

2024 Wisconsin Statutes & Annotations

Chapter 60 - Towns.

60.55 - Fire protection.

Universal Citation:

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60.55 Fire protection.

(1) General authority.

(a) The town board shall provide for fire protection for the town. Fire protection for the town, or any portion of the town, may be provided in any manner, including:

1. Establishing a town fire department.
2. Joining with another town, village or city to establish a joint fire department. If the town board establishes a joint fire department with a village under s. 61.65 (2) (a) 3., the town board shall create a joint board of fire commissioners with the village under s. 61.65 (2) (b) 2.
3. Contracting with any person.
4. Utilizing a fire company organized under ch. 213.
5. Creating a combined protective services department under s. 60.553.

(b) The town board may provide for the equipping, staffing, housing and maintenance of fire protection services.

(2) Funding. The town board may:

- (a) Appropriate money to pay for fire protection in the town.
- (b) Charge property owners a fee for the cost of fire protection provided to their property under sub. (1) (a) according to a written schedule established by the town board.
- (c) Levy taxes on the entire town to pay for fire protection.

(d) Levy taxes on property served by a particular source of fire protection, to support the source of protection.

History: 1983 a. 532; 1987 a. 399; 2011 a. 32.

Any fire department created under this section, whether formed under ch. 181 or 213, is a government subdivision or agency entitled to immunity under s. 893.80 (4). *Mellenthin v. Berger*, 2003 WI App 126, 265 Wis. 2d 575, 666 N.W.2d 120, 02-2524.

This section does not create an exception to the grant of power to the town meeting to authorize land purchases or construction by the town board. If a town board chooses to meet the requirements of this section to provide fire protection by providing housing for fire protection services and also chooses to purchase land and construct that housing, then the town board must proceed with the authorization of the town meeting under s. 60.10 (2) (e) and (f) to purchase the land and construct the building. *Town of Clayton v. Cardinal Construction Co.*, 2009 WI App 54, 317 Wis. 2d 424, 767 N.W.2d 605, 08-1793.

The presence of a fire district standing by ready to extinguish fires constitutes a fire protection service for which a fee may be assessed. Unlike in the pre-1988 version of this statute, fire protection services for which a fee may be assessed are not limited to “fire calls made.” Here, the town demonstrated that the primary purpose of a charge was to cover the expense of providing the service of fire protection to the properties within its geographic boundaries and, therefore, the charge was a fee rather than a tax and assessable against county property. *Town of Hoard v. Clark County*, 2015 WI App 100, 366 Wis. 2d 239, 873 N.W.2d 241, 15-0678.

A town may assess a fire protection special charge under sub. (2) (b) for making fire protection services generally available, and not based on the incidence of fire calls at a property. The special charge is a fee, not a tax, and, therefore, may be assessed against the county. OAG 1-15.