

## Ordinance 2-11

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**ORDINANCE RESCINDING AND RECREATING CHAPTER 34 OF THE LISBON  
TOWN CODE REGARDING THE FIRE DEPARTMENT**

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THE TOWN BOARD OF THE TOWN OF LISBON, WAUKESHA COUNTY, WISCONSIN,  
DOES ORDAIN AS FOLLOWS:

SECTION 1: Section 34 of the Town Code of the Town of Lisbon is hereby  
repealed and recreated to read:

**CHAPTER 34  
FIRE DEPARTMENT**

**34.01 FIRE DEPARTMENT ORGANIZATION**

(A) Paid-On-Call, Career combination Fire Department Recognized

The existing combination fire department of the Town of Lisbon, Waukesha County, Wisconsin, together with all of the members thereof, is hereby officially recognized as the Lisbon Fire Department established for the Town of Lisbon for the duty of fire fighting, prevention of fires in the town and ambulance service is delegated to such department, its organization and internal regulation shall be governed by the provisions of this chapter and by such standard operating guidelines adopted by the fire and police commission with guidelines forwarded to the Town Board. Changes will be updated.

**34.02 FIRE DEPARTMENT EQUIPMENT AND APPARATUS**

All Fire Department equipment and apparatus, including ambulance or ambulances, operated by the Fire Department shall be owned by the Town of Lisbon. Any replacement or additions to such equipment or apparatus shall likewise be owned by the Town of Lisbon.

**34.03 APPROPRIATION**

On or before September 1st of each and every year the Fire Department shall prepare and present to the Town Board a budget of the anticipated revenue and expenses for the next calendar year. The Town Board shall appropriate sufficient funds to provide for the operation of such Fire Department and provide such necessary equipment for the use of the Fire Department as they deem expedient and necessary to maintain efficiently and properly protect life and property from fires or other catastrophe in the town. All funds proposed in connection with the budget of the Fire Department shall be administered and be under the control of the Town Board. All expenditures from the budget of the Fire Department shall be approved by the Town Board before any expenditure is made, except emergency items to be determined by the Fire Chief, and no expenditure for emergency items for

the Fire Department shall be made without the approval of the Town Chairman or Town Clerk/Administrator before such expenditure is made.

#### **34.04 COMPENSATION**

The officers and members of the Lisbon Fire Department shall receive such compensation from the town as may from time to time be fixed by the Town Board.

#### **34.05 ORGANIZATION AND MEMBERSHIP**

(a) Composition

The Fire Department shall consist of the following officers: One Fire Chief, One Assistant Fire Chief, and Deputy Fire Chiefs, Captains and Lieutenants. The Fire Chief shall be appointed by and confirmed by the Fire and Police Commission. The number of subordinate officer positions shall be filled as Department need dictates. Said officers shall be appointed by the Fire Chief, from a list of eligible candidates, approved by the Fire and Police Commission, and based upon testing, which includes written, oral, physical and/or psychological components. In addition, paid-on-call firefighters who live or normally work within the Town of Lisbon and surrounding vicinity shall be appointed by the Fire Chief and Board of Directors of the Fire Department, provided that at no time shall the Town of Lisbon Fire Department consist of less members than necessary to maintain adequate fire protection for the town. The Fire and Police Commission has granted authority to the Fire Chief and Board of Directors of the Fire Department to hire Paid on call members. This grant of authority can be rescinded by the Fire and Police Commission upon a majority vote of the members of the Commissioners.

(b) Office of Chief

The Chief of the Town of Lisbon Fire Department and all subsequent Chiefs of the Fire Department shall be appointed by the Fire and Police Commission of the Town of Lisbon per section 2.13. The Chief shall hold his office until such time as he resigns, dies, is physically or mentally unable to perform the duties as Chief, is removed as Chief pursuant to the provisions of Section 2.13 of the town code. In the event of any vacancy in the office of Chief the duties of the Chief shall be performed by the ranking officer of the Fire Department. The Chief shall appoint all subordinate officers as provided in this section subject to approval of the Fire and Police Commission of the Town. In the event of the illness or temporary incapacity of the Chief to perform his duties such duties shall be performed during such period of illness or incapacity of the Chief by the ranking officer of the Fire Department.

#### **34.06 REMOVAL OF CHIEF**

In the event the Chief fails to perform his duties as prescribed in this section and in accordance with the regulations of appropriate governmental authorities or agencies, he may be removed from such office by the Fire and Police Commission pursuant to section 2.13 of the Town code.

#### **34.07 RETIREMENT**

Active Members of the Fire Department shall cease active membership at the age of 65 years. Upon reaching the age of 65 years, active members shall become honorary members and relieved from all fire fighting duties.

#### **34.08 RESIGNATIONS**

All Resignations from the Fire Department shall be tendered in writing to the Fire Chief.

#### **34.09 DISCIPLINARY ACTIONS, SUSPENSION, DEMOTION AND REMOVAL**

(a) Any subordinate member or officer of the Fire Department may be suspended, reduced in rank or

removed by the Fire and Police Commission based on charges filed by the Commission, members of the Commission, an aggrieved person or the Fire Chief. Such charges shall be in writing and shall be filed with the President of the Commission. Pending disposition of such charges, the Commission or Fire Chief may suspend such subordinate. No person shall be deprived of compensation while suspended pending disposition of charges.

- (b) A subordinate may be suspended for just cause, as described in paragraph (e) below, by the Fire Chief or Commission as a penalty. The Chief shall file a report of such suspension with the Commission immediately upon issuing the suspension. No hearing on such suspension shall be held unless requested by the subordinate. If the subordinate suspended by the Chief requests a hearing before the Commission, the Chief shall be required to file charges with the Commission upon which such suspension was based.
- (c) Following the filing of charges in any case, a copy thereof shall be served upon the person charged. The Commission shall set a date for Hearing not less than 10 days, nor more than 30 days following the service of charges. The Hearing on charges shall be public, and both the accused and the complainant may be represented by an attorney and may compel the attendance of witnesses by subpoenas which shall be issued by the President of the Commission on request and be served as are subpoenas under Chapter 885 of the Wisconsin Statutes.
- (d) If the Commission determines that the charges are not sustained, the accused, if suspended, shall be immediately reinstated and all lost pay restored. If the Commission determines that the charges are sustained, the accused, by order of the Commission, may be suspended, or reduced in rank, suspended and reduced in rank, or removed, as the good of the service may require.
- (e) No subordinate may be suspended, reduced in rank, suspended and reduced in rank, or removed by the Commission under paragraph (d), based on charges filed by the Commission, members of the Commission, an aggrieved person or the Fire Chief under paragraph (b), unless the Commission determines whether there is just cause, as described in this paragraph, to sustain the charges. In making its determination, the Commission shall apply the following standards, to the extent possible:
  - (1) Whether the subordinate could reasonably be expected to have had knowledge of the probable consequences of the alleged conduct.
  - (2) Whether the rule or order that the subordinate allegedly violated is reasonable.
  - (3) Whether the Chief, before filing the charge against the subordinate, made reasonable effort to discover whether the subordinate did in fact violate a rule or order.
  - (4) Whether the effort described in (3) above was fair and objective.
  - (5) Whether the Chief discovered substantial evidence that the subordinate violated the rule or order as described in the charges filed against the subordinate.
  - (6) Whether the Chief is applying the rule or order fairly and without discrimination against the subordinate.
  - (7) Whether the proposed discipline reasonably relates to the seriousness of the alleged violation and to the subordinate's record of service with the Chief's department.
- (f) Findings and determinations hereunder and orders of suspension, reduction, suspension and reduction, or removal, shall be in writing and, if they follow a hearing, shall be filed within three days thereof with the secretary of the Commission.
- (g) Any person suspended, or reduced in rank, suspended and reduced in rank, or removed by the Commission may appeal from the order of the Board to the circuit court by serving written notice of the appeal on the secretary of the Commission within 10 days after the order is filed.

#### **34.10 ORGANIZATION INTO COMPANIES**

The Chief may organize the department into two or more companies. The Chief may at any time make transfers which he deems necessary between companies. Each company of the department shall be placed in the charge of the Captain or a Lieutenant who shall be responsible to the Chief.

#### **34.11 STANDARD OPERATING PROCEDURES AND POLICY**

The standard operating procedures of the Department shall be prepared by the Fire Chief and submitted to the Police and Fire Commission for review and approval. All policies of the Fire Department shall be subject to the review and approval of the Police and Fire Commission.

#### **34.12 POWERS AND DUTIES OF CHIEF**

(a) The Chief shall have general supervision of the department subject to this chapter and shall be responsible for the personnel and general efficiency of the department

(b) The Chief shall preside at all meetings of the department, call special meetings, preserve order, decide all points of order that may arise and enforce a rigid observance of this chapter.

(c) The Chief shall make every effort to be at all fires in the town or when the Fire Department has responded for service pursuant to a mutual aid agreement with another Fire Department or Departments. In the event that the Chief is absent the highest ranking officer of the Fire Department in attendance at such fires shall be in charge and shall have the same powers and duties of the Chief.

The Chief or in his absence the highest ranking officer of the Fire Department in attendance at such fire shall have complete command of and entire responsibility for all fire fighting operations, plan and control the same and direct action of the companies when they arrive at a fire observe that every company does its duty, grant leaves of absence at a fire when he may deem it proper that the fire apparatus is kept in proper condition at all times.

The Chief shall make every effort to be at any accident scene to which the Fire Department has been called. In his absence the highest ranking officer of the Fire Department in attendance at such accident shall be in charge and shall have the same powers and duties of the Chief.

(d) The Chief shall submit a written report to the Town Board relating to the condition of the various pieces of apparatus and appurtenances at the same time as he presents the budget of the Fire Department as provided in Section 34.03 of this chapter.

The Chief may submit further written reports to the Town Board relating to the condition of the various pieces of apparatus and appurtenances of the Fire Department at such other times as he deems desirable.

The Chief shall submit a report to the Town Board on a monthly basis which shall be filed with the Town Clerk no later than the date of the first Board meeting after the first of each month. Such report shall set forth the number of fires occurring since the previous report, date of same and loss occasioned thereby, total number of members of the Fire Department and resignations and expulsions from the department. He shall also report upon all drills and training programs of the department together with other appurtenant information, including recommendations for any improvements as he deems proper and necessary for the operation of the department. Such monthly report shall also contain the number of rescue service calls made from the date of the previous report, the date of such rescue service being provided by the Fire Department which would fully inform the Town Board with reference to the rescue service being provided to the residents of town. Such monthly reports shall also contain the total number of rescue service and fire calls made prior to such report since the first of the calendar year.

(e) He shall enforce all fire prevention ordinances of the town and state laws and regulations pertaining to fire prevention and shall keep citizens informed on fire prevention methods and the activities of the department.

(f) He shall keep a record of every fire call and rescue service call to which the Fire Department has responded and shall enter the location of the fire, time the alarm was received, cause of fire, where fire started,

causes of delay if any in responding, equipment used, estimated time fire was extinguished and number of personnel responding. He shall enter into the record the location of any rescue service call, the nature of such rescue service call and the date and time thereof. The Fire Chief shall make necessary reports to the National Fire Reporting System, (NFRS), and State Wisconsin Ambulance Records Data System, (WARDS), and other Federal and State reports as required to assure compliance and to qualify for grants or funding.

(g) He shall keep an inventory of all apparatus and equipment and inventory of all hose showing dates and results of tests of each length which shall be individually identified.

(h) He shall perform such other duties as are incumbent upon him as the commanding officer of the Fire Department and as may be directed from time to time by the Town of Lisbon Board.

(i) The Chief shall investigate the origin and cause of fires by which property has been destroyed or damaged and shall help determine whether the fire is a result of carelessness or faulty design materials or workmanship. If it appears that the fire is of suspicious origin the Fire Chief or scene commander shall be notified of these facts as soon as possible. He/she or his/her representative shall immediately notify the police department for further investigation and the collection of any physical evidence. The investigation of such suspicious matters shall be the sole jurisdiction of the local police department and any other agency or personnel they choose to be involved in the collection of evidence and in the prosecution of the case. A fire incident report should be filed within 24 hours of every fire. The report shall contain a statement of all facts known relating to the origin, cause and circumstances of such fire and other information as may be required.

### **34.13 SERVICE AREA**

The service area of the Town of Lisbon Fire Department and the rescue service to be provided shall be limited to the Town of Lisbon except for services rendered under a mutual aid agreement with a fire department servicing such area. All mutual aid agreements or contracts with other fire departments shall be approved by the chief and the Town Board.

### **34.14 CARE AND PROTECTION OF APPARATUS**

(a) The Chief shall have control of all apparatus used by the department and shall be responsible for its proper maintenance. Emergency repairs may be authorized by the Chief.

(b) Except as otherwise authorized by the Town Board, no apparatus shall be used for any purpose except firefighting, training, or other emergency purposes within the fire protection area as may be approved by the Chief. The Town Board may, from time to time, approve use of apparatus or ambulances for nonemergency purposes. All such uses shall be reflected by the Chief in his monthly report to the Town Board as provided in Section 34.13(e) of this chapter.

(c) No person shall willfully damage in any manner any hose, hydrant or fire apparatus belonging to the town and no vehicle shall be driven over any unprotected hose of a Fire Department when laid down in a street, private driveway or other place to be used at any fire or alarm of fire without consent of the Fire Department official in command.

### **34.15 POLICE POWER OF DEPARTMENT**

(a) The Chief and assistants or officers in command at any fire are hereby vested with full and complete police authority at fires. Any officer of the department may cause the arrest of any person failing to give the right-of-way to the Fire Department in responding to any fire.

(1) The powers and duties vested in the Chief or officer in charge of a fire as provided herein shall be limited to such fires that occur in the Town of Lisbon and shall not include fires outside the Town of Lisbon to

which the Fire Department has responded by virtue of a mutual aid agreement.

(b) The Fire Chief or the officer in charge at any fire may prescribe certain limits in the vicinity of any fire within which no person except a firefighter and policeman and those admitted by order of any officer of the department shall be permitted to come. The Chief or officer in charge at any fire occurring in the Town of Lisbon may cause the removal of any property whenever it shall become necessary for the preservation of such property from fire or to prevent the spreading of fire or to protect the adjacent property. During the progress of any fire he may order the removal or destruction of any property necessary to prevent the further spread of the fire. He shall cause the removal of all wires or other facilities may turn off all electricity or other services where the same impedes the work of the department during the progress of the fire.

(c) Fire Department personnel, while in an emergency situation, may enter adjacent property.

Any firefighter, which acting under the direction of the Fire chief, or other officer in command, may enter upon the premises adjacent to, or in the vicinity of, any building or other property then on fire for the purpose of extinguishing such fire, and if any person shall hinder, resist or obstruct any firefighter in the discharge of his duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firefighter in the discharge of their duty.

(d) Duties of Bystanders to Assist.

Every person who shall be present at a fire shall be subject to the orders of the Fire Chief or officer in command and may be required to render assistance in fighting the fire or in removing or guarding property. Such officer may cause the arrest of any person or persons refusing to obey said orders per state statute.

(e) False Alarms.

No person shall give a false alarm to any public official or employee, whether by means of a fire alarm or otherwise; nor shall any person interfere with the proper functioning of a fire alarm system; nor shall any person interfere with the lawful efforts of firemen to extinguish a fire.

#### **34.16 FIRE INSPECTOR DUTIES**

(a) The Chief of the Fire Department shall hold the office of Authority Having Jurisdiction with power to appoint one or more Deputy Fire Inspectors who shall represent the Authority Having Jurisdiction and perform duties as directed by the Authority Having Jurisdiction.

(b) It shall be the duty of the Chief of the Fire Department as a Deputy of the Department of Commerce to inspect, or cause to be inspected by the fire department officers or members, all buildings and premises, except the interiors of private one and two family dwellings, as often as may be necessary, but no less than once every calendar year for the purpose of ascertaining and causing to be corrected any conditions likely to cause fire, or any violations of the provisions or intent of this ordinance and its adopted Codes and from any other hazard likely to affect the life safety of the occupants, unknowing public or responding emergency personnel.

(1) It is the intent of this section to establish the minimum number of fire inspections in the Town at one per calendar year, with the option for additional inspections as necessary to gain compliance with outstanding orders. It shall be the responsibility of the AHJ to establish a priority to occupancies and buildings that need additional inspections or more frequent inspections due to occupancy type, hazard or history of non-compliance.

c) Any fire inspection documentation that identifies specific deficiencies in writing to the owner or occupant of any building, space or premise shall be understood to be an order to correct such deficiencies. All corrections to fire inspection orders shall be made prior to the next scheduled fire inspection or within the timeline established by the AHJ.. Those items deemed to pose a heightened risk to the life safety of the owner, occupants or emergency responders may be given a specific timeline for correction by the inspection personnel on scene or by the AHJ and must be adhered too.. If the owner or occupant of the building, space or premise cannot be found, such written order of correction shall be affixed in a conspicuous place on the entrance door to such building or

structure or on the premises. Thereafter a copy of the deficiencies shall be mailed to the owner and the occupant addressed to their last known post office address. No person shall remove such affixed notice without the written consent of the Fire Chief. Any such order shall forthwith be complied with by the owner and occupant of such building, structure or premises. The owner or occupant may within 24 hours appeal to the Fire Chief for a review of such order, who shall thereafter as soon as possible file his decision. Unless such order is revoked or modified by the Fire Chief, it shall remain in full force and be complied within the time fixed in said order. Whenever any inspection by the Fire Chief or his Deputies reveal a fire hazard, the Chief or his Deputy shall serve a notice in writing upon the owner of the property or business giving such owner a reasonable time in which to remove or correct the hazard.

(1) Appeals

If the property owner believes that the time allowed is unreasonable, he may appeal to the Town Board.

(2) Extensions

An Extension may be issued to the owner of the property or business at the discretion of the Chief or his Deputy. An extension shall also be issued after the first thru the third citations.

(3) Violations

Each hazard that the owner of the property or business fails to correct will constitute a separate violation.

(4) Citations

If the Chief or his Deputy determines that an extension is not warranted, or the violation is not corrected within the time allowed by the extension, then the owner of the property or business shall be subject to a citation. Each violation found and not corrected within the time allowed is a separate citation.

(d) The Chief shall keep a permanent record card of each property inspected which shall conform to the requirements of the State Administrative Code Comm 14.

(e) No person shall deny the Chief or his Deputy free access to any property within the Town or any service area of the Fire Department of the town at any reasonable time for the purpose of making their inspections. No person shall hinder or obstruct the Fire Inspector in the performance of his duties or refuse to observe any lawful direction given by him.

(f) If any building or structure, whether exempted above or not (1 and 2 family dwellings), poses an eminent danger to the occupants or is liable to cause a fire, endanger other buildings or property, or contains any combustible or explosive materials that can hinder the life safety or suppression efforts of the fire personnel, shall be subject to these orders so far as may be necessary to protect adjoining or other buildings and their occupants and firemen.

**34.17 PENALTY** Any person who shall violate any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in Section 1.05 of the Town of Lisbon Town Code.

**34.18 SECURITY KEY AND VAULT SYSTEM**

(a) The Knox Box Vault system is adopted as the standard key vault system in the Town.

(b) A Knox Box shall be installed in all new commercial and industrial buildings constructed after passage of this ordinance. Said key lock box shall be installed and operational prior to the issuance of an occupancy permit. A Knox Box shall be installed in existing commercial and industrial buildings that are secured in a manner that restricts access during an emergency at any time. All governmental buildings, nursing care facilities and multi-family residential structures that have restricted access thru locked doors and have a common corridor for access to living areas shall have a Knox Box system.

- (c) The Knox Box shall be installed at such locations(s) as designated by the fire Chief or his designee.

### **34.19 FIRE PREVENTION CODE**

(a) Adoption of Codes and Standards:

- (1) All Orders, Rules and Regulations established and propagated by the Department of Commerce, or its successor Administrative Agency, as are set forth in the Wisconsin Administrative Code as from time to time amended, are hereby adopted. The most current legislatively enacted versions of those documents are adopted and will be enforced.
- (2) NFPA 1, Fire Code® and NFPA 101, The Life Safety Code® are hereby adopted in their entirety as part of this Chapter and serve as the fire prevention codes for the municipality. The most current available printed edition of the NFPA Codes and Standards are hereby adopted and will be enforced.
- (3) All codes and standards referenced in any of the code documents adopted herein shall be deemed adopted herein and are codified and have the strength of code.
  - a. In the event of a conflict between the provisions of this Ordinance, State Codes, NFPA Codes and Standards, the provisions of this Chapter where specifically more restrictive by application shall control and govern. Thereafter, the most restrictive provision of the State Codes or NFPA Codes shall be applicable and shall govern.

(b) Definitions:

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Definitions not included herein shall be assumed to be the same as identified in the adopted code documents or the appropriately associated State adopted Commercial Building Code.

Approved: means accepted by the Chief of the Fire Department or his/her designee as a result of his/her investigation and experience, or by reason of test, listing or approval by Underwriters Laboratories, Factory Mutual, the National Bureau of Standards, or other national recognized testing authorities

Authority Having Jurisdiction: For purposes of this ordinance shall mean the Chief and, or the Fire Marshal of the Lisbon Fire Department or his/her designee(s), abbreviated AHJ.

Automatic Fire Alarm System: Means a system which automatically detects a fire condition through automatic or manual means and actuates a fire alarm signal device which is monitored by a listed third party that will without delay notify the Fire Department.

Automatic Fire Sprinkler Equipment: Means a system of integrated piping designed in accordance with fire engineering standards and may include underground and above ground piping. The system includes a suitable water supply, such as a gravity tank, fire pump, reservoir or pressure tank and/or connection of underground piping to a municipal water main. The portion of the sprinkler system above ground is a network of specially sized or hydraulically designed piping installed in a building structure or area, generally overhead, and to which sprinklers are connected in a systematic pattern. The system includes suitable control valves, a double detector check valve and a device for actuating an alarm when the system is initiated.

Basement Any below grade level where greater than half the height of the floor/ceiling is below the level of the adjoining street, parking lot, sidewalk, finished grade or level of exit discharge.

Lisbon Fire Prevention Bureau Is headed by the Fire Marshal and serves as the duly authorized deputy for the department to serve on its behalf as the AHJ. The Fire Prevention Bureau is responsible for conducting all fire inspections, plan reviews, and acceptance tests, issuing all fire and fire related life safety permits and, where fire inspections are required before occupancy, co-authored occupancy permits with the Town Building Inspector.

Dwelling Unit means one or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit with cooking, living, sanitary and sleeping facilities.

Fire Department, Chief of means the head of the Town of Lisbon Fire Department, a duly authorized deputy, or the designee of the head of the town fire department whose duties are defined in Section 34.13.

Multi-Family Dwelling: Multifamily Dwelling means a building or portion thereof, containing three or more dwelling units occupied as the home or residence of individuals, families or households living independently of each other, including tenement house, apartment house, flat, town house, row house, condominium, dormitory, boarding or rooming house serving more than five persons with meals or sleeping accommodations or both. Town houses or row houses with three or greater separate units shall be considered multi-family regardless of fire separation.

NFPA means the most current printed editions of the National Fire Protection Association Codes and Standards.

Occupancy or use. The purpose for which a building, structure, equipment, materials, or premises, or part thereof, is used or intended to be used as regulated in the State adopted Commercial Building Code (IBC) or NFPA 1 Fire Code and/or NFPA 101, Life Safety Code.

Remodeling means to change any building or structure that affects structural strength, fire hazard, initial circulation, or exits of an existing building or structure, however, does not increase the area, as measured by cubic volume or square footage. This definition does not apply to maintenance, reroofing, or alterations to the heating and ventilation or electrical systems.

Roof Access: In every commercial or multi-family building there shall be provided a permanent means of access to the attic or roof. All attics and roofs of commercial and multi-family buildings and structures shall be accessible by means of a stairway or scuttle. If the scuttle opening in the attic floor is provided in lieu of a stairway, the same shall be located in a public hallway situated below the attic floor and shall be provided with an approved fixed ladder or balanced stairway to such opening, securely anchored in place. Roof and ceiling scuttles of commercial and multi-family buildings and structures shall be at least two feet by three feet, and roof scuttles shall be located immediately above the attic stairway or ceiling scuttle or in a location approved by the Fire Department or the Building Inspector. The roof scuttle access cover shall be of a non-combustible material with a rating not less than the ceiling assembly it is installed in and shall be secured in place by means acceptable to the Building Inspector or the Fire Department. The size of the access shall be large enough to accommodate fire suppression personnel and activities and is subject to the decision of the AHJ, but shall not be less than 24 inches by 36 inches clear width.

Story or Level means the space in a building between the surfaces of any floor and the floor above/below, or roof next above, or any space not defined as basement, ground floor, mezzanine, balcony, penthouse, and attic.

Structurally altered: means additions that increase the cubic volume or square footage of existing buildings. Structurally altered also includes modifications to the internal structural members that requires engineering and/or design documentation submitted for approval from the State of Wisconsin, Town of Lisbon or the AHJ.

### **34.20 AUTOMATIC SPRINKLER SYSTEMS\***

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**(a) Purpose of division.**

The purpose of this division is to provide a means for the automatic identification, public notification and

extinguishment of fire in hazardous environments, or buildings or parts of buildings which, because of their size, construction or occupancy classification, or lack of suitable protective equipment, constitute a special fire hazard to life or property or may pose an excessive burden upon the fire extinguishing capabilities or resources of the Lisbon Fire Department.

**(b) Where installed.**

In addition to the requirements set forth in the above adopted codes and standards, every newly constructed building or building structurally altered by more than 50% of original structures footprint, as determined by a Wisconsin licensed structural engineer, shall have an approved automatic sprinkler system installed and maintained when occupied, in whole or in part, for the following purposes:

(1) Assembly group A.

a. Assembly Group A buildings which accommodate less than 100 persons shall have an approved sprinkler system installed and maintained if they meet any one or more of the following:

1. Building of IA construction of over 5,000 square feet or more in area on any floor.
2. Throughout all buildings of other than IA construction if:
  - i. Over 2,500 square feet in area; or
  - ii. Over two stories in height, regardless of area.

b. Assembly group A buildings that can accommodate 100 or more persons shall have an approved sprinkler system installed and maintained throughout.

c. Any building that contains A-2 uses shall have an approved sprinkler system installed and maintained throughout.

(2) Business group B and mercantile group M.

a. An approved sprinkler system shall be installed and maintained in business group B and mercantile group M buildings which meets one or more of the following:

1. Buildings of IA construction of over 5,000 square feet or more in area on any floor.
2. Throughout all buildings of other than IA construction if:
  - i. Over 2,500 square feet in area; or
  - ii. Over two stories in height, regardless of area.

(3) Educational group E. An approved sprinkler system shall be installed and maintained throughout all educational occupancies.

(4) Factory and industrial group F and storage group S.

a. An approved sprinkler system shall be installed and maintained in buildings that meet one or more of the following:

1. Buildings of Type IA construction if:
  - i. Is over 12,000 square feet in area.
  - ii. Is over one story in height, exceeding 6,000 square feet in area.
  - iii. Is over two stories in height, regardless of area.
2. Throughout all buildings of other than IA construction if:
  - i. Is over 5,000 square feet in area.
  - ii. Is two stories or more in height regardless of area.

(5) High hazard group H. An approved sprinkler system shall be installed and maintained throughout all group H occupancies.

(6) Institutional group I and residential group R-4.

a. An approved sprinkler system shall be installed and maintained throughout all Group I and Group R-4 Occupancies.

1. Through the combined use groups Identified in the IBC and NFPA 101, any and all uses which shall render any number of the occupants of that building incapable of self preservation due to anesthesia, age (both old and young), or physical impairment shall have sprinklers and fire alarms installed throughout the physical structure regardless of fire separations in compliance with NFPA 13 and 72. Examples shall include: Dental clinics practicing unconscious sedation, Community Based Residential Facilities, Adult Family Homes and other care facilities that would otherwise require licensing from the Department of Health Services and/or the Department of

Children and Families, Etc.

2. Exception: This provision shall not apply to foster care and specialty care in 1 and 2 family residences that are occupied by persons that qualify as primary residents and do not provide a place of employment. In home services, therapies, and specialty care that take place in the home for any single resident over a specific and limited duration of time shall not deem this a place of employment.

(7) Residential groups.

a. Residential Group R-1 and R-2 occupancies, with three or more units, shall have an approved sprinkler system installed and maintained throughout in accordance with state statutes, state administrative codes and town ordinances.

(9) Utility and miscellaneous group U. Group U covers all building and structures not covered in any other occupancy classification. Sprinkler system requirements for group U buildings and structures chapter will be reviewed by the AFJ or designee on a case by case basis.

(10) Below Grade Occupancies: Any occupancy group that desires to occupy any portion of a level that is 50% or greater below grade for any reason other than storage shall sprinkler that level and any component means of egress for that space and must be tied into a fire alarm system that serves the entire building.

**(c). Exceptions.**

1. The following classes of buildings shall be exempt from the requirement of automatic sprinkler systems:

(a) Any portion of a building housing a process or material which would interact with water to create a greater fire hazard than without water, provided that an alternate fire suppression system is used.

(b) Dwellings units.1 & 2 family, that fall within the Town ordinances and are not used for the purposes of a community based residential facility, Adult Family Home or Child Care Facility.

**(d). Fire department hose connections.**

1. Every automatic sprinkler system installed in new or existing buildings shall be equipped with at least two female couplings for fire department hose connection, with National Standard Treads attached to a header of adequate size in accordance with fire protection engineering standards, but not less than four inches to supply the riser of the system.

2. The connection shall be within 150 feet by means of drivable hard surface access.

**(e) Variances**

1. Any request for variance to the requirements of section (c) Automatic Sprinkler Systems shall include:

(a) the submittal of the current LFD "plan submittal form,"

(b) all associated fees,

(c) A formal letter of justification for variance and;

(d) A plan for creating an equivalent level of life safety to the building.

2. Sufficient numbers of this documentation shall be provided as to allow for review by the Fire Prevention Bureau, the Town of Lisbon Building Inspector and the Town Board. Variances requests must receive approval from all three entities to be granted.

3. Variances will only be considered in cases of technical infeasibility and/or significant financial disproportionality. Any request that fails to establish one or both of these conditions will not be approved.

**(f) Installation.**

1. Approved automatic fire sprinkler equipment shall be installed in accordance with one or more of the following

NFPA standards as the chief of the fire department may determine are applicable:

(a) NFPA #13, "Standards for the Installation of Sprinkler Systems."

(b) NFPA #13D, "Sprinkler Systems - One and Two-Family Dwellings."

(c) NFPA #13R, "Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height."

- (d) NFPA #231, "General Storage."
- (e) Such other NFPA standards as the AHJ may determine are applicable.
- (2) No automatic sprinkler equipment shall be installed or altered in a building until plans have been submitted to and approved by the AHJ.
  - (a) No less than two stamped copies of the plans, state review letter and specifications shall be submitted for review.
  - (b) The voluntary installation of residential fire suppression systems in one and two family homes shall also be submitted, reviewed and acceptance tested by the LFD/ Fire Prevention Bureau to assure they are being installed to NFPA 13D or greater standards.
  - (c) Approved plans will be stamped, "Conditionally Approved," together with the date of such approval and will be accompanied by review comments that shall be considered conditions of the approval.
- (3) An outdoor rated horn/strobe notification device with an excess of 100-candle power shall be installed in lieu of or in addition to the required bell. The normal placement is above the fire department connection, but shall be approved by the AHJ.
- (4) All Sprinkler systems shall be monitored for water flow by a central or remote station per current NFPA 72 and provide notification throughout the structure for purposes of evacuation.
- (5) Underground water mains, hydrants and valves shall conform to current specifications of the Town.
- (6) The water utility will require such tests as may be required by the National Fire Protection Association's standards. Such tests shall be conducted under the supervision of a utility representative and the fire department who shall certify acceptance or rejection of the system.
- (7) Final approval, acceptance test--Automatic sprinkler system.
  - (a) The sprinkler system shall have a hydrostatic test performed in the presence of a fire department inspector.
  - (b) The sprinkler system shall be tested by flows of the main drain and inspector's test. The installer in the presence of a fire department inspector shall conduct the acceptance test.
  - (c) The installer shall provide minimum three working days advanced notice to the fire department prior to performance of final acceptance test.
  - (d) Any work or testing performed on sprinklers and underground supply shall be done by a licensed individual.
- (8) Maintenance. The owner or occupant of a building or structure containing any automatic sprinkler system shall maintain that system in an operative condition at all times which includes periods where the building may not be occupied. The occupant of the building shall notify the fire chief immediately in case the sprinkler protection is rendered out of service for any reason. All sprinkler systems shall be tested to meet the requirement of NFPA 25. Only a person holding a testers credential issued by the State of Wisconsin shall perform the annual inspection and testing, all corrections to the system shall be done by a licensed sprinkler fitter in compliance with State Statutes. In all cases of Inspection, Testing and Maintenance, the company under which the testing is done shall be licensed and credentialed in accordance with the Wisconsin Department of Licensing and Regulation or it's successor.

**(g) Minimum Requirements for Sprinkler Systems Installations**

- (1) In cases where a municipal water supply is not immediately available to the owner, the water supply and design of the system shall be allowed as identified below or by method approved by the AHJ, but may not be less than identified by the appropriate State Building Code Sections for Alternative Suppression Systems and NFPA 22 (Standard for Water Tanks for Private Fire Protection). Where required by the current edition of the IBC or NFPA 101, the installation standards NFPA 13, 13R or 13D shall apply. All sprinkler system installations must submit appropriate plans, permit forms, fee's, calculations and additional information to the Fire Prevention Bureau for review and "Conditional Approval" prior to installation.

**(h) Interim Automatic Fire Sprinkler Installations:**

- (1) Where Allowed:
  - (a) Interim installations will only be allowed for systems where the installation of the suppression system is required by only this ordinance. All other installations shall be designed in accordance with their appropriate installation standard.

(b) Interim installation design will **not** be allowed for type A, E, H, I, R occupancies or other use groups that will require design for protection of commodities at classification level, Ordinary Hazard (group 2)/(OH2) or greater. Exception: Consideration may be given for type R and I occupancies on a case-by-case basis.

**(i) Installation Requirements for Water Supply:**

- (1) Only aboveground and underground factory-coated and/or lined steel tanks, fiberglass reinforced plastic tanks and concrete tanks shall be allowed.
- (2) All above ground plastic tanks shall be protected to an Ordinary Hazard 2 level or greater.
- (3) All tank installations shall be tested and documented in compliance with NFPA 22.
- (4) All tanks shall include water level monitoring and automatic tank refill. These points shall be monitored by the fire alarm system as follows:
  - (a) Automatic tank refilling shall identify as a trouble condition to make the owner aware of possible leaks.
  - (b) Low level conditions shall generate a supervisory condition and shall command immediate correction.
- (5) All water supply valves that supply the tank refill, are between the tank and the riser, or serve as shut-offs, shall be clearly identified for their function and secured and/or monitored by the fire alarm system.
- (6) The power source for the automatic refill solenoid shall be clearly identified in the panel, marked in red and provided with a listed breaker lock.
- (7) All Fire pumps shall be listed and labeled NFPA 13 compliant fire pumps.
  - (a) Some exceptions may be allowed for occupancies that can meet the demand requirements, but will be limited to light hazard protection classifications only.
- (8) All suppression system components shall be provided with a redundant power source.
  - (a) In cases where a back-up generator serves as the redundant power source, the generator shall undergo acceptance testing by the AHJ to assure compliance with emergency transfer requirements and a record of inspection, testing and maintenance shall be kept with the sprinkler and fire alarm test records at the riser for review by the AHJ and any contractor who will service or test the system.
  - (b) Nothing in this requirement shall be misconstrued to mean that the installation of a generator must be a dedicated service as long as the life safety and suppression systems are primary to this power source.
- (9) In areas of the Town where municipal water supply is being constructed, immediately projected to be constructed, or in the planning stages of being constructed, required sprinkler systems shall not be required to be connected to an interim supply; however, all design and installations shall include provisions for immediate connection to the municipal water supply as it becomes available. These cases shall be clearly documented by the building owner and approved by the AHJ.
- (10) The full extent of this interim system must be included and undergo inspection, testing and maintenance in accordance with NFPA 25.

**(j) Design Requirements for Interim Installations:**

- (1) Connection to the domestic water supply shall be required.
- (2) Occupancy groups B, F, M, and S, which are less than 10,000 square feet and are required to install an automatic sprinkler system shall have a private water source to flow a minimum of two heads at the engineered rate for no less than 15 minutes.
  - (a) Interim installation design will **not** be allowed for type A, E, H, I, R occupancies or other use groups that will require design for protection of commodities at classification level, Ordinary Hazard (group 2)/(OH2) or greater.  
Exception: Consideration may be given for type R-4 occupancies on a case-by-case basis.
- (3) One or more fire department connections with two female couplings with National Standard Treads attached to a header of adequate size in accordance with fire protection engineering standards, but not less than four inches shall be provided to supply the system.
- (4) All fire sprinkler systems installed under the requirements of this division shall be connected to a municipal water system within twelve months after water mains to serve the building are available for use.
- (5) All plan submittals shall include no less than a 10% design cushion in water supply calculations.

**(k) Fire hydrant requirements.**

- (1) Owner installation required. When substantial portions of a building are set back 250 feet or more from the street or highway or access to the farthest point around the building via a drivable hard surface exceeds 300 feet from a municipal hydrant, the owner shall install at his expense approved fire hydrants. Hydrants shall be freestanding and be installed not more than 60 feet or less than 30 feet from the building. Required fire hydrants shall be placed 300 feet from the closest municipal hydrant and then around the perimeter of the building that is accessible via a drivable hard surface, so that no hydrant is more than 300 feet from any other approved hydrant.
- (2) Approved water hydrant. The term "approved water hydrant" means a water hydrant connected to a municipal water main with one 4-inch and two 2-inch fire department connections. The connection waterline between the city water main and the approved water hydrant shall be not less than six inches and need not be more than 12-inch pipe. Where the municipal water main is eight inches or larger, the connection line shall be no less than eight inches in size. All water hydrants shall be approved by the chief of the fire department and the municipal water utility, and shall be installed in compliance with the standards of the municipal water utility. All water hydrants shall be installed in compliance with the standards of the municipal water utility. All water hydrants shall be installed in such a manner and locations so as to be accessible at all times to the fire department. Maintenance of private hydrant shall be done per current NFPA 25 with appropriate documentation forwarded to the fire department fire prevention division as well as the local water utility. Failure to do so will result in a fine.

**(l) Maintenance of equipment.**

- (1) Sprinkler systems, standpipe systems, fire alarm systems and other fire protective or extinguishing systems shall be maintained in operative condition at all times as per the requirements of this code. It is unlawful for any owner or occupant to reduce the effectiveness of the protection so required, except this shall not prohibit the owner or occupant from temporarily reducing or discontinuing the protection where necessary to make tests, repairs, alterations or additions. The fire department shall be notified before repairs, alterations or additions are started and shall be notified again when the system has been restored to service.
- (2) Periodic inspections shall be performed in accordance with all appropriate NFPA codes and standards.
- (3) All records of maintenance, inspections or tests of life safety systems in the Town of Lisbon that have identified deficiencies shall be submitted to the Fire Marshal for review with 30 days of completion. Where the building owner contracts for and completes the noted deficiencies within the 30-day timeline, only the certification of correction need be submitted.

**34.21 FIRE ALARM SYSTEMS**

- (1) General. Fire alarms systems shall mean a system which automatically detects a fire condition through automatic or manual means and actuates a fire alarm signal device which is monitored by a listed third that without delay will notify the Fire Department. No fire alarm shall be installed that is not monitored, capable of manual activation at required means of egress or unable to adequately notify all occupants to evacuate.
- (2) All fire alarm systems shall be installed per NFPA 72, NFPA 70 (NEC), this ordinance and the instructions of the AHJ. All fire alarm installations must be done under the combined permits of the Lisbon Fire Department and the Town Building Inspector.
- (3) All Fire alarm installations in the Town must submit plans, specification sheets, battery calculations and product information and the Lisbon Fire Department Permit Application Form with properly calculated review and testing fees to the fire prevention bureau. Plans will be reviewed and conditionally approved by the Fire Prevention Bureau.
- (4) All fire alarm design submittals shall be designed and stamped by qualified persons with not less than NICET IV credentials. Any designer or installer deemed unfit to perform an adequate quality of work may be refused future permits for work in the Town until they can demonstrate to the AHJ that the cause of substandard work has been corrected.
- (5) The Lisbon Fire Department shall be called to witness all acceptance testing.
- (6) Where installed, all full alarm conditions shall initiate HVAC shutdown.
- (7) Where fire alarm cable is run in an exposed manner, or not in a listed raceway, the cable shall be plenum rated. The installing contractor shall provide documentation of this at time of inspection.
- (8) Where Installed

- (a) Fire alarms shall be installed as required by the building code and NFPA 1/101.
- (b) All new buildings that contained separated or mixed uses by which the presence of a fire condition would not be immediately identified shall have fire alarm systems
- (c) All existing buildings that contain separated or mixed uses and undergo a change of use for any one part of the building shall install a fire alarm system throughout the building. For these installations an extended amount of time shall be agreed upon and documented between the owner or owner representative and the LFD.
- (d) For the purpose of fire alarm installations, the presence of fire rated construction within the total footprint of a building shall not be considered as multiple-separate buildings within one structure.
- (e) The AHJ reserves the right to require fire alarm systems in any structure that he/she deems a hazard or threat to the life and/or safety of its occupants.

(9) Maintenance.

(a) The owner or occupant of a building or structure containing any fire alarm system shall maintain that system in an operative condition at all times which includes periods where the building may not be occupied. The Fire Prevention Bureau or Fire Marshal shall be notified by the owner or contractor when the system will be placed out of service for testing or maintenance for greater than 4 hours in any one day. All deficiencies that render the system in conditions not acceptable by the Lisbon Fire Department shall be immediately corrected. All fire alarms shall be tested to meet the requirement of NFPA 72 by person(s) deemed qualified by the AHJ.

(b) Should any deficiencies be noted during the course of the testing, inspection or maintenance of a fire alarm system, a copy of the testers report shall be sent to the Lisbon Fire Prevention Bureau for review within 30 days of the test. Should the listed deficiencies be corrected within the 30-day window, only the compliance paperwork need be submitted.

### **34.22 GENERAL FIRE PREVENTION AND LIFE SAFETY PROVISIONS**

(1) Fire-rated and Fire-resistive construction:

- (a) All fire walls, resistive construction and partition walls shall be labeled in a durable manner with the hourly rating of the assembly. This label may be above a drop ceiling if the label occurs no more than every 15 feet along the duration of the rated assembly.
- (b) All penetrations and damage to rated assemblies shall be properly sealed with listed products that provide the same or greater level of protection as the assembly.
- (c.) All other assemblies shall be draft stopped to prevent rapid spread of smoke, flame and other products of combustion throughout the building.

(2) Light weight construction:

- (a) All occurrences of light-weight construction shall be protected by no less than a 1 hour fire resistive assembly. Where light-weight construction is used as a horizontal assembly between occupied levels, the hourly rating shall be no less than 90 min.
  - (i) Exception: Where the building is fully sprinkled the assembly rating may be reduced to 1 hour.

(3) All Type I hood installations shall be compliant with NFPA 96 and this Ordinance.

- (a) The installation of a type I hood in any new or existing building must provide notification of for the purposes of occupant evacuation throughout the building in compliance with 34.20(D) and NFPA 72.
  - (i) Existing type I hoods shall be exempt from this condition unless they are not in compliance with UL300 standards. In cases of compliance upgrades the rules of 34.20.(E)(3) shall apply.
- (b) All suppression activations and full alarm conditions shall initiate HVAC shutdown and the shunting of gas and electric from under the hood while sustaining the ventilation fan for the removal of smoke and gases from the building.

(4) The use of all places of assembly and theaters:

- (a) All new places of assembly and theaters shall be required to strictly adhere to the installation of class-A finishes throughout and comply with NFPA 1, 101 and 701. When existing occupancies make any interior alterations to finishes they must be brought into compliance throughout the use area.
- (b) Theater props and scenery shall meet the class A requirements throughout the stage and must be inspected and approved by the AHJ prior to the commencement of any production.
  - (i) Some minimal props and decorations may be exempt from the Class A requirements if they

meet the AHJ's interpretation of incidental, but these exemptions must be specifically requested in writing and be approved in writing by the AHJ.

(c) The use of open flame, pyrotechnics, and any other lighting, effects or wiring methods that may serve as an ignition source are hereby prohibited.

(i) Exception: the use of candles for the purposes of religious practices shall be allowed as long as they are properly enclosed within a sturdy non-combustible container that is secured. Note: the use of flameless candles as an alternative is highly recommended.

(d) In all new and existing Assembly occupancies the installation of emergency exit and egress lighting shall be in compliance with current standards at all times.

(e) A-2 uses shall be in compliance with the State Smoking Legislation and necessary modifications to the building or structure to gain compliance with these rules shall serve as a trigger for compliance with current life safety requirements throughout the building.

### **34.23 FLAMMABLE OR COMBUSTIBLE LIQUIDS**

#### **Application.**

The provisions of this division shall apply to all persons, firms, corporations, co-partnerships and governmental agencies, except federal, storing, handling or using flammable or combustible liquids, and to the owner or lessee of any building, premises or equipment in or on which flammable or combustible liquids are stored, handled or used.

(1) All storage, transfer, and use of flammable and combustible liquids shall be in compliance with the State Statutes and adopted standards in this ordinance.

(2) The Fire Prevention Bureau shall be made aware of all new installations by way of permit application, plan review and field acceptance.

(3) All installations must be in compliance with Town zoning ordinances and are subject to the costs for supportive and protective infrastructure.

(4) All combustible and flammable liquids storage tanks are subject to Local and State inspections and records of these inspections shall be kept on site and must be made available to AHJ upon annual inspections of the building(s).

(5) Were required by adopted standards: all flammable liquids cabinets shall be properly bonded and vented with static mats placed in front. All installations shall be inspected and verified by the AHJ.

### **34.24 AMBULANCE CONVEYENCE FEES**

(a) A fee as determined from time to time by the Town board shall be charged for persons transported by the Town fire department ambulances.

(b) The Town clerk-treasurer is authorized to collect such fees based on information provided by the Town fire department.

### **34.25 BURNING PERMITS**

All burning is subject to the Wisconsin Department of Natural Resources rules and regulations.

(a) Burning of Certain Materials Prohibited.

It shall be unlawful for any person to burn in an outdoor residential incinerator or open burning any garbage, trash, rubber or rubber products, asphaltic type materials, building materials or any other such related materials which create, by such burning, a smoke or odor nuisance. Garbage, as the term is used herein, is defined as putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food. Trash, as used herein, is defined as human or animal excrement, animal remains or offal, petroleum products, vegetable products, mineral products and metal pressurized containers.

(b) Burning or the disposal of ash residue shall not be permitted on or within any improved street, drainage ditch, parkway, public place or right-of-way.

(c) No fire shall be conducted or permitted which results in smoke to be spread beyond the property lines that are offensive to neighboring property owners or to create a nuisance for others. If the smoke or heat created by such burning is an annoyance or causes discomfort to the neighborhood or traveling public it shall be ordered extinguished upon complaint.

(d) A Burning permit is required from the Town for all burning. No person shall set fire to any grass, leaves, field, brush, or similar combustible material except as otherwise provided herein, without first obtaining a permit from the Town Clerk. Such permit shall state the name and address of the person applying for the permit. The term of such a permit shall be for a period not to exceed one year. The permit shall be effective provided the permit holder complies with all of the requirements of the Fire Department with respect to the setting, control and extinguishment of the fire.

(e) Fires Other than campfires/bonfires/open field burning/large amounts of trees, stumps or clearing of land

A permit issued under subsection (d) shall authorize burning only during the hours from sunrise to sunset, subject to the following conditions:

(1) The size of the pile of materials to be burned shall not exceed four feet, by four feet, by three feet high, unless a larger size is authorized by the Fire Chief.

(2) The pile of materials being burned shall be at least fifty feet from any structure, wood or lumber pile, wooden fence, trees or bushes, and provisions shall be made to prevent the fire from spreading to within fifty feet of such items.

(3) Fuel for open burning shall consist of dry materials only and shall not be ignited with flammable or combustible liquids.

(4) Materials for open burning may not include rubbish, garbage, trash, construction material, any material made of, or coated with, rubber, plastic, leather or petroleum based materials and may not contain any flammable or combustible liquids.

(5) The burning of materials pursuant to a permit issued under the terms of subsection (d) shall constantly be attended and supervised by a competent person at least sixteen years of age until such fire is extinguished. This person shall have readily accessible a garden hose, having the capability to disburse water as set forth in subsection (i) 2.

(6) Notwithstanding the issuance of a permit, no burning shall be permitted when the wind velocity exceeds nine miles per hour or local circumstances make the fires potentially hazardous. Local circumstances including, but are not limited to, thermal inversions, ozone alerts and very dry conditions.

(f) Campfires

A permit issued pursuant to subsection (d) shall authorize campfires, subject to conditions of subsection (e) and also the following conditions:

(1) The property owner on whose property the campfire is located has consented to the activity.

(2) The base of the fire must contain stones, block, brick, a steel ring, or similar fire retardant materials and composition.

(3) The size of the fire cannot exceed two feet, by two feet, by two feet.

(4) The fire is not allowed to burn between the hours of 12:00 am (midnight) and continuing through sunrise the following morning.

(g) Residential Incinerators.

(1) Outside burning shall be permitted using an incinerator which shall be metal container or masonry product built or fabricated so as to be completely enclosed, except having a top opening for loading, and a lower opening for draft control. Such openings shall be covered with a metal screen of mesh, opening not greater than one-half inch. Such residential incinerator shall be located at a distance of at least twenty five feet from any structure, and shall have all grass and other flammable material cleared away from its base for a distance of three feet from all exterior surfaces of the incinerator.

(2) No burning in a residential incinerator shall be permitted between the hours beginning after sunset, and continuing through sunrise of the following morning.

(h) Large bonfires/ Open Field Burning/ Large Amounts of Trees, Stumps and Clearing of Lands/Structures

No structures are allowed to be burned regardless of whether it is a standing structure or demolished. All other fires in this category shall be subject to a one time permit issued by the Town Clerk and approved by the Fire Department. Conditions of burning will be addressed per each request. This permit will be subject to a fee set by the Town Board and identified on the Lisbon Fire Department Permit Application Form. The person(s) conducting these burning activities are additionally subject to the costs necessary to reimburse the LFD/ Town of Lisbon, for any stand-by personnel deemed prudent by the Fire Chief, and for the costs for any accidental fires or property loss associated with these burns getting out of the control of those conducting the burning activities as further explained below.

(i) Additional Conditions and Qualifications.

Fires and/or burning is permitted in subsection (e),(f) and (g) shall be subject to the following conditions and qualifications:

(1) Emergency Regulations.

Whenever, because of extreme dryness or drought, the Town Board and/or Fire Chief shall deem it imprudent to set fires upon any land within the town, it shall by proclamation, declare an emergency and cause to be published in a newspaper of general circulation in the town a notice forbidding the setting of fires within the Town of Lisbon and after the publishing of such notice, no person shall set any fires until the expiration of such emergency.

(2) Service by Fire Department.

In the event that any fire which has been set, either under a permit issued or without a permit, requires service of the Town Fire Department to control the same, the person causing such fire to be set shall be liable to the town for all costs and expenses incurred in connection with the fire run by the town and shall pay the same upon written notice from the Town clerk as to the amount thereof. In the event such invoice is not paid within thirty days after notice from the Town Clerk the amount thereof shall be placed on the tax roll and assessed against the real estate upon which the fire was set and collected by the town at the next succeeding tax collection. The term "person" as used in this section shall include the owner and any person in possession of any real estate upon which a fire is set. In the event a permit has been issued, the term "person" shall mean the individual who has applied for the burning permit. Any person may appeal to the Town Board for a review of the amount of any invoice issued under the terms of this paragraph. Such appeal shall be in writing, and shall be filed with the Town Board within thirty days after the date of the invoice. An appeal so filed shall stay the enforcement of the invoice until after a hearing with respect to the amount of the invoice is conducted by the Town Board. In all events, the hearing shall be conducted within sixty days of the receipt of the appeal.

(3) Construction Materials

Burning of construction materials is strictly forbidden.

(4) The burning activity must be continuously supervised by an adult property owner or occupant of the property.

(5) An operable garden hose must be present at the site which will provide a flow rate of five gallons per minute and a nozzle capable of spraying ten feet, within a radius of seventy-five feet around the fire or burning activity; provided, however, that this provision shall not apply if the fire or burning of materials is more than 200 feet from any structure.

(6) Burning shall be permitted only when winds do not exceed nine miles per hour as reported by the National Weather Service during the entire period of burning.

(7) No asphalt shall be burned under any circumstances.

(8) No gasoline, fuel oil, solvents, or other accelerants shall be used for ignition or at any time during the burning process.

(9) Open burning or burning of materials in containers shall cease immediately upon order of any law enforcement official of the Town of Lisbon, or order of the Chief of the Lisbon Fire Department, or designated representative.

(j) The following are exempt from the provisions of this section:

(1) Grills and outdoor fireplaces for food preparation

(2) Fires set for training or instruction of firefighters or testing fire equipment

(k) Any person who shall violate any provisions of this section or any regulation made hereunder shall be issued a citation with the forfeitures set by the Town Board

### **34.26 FIRE PROTECTION WATER TANK REQUIREMENTS (Residential Subdivisions)**

(a) The Developer/Subdivider shall provide emergency water reservoirs for fire protection or, upon recommendation by the Fire Chief the Plan Commission determines the fire protection needs of the subdivision can be met by use of a tender vehicle, the Developer/Subdivider has the option to pay a fee equivalent to the cost of an installed on-site water storage tank(s), per schedule below, to the Town in-lieu-of providing on-site water storage. If the Plan Commission's action is contrary to the Fire Chief's recommendation, the issue shall be forwarded to the Town Board for action. Any funds received by the Town under the provision of this section shall be used exclusively for the purchase and maintenance of fire engine or water tender vehicles.

Subdivisions from:

Five to thirty-nine lots	1 - 10,000 gallon reservoir
Forty to seventy-nine lots	2 - 10,000 gallon reservoirs
Eighty to one hundred twenty lots	3 - 10,000 gallon reservoirs
One additional tank for each additional forty lots	

(b) The location of the tanks shall be specified by the Chief of the Fire Department.

(c) Specifications for the tank and installation shall be as shown on attached exhibit A, and as follows:

(1) Sand bedding will be used for the base and backfilling around the tank.

(2) Any steel tank will be tested per UL-58 standard for tank construction using a 5 to 7 psi pressure test for at least 1 hour. The outside of the tank shall be coated to prohibit corrosion. A 2-part coal extended polyurethane coating, 10 to 15 mil thick, or optional 60 mil fiberglass reinforced polyester laminate coating, or equivalent coating pre-approved by the fire department are required.

(3) The drafting/suction pipe height above the finished road surface shall be twenty-four inches to the centerline of the elbow fitting of the six inch pipe. The six inch elbow will have an adaptor from six inch pipe thread to 6 inch male NST (fire thread). Supplied on the six inch male NST thread will be a six inch by six inch double female swivel adapter with rocker lugs. A rocker lug plug (male thread cap) with chain will be supplied on the end.

(4) The drafting pipe shall extend to within twelve inches of the bottom of the tank. The length of the draft pipe shall be kept to a minimum after meeting the requirements of section (c) above. The drafting pipe shall be six inches in diameter and shall terminate with an elbow to accept the six inch adaptor, hydrant fitting, cap, and chain.

(5) A screened five or four inch vent pipe with the opening facing downward shall be included in all

tanks. This shall extend a minimum of twenty-four inches above the final roadway surface.

- (6) A four inch fill pipe with elbow shall be included on each tank. This shall extend a minimum of twenty-four inches above the final roadway, as measured at the pipe and include a two-point-five inch Siamese "Y" with caps and chains.
- (7) The maximum distance from the road edge to the drafting pipe shall not exceed nine feet, to enable a fire engine, positioned on the finished road surface, to easily reach the draft pipe with one section of the standard hard suction hose.
- (8) All above ground piping shall be primed and painted red for suction, white for vent, and yellow for fill before the tank is approved for service and filled.
- (9) A "No Parking" sign shall be installed at the location specified by the Fire Department. The sign and installation shall be at the expense of the developer.
- (11) Installation shall be made with consideration of the winter temperatures. Steps shall be taken to ensure the piping and water in the tank will not freeze during extended periods of below freezing temperatures.
- (12) Ballast shall be installed with all tanks.

(d)Administrative Procedures

- (1) The developer/subdivider or installer of the tank shall notify the Fire Department of completion of the installation for purpose of inspection. Forty-eight hour notification shall be provided and an inspection fee of \$150.00 shall be submitted to the Fire Department to cover the costs of the inspection. All new or upgraded installations shall require inspection. Once approved, tanks shall be filled by the Fire Department. Water tank inspection forms must be obtained from the Town Clerk or the Fire Department.
- (2) The developer/subdivider or contractor installing the tank shall post with the Town a letter of credit in the amount of \$10,000 or \$1.00 per gallon of tank size to be held by the Town until the tank has received final Fire Department approval.
- (3) Any Fire Department may utilize the water tank for fire protection purposes. All tanks shall be refilled by the department making use of the water. Refilling shall be accomplished as soon as possible.
- (4) The Fire Department shall inspect the fire tanks in the spring and fall of each year.

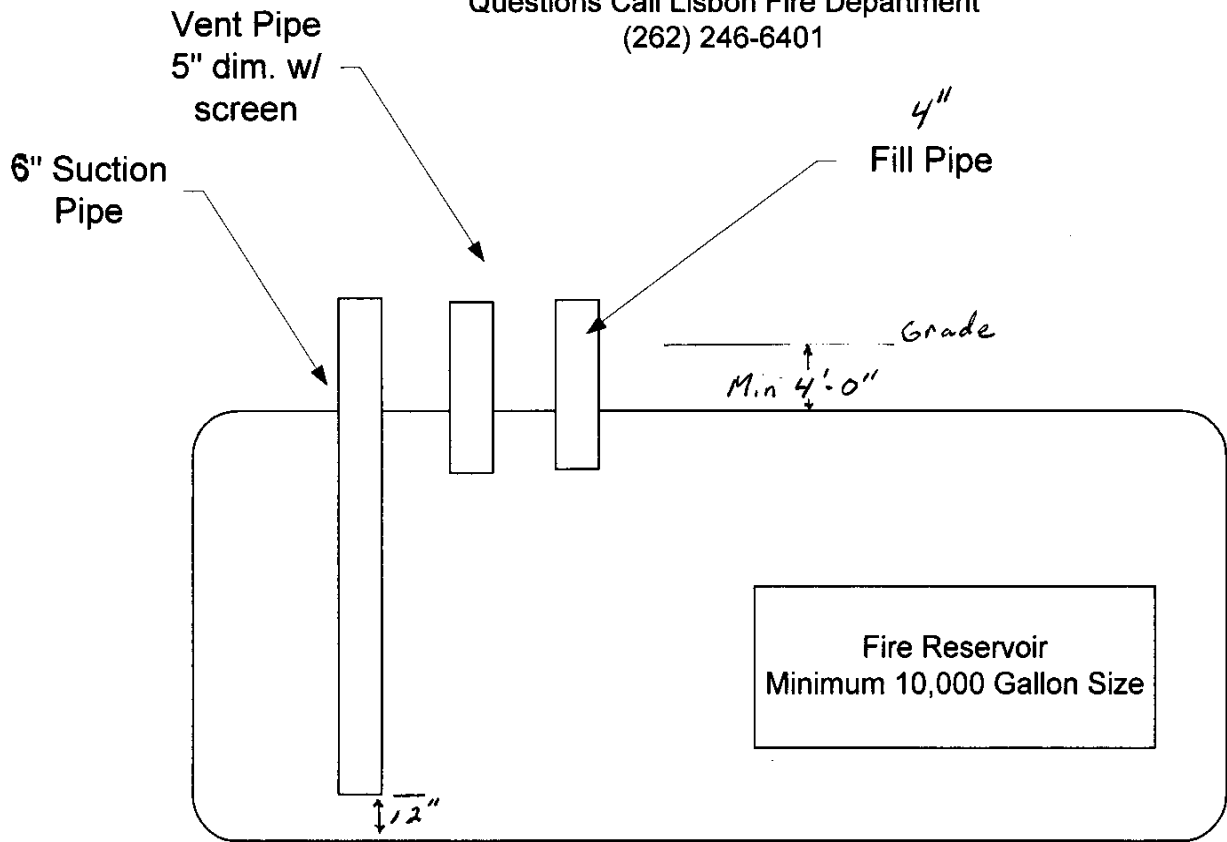
(e) Exception

- (1) Subdivisions that through covenant or zoning are required to provide NFPA 13D compliant residential sprinkler systems in all dwellings and occupied structures within the subdivision will not be required to comply with this section.

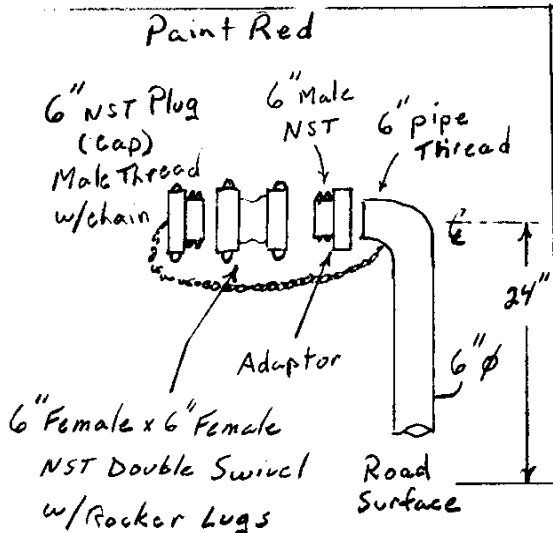
Exhibit A

# Fire Storage Tank

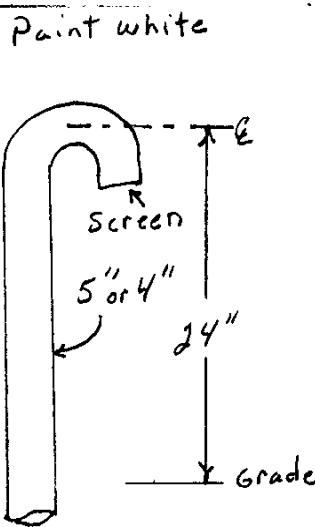
Questions Call Lisbon Fire Department  
(262) 246-6401



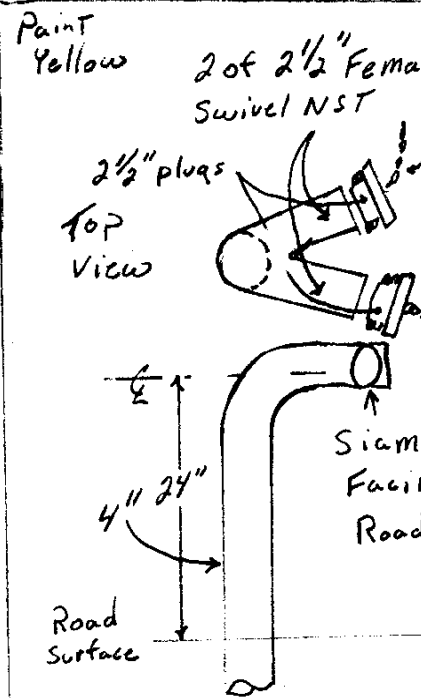
Sand Bedding & Bacfil



Suction Pipe Detail



Vent pipe Detail



Fill pipe Detail

**34.25 SEVERABILITY**

If any section of this ordinance shall be declared by decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other provisions of this ordinance.

SECTION 2: All ordinances or parts of ordinances conflicting with or contravening the provisions of this ordinance are hereby repealed.

SECTION 3: This ordinance shall take effect upon passage and posting as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of Lisbon, Waukesha County, Wisconsin this 28th day of February, 2011.

TOWN BOARD, TOWN OF LISBON,  
WAUKESHA COUNTY, WISCONSIN

BY: \_\_\_\_\_  
Matthew Gehrke, Chairman

BY: \_\_\_\_\_  
Ryan Lippert, Supervisor

BY: \_\_\_\_\_  
Daniel Heier, Supervisor

BY: \_\_\_\_\_  
Daniel Fischer Supervisor

BY: \_\_\_\_\_  
Joe Osterman, Supervisor

ATTEST:

\_\_\_\_\_  
JEFFREY MUSCHE, Town Clerk