Technical Consultation & Enforcement Assistance

2% Dues Program & Administration

Fire Code

Fire Incident Reporting

Clearing-House for Fire Service Issues

Fire Chief/Fire Department Listing

Inspection Forms and Supplies

Wisconsin Technical College System Board

<https://mywtcs.wtcsystem.edu/fire-service/>

Fire Service Training Firefighter Certification

Wisconsin Department of Justice

<https://www.doj.state.wi.us/dci/state-fire-marshal>

Division of Criminal Investigation

Arson Investigation

Criminal Prosecution

Wisconsin Department of Health & Family Services

<https://www.dhs.wisconsin.gov/ems/index.htm>

Regulate EMS Programs

Certification of EMTs and Paramedics

Compile EMS Run Reports Administer EMS Grants, Etc.

Wisconsin Department of Military Affairs

<https://wem.wi.gov/>

Wisconsin Emergency Management Division

REACT Training Center

Planning and Emergency Response

Wisconsin Department of Natural Resources

<https://dnr.wisconsin.gov/topic/ForestFire>

Dry Hydrant Systems

Forest Fire Protection

Wildland Fire Training

Petroleum Environmental Cleanup Fund Act (PECFA)

APPENDIX D

MODEL LANDLORD/TENANT AGREEMENT

FOR SMOKE DETECTOR CONDITION

I, _____ of _____
 (print name) (address)

have witnessed on this day that _____ listed smoke detector(s) have been
 (#)

properly installed in my living unit on every floor level and within 6 feet of every sleeping area, in compliance with state law and/or municipal code. The detector(s) have been tested* and are operational. The owner has explained to me and furnished written notice of the manufacturer's recommendations for testing*. I also understand that I am responsible for informing the landlord or manager, in writing, of any smoke detector malfunction, including the need for a new battery. The landlord or manager has 5 days upon receipt of the notice to return the smoke detector to working order by repairing or replacing the detector or replacing the battery. No owner, tenant, or other person shall disconnect, disable or otherwise render inoperative a functioning smoke detector installed pursuant to state law and/or municipal code.

 (tenant signature)

 (date)

 (landlord/manager signature)

Note: The landlord/manager is responsible for proper placement of smoke detectors in either 1 or 2 family dwellings, or in multiple family units; and for total maintenance (including battery replacement) of smoke detectors that are in basements, heads of stairways and common hallways of buildings.

*TESTING: Follow manufacturers' instructions. Most smoke alarms test by pushing the test button on the smoke alarm cover for at least two seconds, until the alarm sounds, then release immediately. The alarm sounds if all electronic circuitry, horn and battery are working. If no alarm sounds, the unit has a defective battery or other failure. Alarms should be tested weekly to ensure proper operation.

APPENDIX E

Guides for Conducting Firefighter Funerals and Handling LODD/Active Duty Deaths

National Volunteer Fire Council

Funeral Procedures for Firefighters: https://www.nvfc.org/wp-content/uploads/2015/10/Funeral_Procedures_Guide.pdf

National Fallen Firefighters

Funeral Planning: <https://www.firehero.org/resources/handling-a-lodd/#funeral>

LAST Team Resources: <https://www.firehero.org/resources/departments-resources/local-assistance-state-team/last-only/>

Professional Firefighters of Wisconsin Honor Guard:

<https://www.pffwhg.org/>

Wisconsin Fire/EMS Memorial

<https://www.wfem.org/>

APPENDIX F

Department of Safety and Professional Services -- District Field Staff Maps

[Fire Prevention/Safety & Health Inspection District Map](#)

[Commercial/Residential Building Inspection District Map](#)

[Boiler/Pressure Vessels, Refrigeration, Gas & Anhydrous Ammonia Program Inspection District Map](#)

[Public Sector Employee Safety Inspection District Map](#)