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### **TOWN OF MENASHA MUNICIPAL CODE**

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**CHAPTER 5**

**FIRE DEPARTMENT**

**SUBCHAPTER I – FIRE DEPARTMENT**

**OPERATIONS** *[Adopted 7/24/1995]*

*[Amended/Effective 7/1/02]*

*[Amended 12/19/05, Effective 1/1/06]*

**5.01 AUTHORITY TO PROVIDE FIRE PROTECTION.** *[Adopted/Effective 07/01/02]*

Pursuant to state statute 60.55(1)(a)1, the Town of Menasha has established a Town Fire Department to provide fire prevention and protection services for the Town of Menasha residents, visitors and investors.

- (1) **Fire Department Mission:** It is the mission of the Town of Menasha Fire Department to provide the highest level of Emergency Prevention and Preparedness Services through effective code compliance, educational programs and community service to all who live, work, visit or invest in our community.
- (2) **Services Provided:** The following services are provided to the community:
  - (a) Local and state fire and life safety code fire prevention visits
  - (b) Flammable and combustible liquid storage fire prevention visits
  - (c) Fire investigations
  - (d) Public safety education
  - (e) Fire suppression services
  - (f) Environmental response and protection
  - (g) Hazardous materials response as first responders ONLY
  - (h) Limited emergency rescue
  - (i) Limited recreational water assistance
  - (j) Emergency Medical Services – First Responder level

**5.02 COMPOSITION OF THE FIRE DEPARTMENT** *[Adopted 7/24/95]*  
*[Amended 7/1/02][Revised 12/19/05, Eff. 1/1/06]*  
*[Amended 3/8/10]*

(1) **Organizational Structure**

The Town Fire Department shall be made up of a combination of full-time and paid-on-call staff. The ratio of full-time staff to paid-on-call staff shall be reviewed at appropriate intervals as requested by the Town of Menasha Board of Supervisors. The Fire Chief of the Fire Department shall make recommendations for appropriate staffing levels to maintain the Fire Department Mission.

(2) **Fire Chief** *[Revised 12/19/05]*

(a) **Appointment.** The Police and Fire Commission (in accordance with s. 60.57 and 62.13) shall appoint the Chief of the Fire Department. Following the appointment he or she shall hold their office during good behavior, subject to suspension or removal by the Police and Fire Commission for cause.

(b) **Powers and Duties.** The Fire Chief shall enforce the Wisconsin Statutes, the Wisconsin Administrative Code and this Code in matters relating to fire prevention, code enforcement, public education and fire suppression within the Town. It shall be the duty of the Fire Chief to direct the operation of the Fire Department. The Fire Chief shall report quarterly to the Town Board of Supervisors, all fires occurring in the Town, together with the amounts and value of the property destroyed.

(c) **Department Standard Operating Guidelines.** The Fire Chief shall develop and maintain Fire Department Standard Operating Guidelines regarding the operation of the Department which shall be reviewed by the Town Administrator. All members of the Department shall be furnished a copy of the Standard Operating Guidelines.

(3) **Legislative Intent** *[Added 12/19/05]*

The provisions of this ordinance, as far as practicable, shall be construed in conjunction with and in furtherance of the provisions of Section 62.13 and Chapter 589 of the laws of 1921 and Chapter 423 of the laws of 1923, and Chapter 586 of the laws of 1911, and shall be construed as an enactment for the purpose of providing a uniform regulation of the Fire Department in the Town of Menasha, consistent with the state-wide enactment regulating cities and villages.

**5.03 AUTHORITY AT EMERGENCY INCIDENTS** *[Revised 12/19/05, Eff. 1/1/06]*

Scope: The provisions of this section set forth the authority of the Fire Department and its officers and staff and sets forth limitations to the public for interacting with the department.

(1) **Limited Access and Removal of Property.** The Fire Chief or designated officer may prescribe certain limits in the vicinity of any emergency incident within which no persons, excepting firefighters and police officers and those admitted by order of any officer of the department, shall be permitted to be present. The Fire Chief shall have the power to 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 adjoining property, and during the progress of any fire he/she

shall have the power to order the removal or destruction of any property necessary to prevent the further spread of fire and the authority to preserve evidence of suspected arson. He/she shall also have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work of the department during the progress of a fire or other hazardous situation.

- (2) **Resistance to Operations.** It shall be lawful for any firefighter while acting under the direction of the Fire Chief or any other officer in command to enter upon the premises adjacent to or in the vicinity of any building or other property then on fire or in a hazardous environment for the purpose of extinguishing such fire or mitigating such hazards. In case 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 firefighters in the discharge of their duty.
- (3) **Damage to Fire Department Property.** No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the Town of Menasha, and no vehicle shall be driven over any unprotected hose of a Fire Department when laid down on any street, private driveway or any other place, to be used at any fire or alarm of fire, without the consent of the Fire Department officials in command of the emergency.

**5.04 INVESTIGATIONS**

*[Amended/Eff. 7/1/02][Revised 12/19/05, Eff. 1/1/06]*

Scope: The provisions of this section set forth the requirements of the Fire Department to investigate fires within its jurisdiction.

The Bureau of Fire Prevention shall investigate the cause, origin, and circumstances of every fire occurring in the Town of Menasha by which property has been destroyed or damaged and, so far as possible, shall determine whether the fire is the result of deliberate intent, carelessness or design. Such investigations shall begin immediately upon occurrence of such a fire. The Deputy Fire Chief/Fire Marshal shall take charge immediately of the physical evidence, shall further cooperate with local, county, state or federal authorities in the collection of evidence and in the prosecution of the case. Every fire shall be reported in writing to the Bureau of Fire Prevention within five (5) days after the occurrence of the same by the Fire Department Officer in command of the fire. Such report shall be such a form as shall be prescribed by the Deputy Fire Chief/Fire Marshal of the Town of Menasha Fire Department, and shall contain a statement of all facts relating to the cause, origin, and circumstances of such fire, the extent of the damage thereof, and the insurance upon such property, and such other information as may be required, including the injury, death, or rescue of persons.

- (1) Outside investigation agencies requesting copies of Town of Menasha Fire Department Fire Investigations' reports shall be assessed fees in accordance with Town of Menasha Municipal Code, Appendix B Fee Schedule, reference this code section. *[Amended 11/28/05]*

**5.05 FIRE LIMITS** *[Revised 12/19/05, Eff. 1/1/06]*

Scope: The provisions of this section set forth the jurisdictional limits of providing service for the Town of Menasha Fire Department.

The fire limits of the Town shall be set forth by the Town Board of Supervisors.

**5.06 HAZARDOUS MATERIALS RESPONSE**

*[Revised 12/19/05, Eff. 1/1/06]*

Scope: The provisions of this section set forth the responsibilities of the Fire Department as it relates to its response to hazardous materials incidents and the public's responsibility to preventing such an incident.

- (1) **Prohibited Discharges.** No person, firm or corporation shall discharge or cause to be discharged, leaked, leached, or spilled upon any public or private street, alley, public or private property, or unto the ground, surface waters, subsurface waters, or aquifers, or within the Town, except those areas specifically licensed for waste disposal or landfill activities and to receive such materials, any explosive, flammable or combustible solid liquid or gas, any radioactive material at or above Nuclear Regulatory Restriction levels, etiologic agents, or any solid, liquid or gas creating a hazard, potential hazard, or public nuisance or any solid, liquid or gas having a deleterious effect on the environment.
- (2) **Containment, Cleanup and Restoration.** Any person, firm, or corporation in violation of the above section shall, upon direction of any Fire Department Officer, begin or shall contract to have the substance immediately contained, cleaned and removed to an approved depository the offending material(s) and restore the site to its original condition, with the offending person, firm or corporation being responsible for all expenses incurred. Should any person, firm, or corporation fail to engage the necessary personnel and equipment to comply or to complete the requirements of this section, the Office of the Emergency Government Coordinator may order the required actions to be taken by public or private sources, and allow the recovery of any and all costs incurred by the Town of Menasha as action imposed by (3).

- (3) **Emergency Services Response.** Includes, but is not limited to: Fire Service, Emergency Medical Services, Law Enforcement. A person, firm, or corporation who possesses or controls a hazardous substance which is discharged or who causes the discharge of a hazardous substance shall be responsible for the reimbursement to the responding agencies for the actual and necessary expenses incurred in carrying out their duties under this ordinance. Actual and necessary equipment may include, but not be limited to: replacement of equipment damaged by the hazardous material, cleaning, decontamination and maintenance of the equipment specific to the incident, costs incurred in the procurement and use of specialized equipment specific to the incident, specific laboratory expenses incurred in the recognition and identification of hazardous substances in the evaluation of response, decontamination, clean up and medical surveillance, and incurred costs in future medical surveillance of response personnel as required by the responding agency's medical advisor.
- (4) **Site Access.** Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to Fire Department officers and staff, and to the Town of Menasha Police Department personnel for the purpose of evaluating the threat to the public and monitoring containment, cleanup, and restoration activities.
- (5) **Public Protection.** Should any prohibited discharge occur which threatens the life, safety or health of the public at, near or around the site of a prohibited discharge, and that the situation is so critical that immediate steps must be taken to protect life and limb, the Fire Chief, Fire Officers or the senior police official on the scene of the emergency may order an evacuation of the area or take appropriate steps for a period of time until the Town of Menasha Board of Supervisors can take appropriate action.
- (6) **Enforcement.** The Fire Chief, Deputy Fire Chief/Fire Marshal, as well as the Town of Menasha Police officers, shall have the authority to issue citations or complaints under this Chapter.
- (7) **Civil Liability.** Any person, firm, or corporation in violation of this Section Shall be liable to the Town of Menasha for any expenses incurred by the Town or loss or damage sustained by the Town by reason of such violations.
- (8) **Release/Spill Fees.** See Town of Menasha Fire Prevention Ordinance Section 5.23.
- (9) **Penalties.** See Town of Menasha Fire Prevention Ordinance Section 5.22.

**5.07 RELATIONSHIP TO COMMUNITY DEVELOPMENT DEPARTMENT AND BUILDING DEPARTMENT** *[Revised 12/19/05, Eff. 1/1/06]*

Scope: The provisions set forth in this section identify the relationship the Fire Department will have with the Department of Community Development as it pertains to the preplanning for public safety and the departments' ability to provide service to all residents and businesses within its jurisdiction.

The Town of Menasha Fire Department will work cooperatively with the Community Development Department by:

- (1) **Participating in the site plan review process.** As new projects are proposed for development in the Town of Menasha, the Fire Department will have the opportunity to comment in writing on the ability of the Fire Department to provide emergency services and make recommendations for site plan amendments.
- (2) The Fire Department shall participate with the Building Inspector in a plan review process to ensure that local code provisions regarding building construction and fire safety are addressed. Plans shall be reviewed by the Fire Chief or his/her designee and conditionally approved.
- (3) The Fire Department shall participate with the Building Inspector on inspections of special and fire protection systems installed in all new and existing construction for code compliance.
- (4) No person shall occupy or change the occupancy of a building or structure covered under the Wisconsin Enrolled Building Code used by or for public assembly, entertainment, worship, industrial, multi-family (public spaces), office or mercantile purposes until such building or structure has been inspected and approved by the Fire Department. The Fire Department shall sign off on the Certificate of Occupancy issued by the Building Department.

**SUBCHAPTER II – FIRE PREVENTION**

*[Adopted 7/25/95]*

**5.08 FIRE PREVENTION CODE**

*[Amended/Effective 7/1/02][Revised 8/11/03]*

*[Revised 12/19/05, Eff. 1/1/06]*

*[Amended 11/5/07, 7/12/10]*

Scope: The provisions of this section address the purpose, adoption and responsibilities of the Town of Menasha Fire Prevention Code.

- (1) **Purpose.** An ordinance to provide the Town of Menasha with the rules and regulations consistent with nationally recognized good practices to improve public safety by promoting the control of fire hazards; regulating the installation, use and maintenance of equipment; regulating the use of structures, premises, and open areas; providing the abatement of fire hazards; establishing the responsibilities and procedures for code enforcement; and setting forth the standards for compliance and achievement of these objectives.
- (2) **Primary Code Adoption.** This Code shall be known as the Town of Menasha Fire Prevention Code. This Code adopts, but is not limited to the State of Wisconsin, Division of Safety and Buildings Administrative Codes (Commerce), the Wisconsin Enrolled Building Code, the National Fire Protection Association (NFPA) incorporated standards and codes as published in the National Fire Codes (NFC), and the International Fire Code®-2009 (IFC) shall be adopted in place of Commerce Chapter 14, Subchapter I section 14.001(2)(a) save and except those portions such as are hereinafter deleted, modified, or amended by any Section of this ordinance. The same, including any future modifications or amendments, are hereby adopted and incorporated as fully as if set out at length herein. Not less than two (2) copies of the adopted issue of the International Fire Code and the adopted standards and codes of the National Fire Codes shall be filed in the office of the Fire Department and the provisions thereof shall be controlling within the limits of the Town of Menasha.

Any facility whose design and construction occurred before the effective date of this code is governed by the codes in effect at the time of design and/or construction. The provisions in Commerce Chapter 14 and the International Fire Code will apply to the use and operation of all public buildings and places of employment that exist on or after the effective date of this ordinance.

- (3) It shall be unlawful for any person to violate this ordinance, to permit or maintain such a violation, to refuse to obey any provision thereof, or to fail or refuse to comply with any such provision or regulation except as variation may be allowed by the action of the Fire Chief or Deputy Fire Chief/Fire Marshal in writing. Proof of such unlawful act or failure shall be

deemed prima facie evidence that such act is that of the owner or other person in control of the premises. Prosecution or lack thereof, of either the owner, occupant, or the person in charge shall not be deemed to relieve any of the others.

- (4) The Fire Chief of the Town of Menasha shall be responsible for the enforcement of the Town of Menasha Fire Prevention Code. The Fire Chief of the Town of Menasha Fire Department may detail such members of the Fire Department as inspectors as shall from time to time be necessary. To assist in the performance of the responsibilities and duties placed upon the Fire Chief of the Town of Menasha Fire Department, a Bureau of Fire Prevention in the Fire Department of the Town of Menasha is hereby created.
  - (a) This Bureau shall operate under the supervision of the Fire Chief of the Town of Menasha Fire Department. The Fire Chief of the Fire Department shall designate a fire official of the Town of Menasha Fire Department as Deputy Fire Chief/Fire Marshal. The Deputy Fire Chief/Fire Marshal shall be the administrator of the Bureau of Fire Prevention.
  - (b) The Deputy Fire Chief/Fire Marshal shall be responsible for the direct administration and enforcement of the Town of Menasha Fire Prevention Code as may be set forth by the Fire Chief of the Town of Menasha Fire Department. The Deputy Fire Chief/Fire Marshal shall be appointed on the basis of examination or other method for determining his/her qualifications. The Fire Chief of the Town of Menasha Fire Department may also designate such number of Technical Inspectors as shall from time to time be authorized by the Town of Menasha Board.
- (5) It shall be the duty of the officers of the Bureau of Fire Prevention to enforce all laws and ordinances of the Town of Menasha, covering the following:
  - (a) The prevention of fires.
  - (b) The storage and use of explosives and flammables.
  - (c) The installation and maintenance of automatic and other fire alarm systems, and fire extinguishing equipment.
  - (d) The maintenance and regulation of fire escapes.
  - (e) The means and adequacy of exit in case of fire, from factories, schools, hotels, lodging houses, hospitals, churches, halls, theaters, amphitheaters, and all other places in which numbers of persons work, live, or congregate, from time to time, for any purpose.
  - (f) The maintenance of fire cause and loss records.

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- (6) The Officers of the Bureau of Fire Prevention shall have such other powers and perform such other duties as are set forth in other Sections of this ordinance, and as may be conferred and imposed from time to time by law. The Fire Chief of the Town of Menasha Fire Department may delegate any of his powers or duties under this ordinance to the Deputy Fire Chief/Fire Marshal.
- (7) The Fire Chief, Deputy Fire Chief/Fire Marshal, any Fire Department Officer, as well as the Town of Menasha Police Officers, shall have the authority to issue citations or complaints under the provisions of the Town of Menasha Fire Prevention Code.
- (8) It shall be the duty of the Fire Chief and/or Deputy Fire Chief/Fire Marshal of the Town of Menasha Fire Department to investigate and to recommend to the Town of Menasha Board of Supervisors such additional ordinances, or amendments to existing ordinances, as he/she may deem necessary for safeguarding life and property against fire.
- (9) The Fire Chief of the Town of Menasha Fire Department shall prepare instructions for the Deputy Fire Chief/Fire Marshal and his/her assistants, and forms for their use in the reports required by this ordinance.
- (10) Before permits may be issued as required by this Code, the Deputy Fire Chief/Fire Marshal or his/her assistants shall inspect and approve the receptacles, process, vehicles, buildings, or storage places to be used for any such purposes.
- (11) The Deputy Fire Chief/Fire Marshal shall inspect or cause to be inspected all premises on a periodic basis, and shall make such orders as may be necessary for the enforcement of the laws and ordinances governing the same and for safeguarding of life and property from fire.
  - (a) Effective January 1, 2009, periodic basis shall mean all occupancies in the jurisdiction shall be inspected on an annual basis or more frequently as needed as determined by the Deputy Fire Chief/Fire Marshal as provided for in the Department of Commerce Chapter 14.01(11)6. *[Amended 11/24/08]*
- (12) Whenever any inspector, as defined above, during the course of any routine or special fire prevention visit finds any violations of any enforceable codes, he/she shall order the same to be remedied in an approved manner, and such order to comply shall be served upon the owner or occupant of such premises or buildings. Any owner or occupant failing to comply with such order within 30 days after the service of the said order shall be liable to penalties as hereinafter provided.
  - (a) The service of any such order may be made upon the occupant of the premises to whom it is directed, either by delivering a copy of same to such occupant personally or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing copy thereof in a conspicuous place on the door to the entrance of said premises. Whenever it may be necessary to serve such an order upon the owner of the premises, such an order may be served either by delivering to and leaving with the said person a copy of the said order, or, if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy by certified mail to the owner's last known post office address.
- (13) The Deputy Fire Chief/Fire Marshal shall compile and keep a record of all fires, and all the facts concerning the same, including injuries, deaths, rescue of persons and statistics as to the extent of such fires and the damage caused thereby. Such record shall be made daily from the reports made by the technical Inspectors under the provisions of this ordinance. All such records shall be made public, upon request in accordance with municipal and state policy. *[Amended 11/24/08]*
- (14) The Deputy Fire Chief/Fire Marshal shall make an annual report of the activities of the Bureau of Fire Prevention and shall transmit this report to the Town Administrator of the Town of Menasha through the Fire Chief of the Town of Menasha Fire Department. The report shall contain all proceedings under the Town of Menasha Fire Prevention Code with such statistics as the Fire Chief may wish to include therein.
- (15) The Fire Chief or Deputy Fire Chief/Fire Marshal of the Town of Menasha shall also recommend any amendments to the Town of Menasha Fire Prevention Code or Ordinance, which in his/her judgment shall be desirable.
- (16) The provisions of the Town of Menasha Fire Prevention Code shall apply equally to both public and private property, and it shall apply to all structures and their occupancies, except as otherwise specified.
- (17) This act shall be deemed in exercise of the police powers of the Town of Menasha for the preservation and protection of the public health, peace, safety, and welfare, and all the provisions of the Town of Menasha Fire Prevention Code shall be liberally construed for that purpose.

**5.09 LOCAL AMENDMENTS TO THE INTERNATIONAL FIRE CODE**

*[Adopted/Effective 7/1/02] [Revised 7/28/03]  
[Revised 12/19/05, Eff. 1/1/06]  
[Amended 11/05/07]*

Scope: The provisions of this section address specific amendments to the International Fire Code for use as the Town of Menasha’s Fire Prevention Code.

The following amendments to the International Fire Code (IFC) are hereby adopted as part of the Town of Menasha Fire Prevention Ordinance.

(1) **Chapter 1, Administration.** This chapter applies to all public buildings and places of employment.

- (a) This chapter does not apply to buildings or situations listed under the exclusions in ss 101.01(11) and (12), Stats., or under the exemptions in s. 101.05, Stats.
- (b) Section 105, Permits – shall have the meaning of Town of Menasha Fire Prevention Code Section 5.10.
- (c) This chapter does not apply to the types of buildings, structures or situations identified in Commerce Chapter 14.01(c)(1)-(7).
- (d) Section 108, Board of Appeals – is not adopted as part of this ordinance. Appeals to any safety order written as condition of this ordinance may be done in writing to the Fire Chief within fifteen (15) days of receipt of same.

(2) **Chapter 2, Definitions, Section 202**

- (a) **ADD:** “Department” means the Department of Commerce.
- (b) **ADD:** “Code Official” means the Fire Chief or his designee.
- (c) **ADD:** “Family” means 2 or more individuals who are related to each other by blood, marriage, adoption or legal guardianship. For purposes of this code, a group of not more than 4 persons not necessarily related by blood or marriage, living together in a single living unit will be considered equivalent to a single family.
- (d) **ADD:** “Multi-family Dwelling” has the meaning defined in s. 101.971(2), Stats.
- (e) **ADD:** “Municipality” means a city, village or town.
- (f) **ADD:** “One-and 2-family dwelling” has the meaning as defined for dwelling in s. 101.61(1), Stats.

- (g) **SUBSTITUTE:** “False Alarm” is defined as any activation of an alarm system because of human, mechanical, lack of maintenance, negligent or electrical error.
- (h) **ADD:** “Place of Employment” has the meaning as defined in s. 101.01(11), Stats.
- (i) **ADD:** “Public Building” has the meaning as defined in s. 101.01(12), Stats.
- (j) **ADD:** “User” is defined as the owner and/or occupants of any building
- (k) **SUBSTITUTE:** Automatic sprinkler system or automatic fire sprinkler system has the meaning given in Town of Menasha Ordinance Section 5.11.

(3) **Chapter 3, General Precautions Against Fire**

- (a) Section 301.1 General, Scope:
  - 1. **ADD:** Cleanliness. Every public building and place of employment, including connecting yards, courts, passages, areas or alleys, shall be kept clean and orderly, and shall be kept free from any accumulation of dirt, filth, rubbish, garbage or other matter.
  - 2. **ADD:** Matches. The manufacture, storage and distribution of matches shall comply with s.167.07, Stats.
  - 3. **SUBSTITUTE:** Section 301.2 Permits. Permits shall be required as set forth in Section 5.10 of the Town of Menasha Municipal Ordinance.
- (b) Section 307, Open Burning and Recreational Fires:
 

Is rescinded as part of the Town of Menasha Fire Prevention Code. Section 5.16 of this code is the prevailing requirement for open burning in the Town of Menasha.
- (c) Section 308 Open Flames: *[Added 12/19/05]*
  - (1) Section 308.2 Where prohibited. **SUBSTITUTE IN ITS ENTIRETY:** A person shall not take or utilize or allow to be utilized any open flame in any Groups E, F, H, I, M, R3 & R4 or S occupancy. Open flames shall not be used in Group B occupancies where highly flammable or combustible materials are present. Open flames used for lighting must be well secured in a glass globe and wire mesh cage or similar approved device. Open flame decorative devices must adhere to the provisions in Section 308.3.2

Exception: Open flame in Group E occupancy does not include a legitimate laboratory setting that is under the supervision of an instructor from the institution for the purpose of student education.

(2) Section 308.3.1 Open-flame cooking devices. **DELETE ENTIRE SECTION.** See Fire Prevention Code Section 5.16 for cooking devices.

(3) Section 308.3 **SUBSTITUTE** "obtaining a permit in accordance with Section 105.6" **WITH** getting written permission from the fire department 7 days in advance of the event.

(4) **Chapter 5, Fire Service Features, Section 503.1 Fire Apparatus Access Roads:**

(a) **ADD:** The specific requirements for Fire Apparatus Access Roads identified in Appendix D of the International Fire Code are hereby adopted as part of this code section.

(b) **ADD:** Where required. Unobstructed approved fire lanes that are accessible from a public road shall be provided for every facility, building or portion of a building in accordance with this code.

(c) **ADD:** When required. Required fire lanes shall be provided prior to the placement of combustible materials at the building site, or the construction of any portion of a building or facility above the footing and foundation.

(d) Section 503.1.1 Buildings and Facilities:

1. **ADD:** Where any part of the building or facility is more than 30 feet above the lowest level of fire apparatus access, the fire lane shall also be parallel to one entire side of the building or facility with the near edge of the fire lane within 30 feet of the building or facility on that parallel side.

(e) Section 503.2.1 Dimensions:

1. **ADD:** Buildings or facilities with any part more than 30 feet above the lowest level of fire apparatus access shall be provided with a fire lane capable of accommodating aerial fire apparatus. Overhead power utility lines may not be located across or within a fire lane for aerial fire apparatus.

2. **ADD:** Except as provided in pars. (c) and (d) below, a fire lane shall have a minimum unobstructed width of 20 feet.

3. **ADD:** Where a fire hydrant is provided to supply fire apparatus on the fire lane, the minimum unobstructed width shall be 27 feet for a minimum distance of 20 feet on each side of the fire hydrant.

4. **ADD:** Where any part of the building or facility is more than 30 feet above the lowest level of fire apparatus access, the minimum unobstructed width of the fire lane parallel to one side of the building or facility as required under sub. (2), shall be 27 feet.

5. Section 503.2.4 Turning Radius

a. **ADD:** The inside turning radius of a fire lane shall be 28-feet or as determined by the fire chief.

6. Section 503.4 Obstructions of fire apparatus access roads:

a. **SUBSTITUTE IN ITS ENTIRETY:** Fire lanes may not be obstructed in any manner including the parking of vehicles or the accumulation of snow. The minimum required clearances shall be maintained at all times.

(5) **Chapter 5, Premise Identification**

(a) **ADD:** Section 505.3 Address Coordination. The Fire Department shall, as part of the project review process with the Community Development Department, have a sign-off responsibility for approving all street names and address number assignments prior to distribution.

(b) **ADD:** Section 505.3.1 Street Names. Due to the unified county emergency communications operation, street names shall be reviewed with the Emergency Communications Center before confirmation of any street name assignment. This will be accomplished through coordination of the Fire Department.

(6) **Chapter 5, Fire Protection Water Supplies**

- (a) ***SUBSTITUTE IN ITS ENTIRETY:*** Section 508.3.1 Fire-Flow. The provisions outlined in Appendix B, Section B105 and Table B105.1 of the International Fire Code are hereby adopted as part of this code section.
- (b) ***ADD:*** Section 508.5.1.1 Fire Hydrant Location and Distribution. The provisions outlined in Appendix C, Sections C103, C104, C105, and Table C105.1 of the International Fire Code is hereby adopted as part of this code section.
- (c) ***ADD:*** Section 508.5.1.2 Fire Hydrant Location and Fire Department Connections. Buildings conforming to the provisions of Section 903 shall have a fire hydrant located within 150-feet of the approved location for the Fire Department connection.
- (d) ***ADD:*** Section 508.5.7 Fire Hydrant Color Coding. All fire hydrants in the Town of Menasha shall conform to the following color coding.
  - 1. Hydrants supplied by the municipal water system will have the barrels of the fire hydrant painted yellow.
    - a. Hydrants with a tested gallons per minute (GPM) of 500 or less shall have the hose caps painted red.
    - b. Hydrants with a tested GPM of 501 – 1000 shall have the hose caps painted orange.
    - c. Hydrants with a tested GPM of 1001 – 1500 shall have the hose caps painted green.
    - d. Hydrants with a tested GPM of 1500+ shall have the hose caps painted blue.
  - 2. Private fire hydrants shall have the hydrant barrel painted red and the hose caps painted the corresponding GPM rated capacity.
  - 3. Private fire hydrants that are supplied by a fire protection system fire pump shall have the barrel and hose caps painted blue.
  - 4. Exact paint brand and color name and number shall be coordinated through the Fire Department and water utility.

(7) **Chapter 7, Fire-Resistance-Rated Construction, Section 703.1 Maintenance:**

- (a) ***ADD:*** At least every four years, all fire dampers, smoke dampers and ceiling dampers and components shall be operated to ensure they remain in working condition as designed and installed.

(8) **Chapter 9, Fire Protection Systems**

- (a) ***SUBSTITUTE IN ITS ENTIRETY:*** Section 901.3 with: Permits shall be required as set forth in Section 5.10 of the Town of Menasha Municipal Ordinance.
- (b) ***ADD:*** Section 901.6 Inspection, testing and maintenance:
  - 1. Inspection, testing and maintenance of automatic fire sprinkler systems. At least once each year, the inspection, testing and maintenance activities for automatic fire sprinkler systems specified in NFPA 25, shall be conducted by a person having the applicable credential as specified in Commerce Chapter 5.
  - 2. Inspection, testing and maintenance of cross connection control devices. All cross connection control device installed in water-based fire protection systems shall be inspected, tested and maintained in accordance with this chapter and Commerce Chapter 82.
- (c) ***SUBSTITUTE IN ITS ENTIRETY:*** Section 907.2.9 with: The building is 3 or more stories in height or which contains 8 or more bedrooms.
- (d) ***ADD:*** Section 907.20.2 Testing. Exception (1) Multi-family dwellings with automatic fire alarms systems shall have the alarm system tested at least once a month, and a record of the tests shall be kept on site at a location accessible to the inspection authority. (2) Devices ...
- (e) ***ADD:*** Fire Alarm and Detection Systems, General:
  - 1. No person shall sell, use or install a fire alarm system without obtaining the proper installation permit as required in Town of Menasha Municipal Ordinance 5.10
  - 2. No person, firm or corporation shall use or cause to be used any telephone or electronic device or attachment that automatically selects a public primary telephone trunk line of the Police Department, Fire Department or any other department of the Town of Menasha, and then reproduces any pre-recorded message to report any burglary or other emergency.
  - 3. No alarm system designed to transmit emergency messages directly to Winnebago County 911 Communications Center shall be tested or demonstrated without first notifying the Winnebago County 911 communications center.

(9) **Chapter 22, Service Stations and Repair Garages.** Where differences occur between the requirements of this chapter and Commerce Chapter 10, the requirements of Commerce Chapter 10 shall govern.

(10) **Chapter 23, High-Piled Combustible Storage, Section 2301.3.14, Construction documents:**

(a) ***SUBSTITUTE IN ITS ENTIRETY:*** Additional information regarding required design features, commodities, storage arrangement and fire protection features within the high-piled storage areas shall be provided at the time of permit application.

(11) **Chapter 33, Explosives and Fireworks:** Portions regarding the possession, manufacture, storage, sale, handling and use of fires ***IS NOT ADOPTED*** as part of this code. Town of Menasha Municipal Code 5.18 rules issues of fireworks.

(12) **International Fire Code Section Chapter 45:**

(a) ***ADD:*** NFPA 90A is hereby incorporated by reference into this code.

**5.10 INSTALLATION PERMITS**

*[Adopted/Effective 7/1/02] [Revised 7/28/03]  
[Revised 12/19/05, Eff. 1/1/06]*

Scope: The provisions of this section specifically identify those fire protection/detection systems and associated systems that the Fire Department requires a review of plans for installation.

(1) The following plan review and installation permits shall be required in the Town of Menasha jurisdiction:

(a) **Automatic fire-extinguishing systems.** A permit is required for review, installation of or modification to an automatic fire-extinguishing system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

(b) **Fire alarm and detection system and related equipment.** A permit is required for review, installation of or modification to fire alarm and detection systems and related equipment. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

(c) **Fire pumps and related equipment.** A permit is required for review, installation of or modification to fire pumps and related fuel tanks, jockey pumps, controllers, and generators. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

(d) **Private fire hydrants.** A permit is required for the review, installation or modification of private fire hydrants.

(e) **Spraying or dipping.** A permit is required for the review, installation or modification of a spray room, dip tank or booth.

(f) **Standpipe systems.** A permit is required for the review, installation, modification, or removal from service of a standpipe system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

(2) All permits shall be issued by the Fire Department after an application is completed and returned with three (3) sets of plans for each type of system. After review, the Fire Department will stamp all plans conditionally approved and return two (2) sets of plans with the permit to the project proponent. One set of stamped plans should be present on the project site throughout the installation process.

(3) All permitted installation projects are subject to inspection by the Town of Menasha Fire Department before and at the time of final inspection for issuance of the Certificate of Occupancy. Conditions of issuing Certificate of Occupancy are compliance with all applicable codes and provisions of the permit including certification documentation and inspections.

(4) **Penalties.** All fire protection/detection systems and associated systems are subject to review by the Fire Prevention Bureau. Initiating or completing installation of said system without review and approval by the Fire Prevention Bureau is subject to penalties set forth in Appendix C Fines and Penalties, reference this code section. See Town of Menasha Fire Prevention Ordinance Section 5.22. *[Amended 12/19/05]*

(5) **Fees.** All fire protection/detection systems and associated systems subject to review by the Fire Prevention Bureau must submit a fee for plan review in the amount outlined in the Town of Menasha Fire Prevention Ordinance Section 5.23.

**5.11 NEW BUILDINGS - FIRE DETECTION AND SUPPRESSION** *[Amended/Effective 7/01/02] [Revised 07/28/0] [Revised 12/19/05, Eff. 1/1/06] [Amended 11/05/07]*

Scope: The provisions of this section shall apply to all new buildings' fire detection and suppression systems installed as of the Amended/Effective date of this code section.

- (1) **System Control Location.** All Fire Detection and Suppression controls shall be located in an accessible location for the Fire Department.
  - (a) Residential Application. Residential detection and suppression systems controls must be located in an area accessible to the Fire Department. No residential fire detection systems may have the controls located in a private living space or attached garage of any unit. Residential facilities without a common area must have the controls located in a room accessible from the exterior.
- (2) **Smoke Detectors** *[Amended/Effective 07/01/02]*  
Refer to the State of Wisconsin, Division of Safety and Buildings Administrative Codes, the Wisconsin Enrolled Building Code, and codes in effect at the time of construction for installation and the International Fire Code for maintenance.
- (3) **Automatic Sprinkler Systems** *[Amended/Effective 07/01/02]*
  - (a) **Intent of Section.** The intent of this section is to provide a means for the automatic extinguishment of fires in buildings or parts of buildings, which because of their size, construction or occupancy or lack of suitable protection equipment, constitutes a special fire hazard to life or property and an excessive burden upon fire extinguishing facilities of the Fire Department. State of Wisconsin codes that address automatic sprinkler systems will apply, if more restrictive.
  - (b) **Exemptions.** This subchapter does not apply to the following:
    - 1. One and two-family dwellings (Wisconsin Enrolled Building Code applies).
    - 2. Multi-family dwellings (Wisconsin Enrolled Building Code applies).
    - 3. Community-based Residential Facilities with 8 occupants or less (Wisconsin Enrolled Building Code applies).
    - 4. Specialty Occupancies (Wisconsin Enrolled Building Code applies)

(c) **Definitions.** For the purpose of this section, the following definitions shall be applicable:

**Approved** shall mean that the material, workmanship and installation of the sprinkler system complies with the regulations as set down in Standard 13 of the National Fire Protection Association in effect at the date of the installation and approved by the Fire Chief.

**Area** shall mean the gross ground floor area of a building or when a building is divided by approved firewalls, each section so divided shall be considered an area.

**Authority having jurisdiction** shall be the Fire Chief or whomever the Chief designates to enforce this chapter, the laws of the state pertaining to prevention of fires and public safety, and approving equipment, installation, or procedures as outlined in the National Fire Protection Association Codes and Standards.

**Automatic sprinkler system**, or "Automatic fire sprinkler systems" has the meaning given in s. 145.01(2), Stats.

**Firewall** shall mean a minimum of a two-hour rated vertical fire separation. The firewall shall extend from the foundation to the underside of the roof deck. Structural framing members may continue through or over the wall provided the framing and supporting elements are of non-combustible or one-hour fire resistive combustible construction. All openings in the firewall shall be protected by fire-resistive door assemblies (minimum 2-hour rated).

**Fire-resistive construction** shall mean a building is of fire-resistive construction if all the walls, partitions, piers, columns, floors, ceilings, roof and stairs are built of noncombustible materials as specified in the Wisconsin Enrolled Building Code definitions and standards.

**Housing for the elderly** shall mean a residential occupancy building where the occupancy is limited to primarily elderly people meeting specific age criteria as specified by the financing or owning agency.

**Institutional buildings** shall have the meaning Institutional Group I occupancies from the Wisconsin Enrolled Building Code.

**Public assembly** shall have the meaning of Assembly Group A occupancies from the Wisconsin Enrolled Building Code.

- (d) **Buildings and areas where required.** Every building constructed or structurally altered shall have an approved automatic sprinkler system installed and maintained when occupied in whole or part for the following purposes.

IFC Chapter 9, Section 903, Automatic Sprinkler Systems:

- a. **ADD:** IFC Section 903.2: Basements in excess of one thousand five hundred (1,500) square feet in buildings other than residential facilities. Alternative to the above may be:
- 1) Basement area is compartmentalized with two-hour rated walls so that the basement areas are less than one thousand five hundred (1,500) and a one-hour rated, floor-ceiling assembly.
    - a) Fire Department access openings are provided so that:
      - 1- No part of the basement is further than seventy-five (75) feet from an opening.
      - 2- The basement shall be provided with openings of at least twenty (20) square feet in each fifty (50) lineal feet of exterior wall of the basement, on at least one (1) side of the building.
    - b) Dimension openings shall be a minimum of thirty (30) inches and the bottom of the opening shall not be more than forty-eight (48) inches above the floor.
    - c) The openings shall be accessible to the Fire Department from the exterior and shall be unobstructed to allow fire fighting and rescue operations.
- b. **ADD:** IFC Sections 903.2.3
- 1) Over one (1) story in height and exceeding nine thousand (9,000) square feet per floor.
  - 2) Over three (3) stories
  - 3) In all High Hazard Buildings [as defined in the Wisconsin Enrolled Building Code] that exceed 3,000 sq. ft. in floor area.
- c. **DELETE:** which generate finely divided combustible waste or which use finely divided combustible materials.
- d. **ADD:** IFC Sections 903.2.6, Group M
- 1) Over one (1) story in height and exceeding nine thousand (9,000) square feet per floor.
  - 2) Over three (3) stories
  - 3) In all High Hazard Buildings [as defined in the Wisconsin Enrolled Building Code] that exceed 3,000 sq. ft. in floor area.
- e. **ADD:** IFC Section 903 2.8.1 Repair garages. Garages (storage or repair), throughout garages if over twelve thousand (12,000) square feet in area.
- (e) **Residential (Group R1):**
1. **ADD:** IFC Section 903.2.7: In buildings of one (1) story in height, sprinklers are to be installed to meet requirements of Standard 13 of the National Fire Protection Association appendix in cellars, store rooms, work shops, hallways, and stairways. Sprinklers installed in corridors shall be spaced up to a maximum of fifteen (15) feet along the corridor, with one (1) sprinkler opposite the center of any door or pair of adjacent doors opening into the corridor, and with an additional sprinkler spaced inside each adjacent room above the door opening. When the sprinkler in the adjacent room provides full protection for that space, an additional sprinkler is not required in the corridor adjacent to the door.
  2. Sprinklers are to be installed throughout all hotels and motels of two (2) stories or more in height.
- (f) **Assembly (Group A):**
1. **ADD:** IFC Section 903.2.1: Automatic sprinklers are to be installed throughout all such buildings of non-fire resistive construction if such place of assembly is located above the first floor, whether or not there is a stage.
  2. **ADD:** IFC Section 903.2.1: Automatic sprinklers are to be installed throughout all basement areas used for assembly and exiting stairways from such assembly area.
  3. **SUBSTITUTE IN ITS ENTIRETY:** IFC Section 903.2.1.3.1: In Group A-3 dance halls when the fire area exceeds five-thousand (5,000) sq. feet.
  4. **ADD:** IFC Section 903.2.1. In every Group A where a proscenium curtain is required, automatic sprinklers shall be provided under the stage, under the stage roof, and in the

dressing rooms but not in the automatic smoke outlet.

(g) **Educational (Group E):** facilities used as schools, day care centers serving nine (9) or more children, and adult day care centers: **SUBSTITUTE:** IFC Section 903.2.2:

1. In all areas that exceed twelve thousand (12,000) sq. feet.
2. Two (2) stories and up exceeding six thousand (6,000) sq. feet in area per floor.
3. Three (3) stories and up in height.

(h) **Storage (Group S -2):** **ADD:** IFC Section 903.2.9

1. Throughout all closed parking ramps or structures which are used for public parking of passenger vehicles.
2. Facilities for repairing or fueling vehicles within the structure are prohibited.

(i) **Application to existing buildings.** Where the Fire Chief finds that by reason of a change in use, construction addition or renovation an existing building constitutes a severe fire hazard to its occupants or to adjoining property, the provisions of this section shall apply.

(j) **Type systems and approval of plans.** Approved automatic sprinkler equipment shall be designed and installed, in accordance with the provisions in Standard 13, of the National Fire Protection Association. No automatic sprinkler equipment shall be installed or altered in a building until plans have been submitted to the Fire Department and reviewed. Three (3) copies of plans shall be submitted and approved plans stamped "Conditionally Approved" and two (2) copies shall be returned to the owner and the other kept on file at the Fire Department.

(k) **Alternative materials and methods.**

1. The Fire Chief may modify any provisions of this section upon application in writing by the owner or lessee or his duly authorized representative where there are practical difficulties in the way of carrying out the strict letter of this section, provided that the spirit of this section shall be complied with public safety secured and substantial justice done. The particulars of such modification shall be granted or allowed and the decision of the Fire Chief shall be entered upon the records of the department and a signed copy shall be furnished to the applicant.

2. The Fire Chief on notice to the Community Development Department may approve any alternate material or method, provided that the proposed design, use or operation satisfactorily complies with the intent of this code and that the material, method of work performance or operation is, for the purpose intended at least equivalent of that prescribed in this section in quality, strength, effectiveness, fire resistance, durability and safety, provided, however, that any approval under the authority herein contained shall be subject to the approval of the building official whenever the alternate material or method involves matters regulated by the state building code.

3. The Fire Chief may require tests as proof of compliance with the intent of this section, such tests to be made by an approved agency at the expense of the person requesting approval of the alternate material or method of construction.

4. If technical expertise is unavailable within the department because of new technology, process, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to the inspection of the department, the Fire Chief may require the owner or the person in possession or control of the building or premises to provide without charge to the department, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory, or fire-safety organization, acceptable to the Fire Chief and the owner and shall analyze the fire safety properties of design, operation or use of the building or premises and the facilities and appurtenances situated thereon, and prescribe the necessary recommended changes.

(l) **Maintenance**

1. All sprinkler systems, fire hydrants systems, standpipe systems, fire alarm systems, portable fire extinguishers, smoke and heat ventilators, smoke-removal systems and other fire protection or extinguishing systems or appliances shall be maintained in an operative condition at all times and shall be replaced or repaired where defective. Fire-protection or extinguishing systems coverage, spacing and specification shall be maintained in accordance with recognized standards at all times. Such systems shall be extended, altered, or augmented as necessary to maintain and continue protection whenever any building so equipped is altered, remodeled, added to, or changes occupancy hazard. All additions,

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repairs, alterations and servicing shall be in accordance with recognized standards, and copies of such work sent to the Fire Department.

2. The owner or occupant of a building containing the required automatic sprinkler system shall maintain the system in an operative condition at all times. The occupant of the building shall notify the Fire Department prior to interrupting this system for any reason or at the time it is withdrawn or its service interrupted or curtailed. Testing and maintenance shall be performed according to current National Fire Protection Standards. Copies of all test results shall be furnished to the Fire Department.
3. Where an automatic sprinkler system is required the sprinkler contractor shall submit hydraulic calculations which include any and all water supply test results conducted as part of the assessment for the project. Tests over two (2) years old will not be accepted unless approved by the Fire Chief after taking into consideration growth, size and changes in the general area. The sprinkler contractor will take all readings with the Director of Utilities' approval and assistance in hydrant use. The location of all Fire Department hose connections shall be within one hundred fifty (150) feet of an acceptable fire hydrant or approved by the Fire Department.

(m) **System Tampering** - Unless authorized under the maintenance provisions set forth in this ordinance, no person shall tamper with, alter or cause to be falsely activated any automatic sprinkler system, fire alarm, smoke/heat detection system, fire extinguisher or any other fire protection system.

(4) **Standpipes** [Amended/Effective 07/01/02] [Revised 7/28/03]

- (a) **SUBSTITUTE:** IFC Section 905.3. **Required Installations:** Fire Department standpipes of the type described in, the Wisconsin Enrolled Building Code or International Fire Code shall be installed in all buildings which exceed fifty (50) feet in height and in all buildings three (3) stories or more in height.
- (b) **Installation standard.** International Fire Code Section 905.2 shall apply.
- (c) **ADD:** IFC Section 905.3 No Fire Department standpipe shall be installed or altered in any building until plans have been submitted to and approved by Town of Menasha Utility District and the Town of Menasha Fire Department.

(d) **ADD:** IFC Section 905.3 Every Fire Department standpipe required by this ordinance shall be inspected by the Fire Department once every twelve (12) months for owner compliance of maintenance and testing.

**5.12 EXISTING BUILDINGS – FIRE DETECTION & SUPPRESSION**

*Amended/Effective 7/1/2002][Revised 12/19/05, Eff. 1/1/06]*

Scope: The provisions of this section apply to all buildings in existence prior to the amended/effective date of the code section. This section does not apply to those buildings whose modifications or change of use meets the provisions outlined in this section.

- (1) Except as hereinafter provided, automatic fire sprinklers, smoke detectors and standpipes need not be installed in buildings which existed or were under construction before this ordinance became effective unless such installation was required by a previous ordinance, administrative regulation or state statute.
- (2) Where a building is expanded or remodeled and the building as remodeled or expanded is of a size, a type, or a use, which, were the building then to be constructed, would be subject to the provisions of Sections 5.11, the following subsections shall apply:
  - (a) The entire building shall be made to conform to the requirements of sections 5.11 if more than 50% of the gross interior area of the building is remodeled or added to the building.
  - (b) Only the additional, expanded, or remodeled area shall be subject to the requirements of Sections 5.11 if 25% to 50% of the gross interior area of the building is remodeled or added to the building.
  - (c) The requirements of Sections 5.11 need not be satisfied if less than 25% of the gross interior area of the building is remodeled or added to the building.
  - (d) The requirements of Section 5.11 need not be satisfied if less than 25% of the gross interior area of the building is remodeled or added to the building unless such remodeling or expansion creates additional dwelling units.
  - (e) In determining the foregoing percentages successive additions, expansions, or remodeling, if made within a period of two (2) years shall be considered aggregated and treated as a single expansion or addition.
- (3) Regardless of any percentage set forth in Section 5.12 (2) if the additional, expanded, or remodeled area is of a size, is of a type, or is for a use which is subject to the provisions of Section 5.11, the additional, expanded, or remodeled area must conform to the requirements of such Sections.
- (4) Regardless of any percentage set forth in Section 5.12 (2) where any dwelling is remodeled or expanded and the quotient obtained by dividing the total cost of the expansion, addition, or the remodeling by the total

number of dwelling units in the building equals or exceeds \$1,000.00, the entire building shall be made to conform to the requirements of Section 5.11.

- (5) At the time any public residential building, multiple family dwelling, single family residence, duplex or any other residential property, located in the Town of Menasha is sold, transferred, or conveyed, the building shall be made to conform to the related requirements of Section 5.11 described hereinabove.
- (6) Where at the time of its construction a building or any part thereof is excepted from the requirements of Section 5.11 by reason of its proposed or intended use and subsequent to construction the use of such a building or part thereof is changed in such way that the reason for the exception no longer exists, the entire building or area as the case may be, shall be made to conform with the requirements of the Wisconsin Enrolled Building Code
- (7) If the use of an existing building or structure is changed and the requirements for the new use are more stringent than those for the previous use, the building or structure shall be made to comply with the requirements for the new use as provided by this ordinance.

**5.13 LOCK BOXES** *[Amended/Effective 7/1/02] [Revised 07/28/03][Revised 12/19/05, Eff.1/1/06]*

Scope: The provision of this section addresses the requirements for lock boxes in new and existing buildings.

IFC Chapter 5, Section 506, Key Boxes ***SUBSTITUTE***: The Fire Chief shall have the authority to require a key box to be installed in an accessible location where access to or within a structure or area is difficult because of security or where immediate access is necessary for life saving or fire fighting purposes. The key box shall be a type approved by the Fire Chief and shall contain keys necessary to gain access as required by the Fire Chief. The operator of the premises shall immediately notify the Fire Department and provide the new key(s), any time a lock is changed or re-keyed and a key(s) to that lock is contained in the key box.

- (1) As of the effective date of this ordinance, all new multi-family dwellings will be required to have a lock box, approved by the jurisdiction, installed before issuing a Certificate of Occupancy.
- (2) As of the effective date of this ordinance, all existing multi-family dwellings will have a period of 90-days to install lock boxes approved by the jurisdiction.
- (3) As of the effective date of this ordinance, all new commercial or industrial structures will be required to have a lock box, approved by the jurisdiction, installed before issuing a Certificate of Occupancy.

- (4) As of the effective date of this ordinance all existing commercial or industrial structures that do not have 24-hour staffing will have 90-days to install lock boxes approved by the jurisdiction.

**5.14 FIRE LANES** [Amended/Effective 07/01/02] [Revised 07/28/03] [Revised 12/19/05, Eff.1/1/06]

Scope: The provisions of this section identify those requirements for fire lanes in the Town of Menasha.

IFC Section 503 is adopted with amendments found in Town of Menasha Ordinance Section 5.09.

**5.15 ACCESS IN CONSTRUCTION AREAS** [Amended/Effective 07/01/02] [Revised 7/28/03] [Revised 12/19/05, Eff.1/1/06]

Scope: The provisions of this section identify those requirements for Fire Department access in areas under construction.

IFC Chapter 14 Fire Safety During Construction and Demolition, Section 1411, Means of Egress:

- (1) **SUBSTITUTE:** During the course of construction, any major alteration, or demolition of any building:
  - (a) **Access for Equipment.** Access for use of heavy fire fighting equipment shall be provided to the immediate job site at the start of construction and maintained until all construction is completed.
  - (b) **Access to Fire Hydrants.** Free access from the street to fire hydrants, and to outside connections for standpipes, sprinklers, or other fire extinguishing equipment, whether permanent or temporary, shall be provided and maintained at all times. Protective pedestrian walkways shall not be so constructed as to impede ready access to hydrants. No material or construction shall be placed within ten (10) feet of such hydrants or connections, not between them and the centerline of the street.
  - (c) **Access to First Aid Fire Equipment.** During building operations, free access to permanent, temporary or portable first aid fire equipment shall be maintained at all times.
  - (d) **Stairways.** In all buildings over 50 feet in height, at least one stairway shall be provided in usable condition at all times. This stairway shall be extended upward as each floor is installed in new construction.
  - (e) **Fire Department Access to Premises.** Arrangements shall be made so that the Fire

Department will have immediate access to the premises when called.

**5.16 BURNING** [Amended/Effective 7/1/02] [Revised 07/28/03][Revised12/19/05, Eff.1/1/06][Amended 8/13/07]

Scope: The provisions of this section shall cover all fires that result in products of combustion being released into the atmosphere regardless of whether they pass through a stack or chimney from an enclosed chamber. Burning is classified as a cooking, recreational or maintenance fire. Burning as part of an industrial operation regulated by other agencies is not included as part of this section.

- (1) **General.** A person shall not kindle or maintain or authorize to be kindled or maintained any burning unless conducted and approved in accordance with this section. Fireplaces, woodstoves or similar wood burning device/appliance within a structure is exempt from the provisions of this chapter unless the emission from these devices creates a public nuisance.
- (2) **Definitions:** The following definitions shall apply to this section:

**Accelerant.** A flammable or combustible liquid that will increase the rate of burning of a material. **NOTE:** Under no circumstances may any flammable or combustible liquid be used to start or promote any non-cooking fire to burn.

**Attendance.** All fires shall be constantly attended until the fire is *completely* extinguished.

**Approved Container.** An approve container shall be:

1. Self Manufactured - A container made from non combustible materials that have all openings on the sides and top covered with wire screening, the wire of which shall not be smaller than #8 wire or the meshes of which shall not be more than one inch across.
2. Commercially Manufactured – A container made by a professional manufacturer that is made from non combustible materials such as steel, iron, copper or ceramic. The burn bowl of the device may not be any larger than 36-inches in diameter and may or may not contain a protective wire mesh cover.

**Bonfire.** A bonfire is an outdoor fire utilized for ceremonial purposes.

**Chamber.** For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide

combustion air and permit the escape of exhaust gases are open. Outside chambers that are designed and constructed solely for the purpose of supplemental structure heat are regulated under other Town Codes.

**Chamber Fire.** The burning of materials wherein products of combustion are emitted into the ambient air after passing through a stack or chimney from an enclosed chamber.

**Clearance.** For the purpose of this code section, clearance shall mean the distance from the edge of the fire area or outside perimeter of the approved container including a vertical overhead clearance to open sky. *[Added 8/13/07]*

**Combustibles.** For the purpose of this code section, combustibles shall mean any material that is capable of igniting and burning. Combustible materials shall include but not be limited to structures, landscaping, trees, some fluids, etc. *[Added 8/13/07]*

**Cooking Fire.** A fire for the purpose of cooking food either in a manufactured device such as a grill or in a fire pit.

**Fuel.** Fuel for any fires identified under this code section shall only consist of dry natural wood materials, charcoal, LP or natural gas. Materials for fires shall NOT include rubbish, garbage, trash, grass, any material made of or coated with rubber, plastic, leather, paint or petroleum based materials and shall not contain any flammable or combustible liquids. *[Amended 11/24/08]*

**Extinguishing Ability.** A minimum of one portable fire extinguisher complying with IFC Section 906 with a minimum 4-A rating or other approved onsite fire-extinguishing equipment, such as shovel, dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

**Leaves.** For the purpose of this code, the burning of leaves shall be conducted in accordance with the provisions in §(3) below. *[Amended 8/13/07]*

**Maintenance Fires.** A fire that is conducted as a means of disposing of excess vegetation from agricultural or nursery property, site preparation, spring/fall yard cleanup or cleanup after a natural disaster. Maintenance fires are allowed on residential and agricultural properties one acre or greater in size. Maintenance fires for industrial or commercial occupancy are not permitted. *[Amended 8/13/07, 11/24/08]*

**Open Fire.** The burning of materials wherein the products of combustion are emitted directly into the ambient air. Open fires do not include road flares, smudge pots and similar devices associated with safety or occupational uses typically considered open flames or recreational fires.

**Portable Cooking Device.** For the purposes of this section, a portable cooking device is described as any cooking device that may be carried or wheeled by a single person and that does not have a permanently affixed fuel source. *[Amended 8/13/07]*

**Prohibited Areas.** Any fire may not be maintained in any right-of-way, ditch or swale, roadway or along any shoreline. *[Added 8/13/07]*

**Recreational Fire/Barbecue Pit.** An outside fire used for the purpose of enjoyment by a family or organization.

**Responsible Person.** At least one responsible person of age 16 years or older must be in attendance of all fires.

(3) **Provisions for Burning** *[Section amended 8/13/07]*

(a) **Bonfires**

1. Bonfires may be larger than 3 feet in diameter and the fuel stacked higher than 2 feet tall with written permission of the Fire Chief.
2. Bonfires do not require any identifiable boundaries, except for large group activities it is expected that there will be an established area of safety.
3. Bonfires shall not be closer than 25 feet to a structure, combustible materials, or lot lines. Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition.
4. Bonfires may be conducted after dusk.
5. Bonfires may not be started with any type of accelerant.
6. There must be an ability to control or extinguish the bonfire at all times.
7. Bonfires must be completely extinguished at the end of the event.
8. A responsible person must be present during the construction and burning of a bonfire.
9. Bonfires may not be conducted in any prohibited areas.

(b) **Cooking Fires**

1. Cooking fires shall be in portable cooking devices, legitimate fire pits or commercially manufactured devices.
2. Cooking fires shall not be conducted within 15 feet of a structure, combustible materials or property lines. Conditions which could

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cause a fire to spread within 15 feet of a structure shall be eliminated prior to ignition. Portable cooking devices such as a grill are addressed under §5.16 (5) below.

3. Cooking fires may be conducted after dusk.
4. Cooking fires may not be started with any type of accelerant. However, cooking fires in approved containers using charcoal as fuel may be started with an approved charcoal lighter fluid.
5. There must be an ability to control or extinguish the cooking fire at all times.
6. Cooking fires must be completely extinguished at the end of the event.
7. A responsible person must be present when conducting a cooking fire.
8. Cooking fires may not be conducted in any prohibited areas

(c) **Recreational Fires**

1. Recreational fires shall not be larger than 3 feet in diameter and the fuel may not be stacked higher than 2 feet tall. The fire pit shall be a below ground pit with a minimum depth of 10 inches. The fire pit shall be surrounded on the outside, above ground, by a non-combustible material such as concrete block or rock.
2. Recreational fires including manufactured fire pits shall not be conducted within 15 feet of a structure, combustible materials, or property lines. Conditions which could cause a fire to spread within 15 feet of a structure shall be eliminated prior to ignition.
3. Recreational fires may be conducted after dusk.
4. Recreational fires may not be started with any type of accelerant.
5. There must be an ability to control or extinguish recreational fires at all times.
6. Recreational fires must be completely extinguished at the end of the event.
7. A responsible person must be present during the recreational fire.
8. Recreational fires may not be conducted in any prohibited areas.

(d) **Maintenance Fires**

1. Maintenance fires may be conducted on any property owners' site which is one acre or greater in area and they can meet all of the following provisions.
2. Maintenance fires may be larger than 3 feet in diameter and the fuel may be stacked higher than 2 feet tall with written permission of the Fire Chief.
3. The location of maintenance fires shall not be less than 30 feet from any structure, combustibles or property lines and provisions shall be made to prevent the fire from spreading to within 30 feet of any structure.
4. Maintenance fires are limited to one pile per parcel. A parcel is described as any contiguous property owned by a single individual.
5. Maintenance fires may not be conducted after dusk.
6. Maintenance fires may not be started with any type of accelerant.
7. There must be an ability to control or extinguish the maintenance fire at all times.
8. Maintenance fires must be completely extinguished before dusk.
9. A responsible person must be present during the maintenance fire.
10. Maintenance fires may not be conducted in any prohibited areas.

(e) **Burning of Leaves**

1. Burning of leaves may be conducted in an approved container.
2. The location of containers for leaf burning shall not be less than 15 feet from any structure, combustibles or property lines and provisions shall be made to prevent the fire from spreading to within 15 feet of any structure.
3. Containers for leaf burning are limited to one container per parcel. A parcel is described as any contiguous property owned by a single individual.
4. Leaf burning may not be conducted after dusk.

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5. Leaf burning may not be started with any type of accelerant.
  6. There must be an ability to control or extinguish a leaf fire at all times.
  7. Leaf burning must be completely extinguished before dusk.
  8. A responsible person must be present during the burning of leaves.
  9. Burning of leaves may not be conducted in any prohibited areas.

*Exception:* Homeowners whose parcel is one acre or greater in size may burn leaves under the provisions of a maintenance fire provided they can meet all the provisions of a maintenance fire.
- (4) **Safety Considerations:** The following shall be adhered to for burning:
- (a) **Atmospheric Conditions.** Fires will be limited to the following atmospheric conditions: No fire shall be started unless there are favorable conditions for burning with regard to wind direction and speed. No fire shall be started at a time when the wind speed exceeds 10mph, as measured at the Outagamie County Airport. Fires shall be prohibited when such atmospheric conditions exist that would cause the smoke from burning to stagnate such as an inversion or extremely high humidity.
  - (b) **Prohibited burning.** Burning that will be offensive or objectionable (creating a Public Nuisance as defined in Chapter 8 of the Town Ordinances) due to smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited. A fire department officer is authorized to order the extinguishment by either the party in control of the fire or the fire department when burning creates or adds to a hazardous or objectionable situation.
- (5) **Portable cooking devices.** Portable cooking devices, regardless of cooking fuel, shall not be operated or within 10 feet of combustible construction.
- Exceptions:
1. One- and two-family dwellings.
  2. Where buildings and decks are protected by an automatic sprinkler system.
- (a) **Prohibited locations.** Portable cooking devices are prohibited on the balcony of any multi-family residential dwelling.
- (6) **Exempt Fires.** The following described fires shall be exempt from the requirements described in this section.
- (a) Approved training for fire protection purposes. The Town of Menasha Fire Department shall be the authority to determine approval of all such fires.
- (7) **Emergency Powers of the Fire Chief.** When the Fire Chief determines there are environmental conditions likely to produce a serious threat of fire to life and property, it shall be the duty of the Fire Chief of the Fire Department to impose a burning ban and burning restrictions and require that no person may:
- (a) Set, build or maintain any fire, bonfire, recreational fire or fire/barbecue pit.
  - (b) Throw, discard or drop matches, ashes or other burning material while outdoors in the immediate vicinity of combustible natural vegetation.
  - (c) Light or use any fireworks, as defined per Wisconsin Statutes, or caps, toy snakes, sparklers, some bombs, or cylindrical or cone fountains that emit sparks and smoke except in displays or use as authorized by the fire Department where adequate fire prevention measures have been taken.
  - (d) Such a ban described above shall be lifted when the environmental conditions change so that serious threat is no longer present.
- (8) **Penalties.** See Town of Menasha Fire Prevention Ordinance Section 5.22.

**5.17 FLAMMABLE AND COMBUSTIBLE LIQUIDS STORAGE** *[Amended/Effective 7/1/02] [Revised 12/19/05, Eff. 1/1/06]*

Scope: The provisions of this section shall cover the storage of flammable and combustible liquids in the Town of Menasha and specifically identify the responsibilities as Local Program Operator for the Department of Wisconsin Tank Program.

- (1) **Authority.** The most current version of the International Fire Code is hereby adopted, incorporated herein at length by reference and made part of the Town of Menasha Fire Prevention Ordinance.

The Town of Menasha Fire Department shall as part of the authorized inspection authority related to storage tank inspections pursuant to the Professional Services Contract between the Department of Commerce and the Town of Menasha, adopt the Wisconsin Administrative Code, Chapter 10 as it specifically relates to the storage tank program only. A Winnebago County zoning permit must first be obtained by any parties installing any flammable and combustible liquid storage tanks in the Town of Menasha.

- (2) **Inspection Requirements - Scope of Service.** The Town of Menasha Fire Department as part of the Local Program Operator responsibilities shall perform the following inspection duties related to the storage of flammable and combustible liquids in the Town of Menasha:

- (a) Complete plan examinations for all tank installations of less than 5,000 gallons. Approve/disapprove plans which are submitted based upon criteria established in Commerce Chapter 10, or successor State law.
- (b) Recommend permit fees, for approval by the Town Board, for all work related to the installation and alterations of tanks less than 5,000 gallons and permit fees for all tank removals.
- (c) Perform installation inspections for tank systems reviewed at either the state or local level.
- (d) Authorize stop work orders when violations of Commerce Chapter 10 have occurred.
- (e) Perform the annual inspection of federally regulated tank systems for compliance with leak detection, operation and maintenance and the closure requirements established in Commerce Chapter 10.
- (f) Perform inspections at the closure of tank systems.

- (g) Perform any and all duties or authority as set forth in Commerce Chapter 10, the Town of Menasha Municipal Code, or the contractual inspection agreement with Commerce, as necessary and determined by the Town of Menasha Fire Department.

- (3) **Inspection Requirements Notice.** Notice inspection requirements shall be as follows:

- (a) The Town of Menasha Fire Department shall be notified ten (10) days in advance of any underground storage tank removal.
- (b) Twenty-four (24) hour minimum advance notice shall be required for any canceled installation, upgrade, or removal inspection appointment.

- (4) **Fees.** See Town of Menasha Fire Prevention Ordinance Section 5.23.

- (5) **Penalties.** See Town of Menasha Fire Prevention Ordinance Section 5.22.

**5.18 FIREWORKS** *[Revised 12/19/05, Eff. 1/1/06] [Amended 3/8/10]*

Scope: The provisions of this chapter shall specifically identify the storage, handling, sale, use and display of fireworks as defined in this section.

- (1) **General Requirements**

- (a) **Fireworks Not Allowed.**

The term "fireworks" shall mean and include any combustible or explosive composition, or any substance or combination of substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of unmanned balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, Day-Glo bombs, sparklers, or other fireworks of like construction and any bombs, sparklers, or other fireworks of like construction and any fireworks containing an explosive or flammable compound, or any tablets or other device containing any explosive substance.

- (b) **Propelling or Other Devices Permitted.**

The term "fireworks" shall not include model rockets and model rocket engines, designed, sold and used for the purpose of propelling recoverable acro models and shall not include toy pistols, toy canes, toy guns or other devices in which paper and/or plastic caps with the United States Department of Transportation regulations

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for packing and shipping of toy paper and/or plastic caps are used and toy paper and/or plastic caps manufactured as provided herein, neither shall it include gold star producing sparklers on wires which contain no magnesium, chlorate, or perchlorate, nor shall it include toy snakes which contain no mercury, the sale and use of which shall be permitted at all times.

Each package containing toy paper and/or plastic caps offered for retail sale shall be labeled to indicate the maximum explosive content per cap.

(c) **Professional Displays Allowed.**

Except as hereinafter provided, no person, firm, partnership, or corporation shall offer for sale, expose for sale, sell or retail, keep with the intent to sell at retail, or use or explode any fireworks, provided that the Town of Menasha Fire Department, Fire Prevention Bureau, may adopt reasonable rules and regulations for the granting of permits for supervised displays of fireworks by fair associations, amusement parks, and other organizations or groups of individuals.

Such permits may be granted upon application to said Fire Prevention Bureau and after approval of the Town of Menasha Police Department and the filing of a bond by the applicant as provided hereinafter. Every such display shall be handled by a competent operator licensed or certified as to competency by the Fire Prevention Bureau, and shall be of such a composition, character, and so located, discharged or fired as in the opinion of the Chief of the Fire Department, after proper inspection, and of the Chief of Police shall not be hazardous to property or endanger any person or persons. After such privilege shall have been granted, sales, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

(d) **Bond Required.**

The Town Board shall require a bond from the licensee in a sum not less than an amount set forth in Appendix B Fee Schedule, reference this code section, conditioned on compliance with the provisions of this law and regulations of the Fire Prevention Bureau adopted hereunder. *[Amended 12/19/05]*

(e) **Liability Insurance.**

Before any permit for a pyrotechnic display shall be issued, the person, firm, or corporation making application therefore shall file a certificate of Liability Insurance in the amount of not less than \$300,000.00 per accident and \$500,000.00 per occurrence to satisfy claims for damages to property or personal injuries arising out of any

act or omission on the part of such person, firm, or corporation or any agent or employee thereof, in such amount, character, and form as the Fire Prevention Bureau determines to be necessary for the protection of the public.

(f) No permit shall be issued under the provisions of this act to a nonresident person, firm, or corporation for conduct of a pyrotechnic display in this Town until such person, firm, or corporation shall have appointed in writing a member of the bar of this state and residing therein to be his attorney upon whom all process in any action or proceeding against him may be served.

(g) Nothing in this ordinance shall be construed to prohibit the use of fireworks by railroads or their transportation agencies for signal purposes or illumination, or the sale or use of blank cartridges for a show or theater, or for signal or ceremonial purposes in athletics or sports, or for use by military organizations, or the use of fireworks for agricultural purposes under conditions approved by the Fire Prevention Bureau.

(h) The Town of Menasha Police Department shall seize, take, remove, or cause to be removed at the expense of the owner all stocks of fireworks or combustibles offered or exposed for sale, stored, or held in violation of this act.

(2) **Application for Permits; Professional Displays**

(a) Application for a permit to operate a professional display of fireworks in conformance with the terms of Ordinance 5.18 of the Ordinances of the Town of Menasha shall be made in writing on forms provided by the Fire Prevention Bureau to the Chief of the Fire Department.

(b) Such application shall require the following:

1. The name of the organization sponsoring the display together with the names of persons actually in charge of firing of the display.
2. Evidence of financial responsibility.
3. The date and time of day at which the display is to be held.
4. The exact location planned for the display.
5. A description setting forth the age, experience, and physical characteristics of the persons who are to do the actual discharging of the fireworks.
6. The number and kinds of fireworks to be discharged.

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7. The manner and place of storage of such fireworks prior to the display.
  8. A diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the location of all buildings, highways and other lines of communications, the lines behind which the audience will be restrained, and the location of all nearby trees, telegraph or telephone lines or other overhead obstruction.
- (c) Upon receipt of such application at least 15 days in advance of the date set for this display, the Chief of the Fire Department shall make or cause or be made an investigation of the site of the proposed display for the purpose of determining whether the provisions of these regulations are complied with in the case of the particular display. He shall confer with the Chief of the Police Department about the application and whether issuance of a permit would be consistent with public safety. Being satisfied that the display is properly lawful, the Chiefs of the Police and Fire Departments shall together endorse the application, stating that they approve the display as being in conformance with all parts of the law and with these regulations. Failure to approve the application by either the Fire Chief or Police Chief shall be sufficient cause to deny permit.
  - (d) The application, following endorsement by the Chiefs of the Fire and Police Departments, shall be sent to the Town Clerk who shall then, upon receipt of evidence of financial responsibility as required by this ordinance in such cases, issue a nontransferable permit authorizing the display.
  - (e) No permit shall be granted for any display of fireworks where the discharge, failure to fire, faulty firing, or fallout of any fireworks or other objects would endanger persons, buildings, structures, forests, or brush, nor in any case where the point at which fireworks are to be fired is less than 200 feet from the nearest permanent building, public highway, railroad, or other means of travel or 50 feet from the nearest aboveground telephone or telegraph line, tree, or other overhead obstruction. In no case shall such a display be within 500 feet of a school, theater, church, hospital, or similar institution.
  - (f) Spectators at a display of fireworks shall be restrained behind lines or barriers as designated by local authorities but in no case less than 200 feet from the point at which the fireworks are to be discharged. Only authorized persons and those in actual charge of the display shall be allowed inside these lines or barriers during the unloading, preparation, or firing of fireworks.
  - (g) All fireworks that fire a projectile shall be so set up that the projectile will go into the air as nearly as possible in a vertical direction, provided that where such fireworks are to be fired beside a lake or other large body of water, they may be directed in such a manner that the falling residue from the deflagration will fall into the said body of water.
  - (h) Any fireworks that remain unfired after the display is concluded shall be immediately disposed of or removed in a manner safer for the particular type of fireworks. The debris from the discharged fireworks shall be properly disposed of by the operator before he leaves the premises. The operator, upon conclusion of the display, shall make a complete and thorough search for any unfired fireworks or pieces, which failed to fire or function and shall dispose of them in a safe manner. Such search shall be instituted at the earliest possible time following the conclusion of the display but in no event later than the first period of daylight, which follows.
  - (i) No fireworks display shall be held during any windstorm in which the wind reaches a velocity of more than 20 miles per hour.
  - (j) All fireworks articles and items at places of display shall be stored in a manner and in a place secure from fire, accidental discharge, and theft and in a manner approved by the Fire Prevention Bureau.
  - (k) The person in actual charge of the firing of the fireworks in a display shall be able-bodied, at least 18 years of age, competent for the task, and so certified by the Fire Prevention Bureau. Such operator shall have his certificate of competency in his possession when engaged in conducting a display and shall exhibit same on request of any authorized person. Said certificate of competency may be revoked by the Fire Prevention Bureau or the Town of Menasha Police Department for any violation of these regulations or where the holder's conduct or condition of sobriety is such as to imperil the public safety. Each person assisting the certified operator shall be able-bodied, at least 18 years of age, and capable of reading, writing, speaking, and understanding the English language.
  - (l) There shall be at all times no fewer than two operators of the display constantly on duty during the discharge, at least one of whom shall be certified.
  - (m) Fire protection and extinguishing equipment shall be provided as required by the Chief of the Fire Department.

- (n) Fees for firework displays. See Town of Menasha Fire Prevention Ordinance Section 5.23.
- (o) Penalties. See Town of Menasha Fire Prevention Ordinance Section 5.22.

**5.19 TENTS** *[Revised/Effective 7/1/02][Revised 12/19/05, Eff. 1/1/06]*

Scope: The provisions of this section shall cover all tents, canopies, air-supported, air-inflated or tensioned membrane structure erected in the Town of Menasha.

Any person, company or corporation who erects a tent in excess of two hundred (200) square feet shall contact the Fire Department for an inspection prior to any occupancy of the tent. Tent use and installation must comply with the Wisconsin Enrolled Building Code and the International Fire Code Chapter 24.

**5.20 FIRESETTING YOUTH INTERVENTION (FYI) PROGRAM** *[Adopted/Effective 7/1/02][Revised 12/19/05, Eff. 1/1/06]*

Scope: The scope of this section shall cover the requirements for the Youth Firesetting Intervention Program conducted by the Town of Menasha Fire Department.

**(1) Definitions**

- (a) *Firesetting*: Any non-sanctioned, non-instructional use of fire involvement, including both intentional and unintentional involvement, whether or not an actual fire occurred.
- (b) *Intervention*: A formal response to firesetting behavior that may include education, evaluation, and referral for assessment for counseling, medical services, social services and juvenile justice sanctions.
- (c) *Neglect*: Failure to act on behalf of or in protection of an individual in one's care.
- (d) *Program*: A comprehensive strategy that addresses safety issues via educational means.
- (e) *Referral*: An act or process by which a youth and family gain access to a program or community resource.
- (f) *Resources*: Any personnel, materials, or both, including volunteer educators, educational or promotional materials, and financial resources, required to meet the needs of a program.
- (g) *Strategy*: A comprehensive organizational plan that is designed to eliminate or mitigate risks

that endanger lives, health, property, or the environment through public fire and life safety education programs.

- (h) *Youth*: A person through the age of 18.

**(2) Program Intake**

- (a) Response by Fire or Police Department. As a result of an emergency response by the Town of Menasha Fire Department or Police Department, any time a member or officer of the Town of Menasha Fire or Police Departments, respectively, interacts with or suspects any youth to be involved in an act of firesetting shall be immediately referred to the Fire Prevention Bureau of the Town of Menasha Fire Department.
- (b) Request for Assessment. Any parent or guardian may request an assessment of the youth they have legal responsibility for. Any counselor who has the permission of a youth's parent or guardian may request assessment of that youth's interest in firesetting.

**(3) Participation in the Program**

- (a) Mandatory Participation. Any youth who is identified as having started a fire to which the fire or police departments respond is mandated to complete the FYI Program.
- (b) Voluntary Participation. Any youth whose parent or guardian has a concern that the youth is involved in firesetting activities may request their youth participate in the FYI Program.

**(4) Program Components**

- (a) Assessment. The assessment of youths in the program will be conducted by the Town of Menasha Fire Department Fire Prevention Bureau Staff (Staff). The Staff will use the forms contained in the National Juvenile Firesetter/Arson Control and Prevention Program.
- (b) Evaluation. After the administration of the assessment tools, the staff will score the assessment tool and determine the level of risk for each youth in the program. From that evaluation a strategy will be developed that will best address the level of interest the youth has in firesetting.
- (c) Education. All youths in the program will participate in an education module that will include fire safety lessons. The lessons will be accomplished by the Town of Menasha Fire Department Fire Prevention Bureau and will consist of age specific materials that the staff deems appropriate for the youth. A variety of

videos will be used in the educational module of the program.

- (d) **Counseling.** All youths in the program will participate in a counseling module, which will be conducted by a school counselor. The focus of this module will be to assist the youths in decision making, anger management and to assist the youths in discovering triggering events to the firesetting behavior.
- (e) **Law Enforcement.** All youths in the program will participate in a law enforcement module, which will consist of a session with a police detective/officer. The focus of this module will be to assist the youth in understanding the judicial implications of their actions.
- (f) **Referral.** For those youths identified moderate to extreme risk for repeat firesetting behavior, because of issues that are out of the ability of the Town of Menasha FYI Program to address, they will be referred to a mental health professional. This will be accomplished through the youth's health care provider. Part of the participation paperwork will include a signed consent from the parent/caregiver that will allow the FYI Program facilitator to discuss findings from the assessment tool with other individuals who will address youth issues.

**(5) Failure to Participate**

- (a) **Mandatory Participation.** For those youths identified as firesetters as a result of a response from the fire or police departments, failure to participate in the program will result in the fire and/or police departments issuing a citation to the parents/caregivers. The staff will make every effort to encourage participation before issuing a citation by written or verbal contact with the parent or caregiver. Continued refusal will result in the parent/caregiver and youth being ordered to appear before the municipal court. The court may order the family to participate in the program, fine the family for failure to participate or refer the case to the social services division of Winnebago County.
- (b) **Voluntary Participation.** For those youths whose parents/caregivers voluntarily enter the program, the only occasion for a citation to be issued would be when the youths are identified as moderate to extremely at risk for repeat behavior. Failure on the part of the parent/caregiver to seek a mental health provider will have the case referred to the social services division of Winnebago County as a case of neglect.

- (6) **Participant Follow-up.** Periods of six-months and one year will be the scheduled times when staff will contact the parent/caregiver to discuss the behaviors of the youth participating in the program.

- (7) **Program Evaluation.** On an annual basis from the start of the program, staff will meet and evaluate the program for successes and failures. Any recommended changes to the program will be a consensus decision of the staff and any necessary changes to this ordinance will be submitted to Town Administration.

**5.21 REFERENCE STANDARDS** *[Revised 6/30/02][Revised 12/19/05, Eff. 1/1/06]*

Scope: The scope of this section is to identify those standards referenced in this chapter of the municipal code.

- (1) Wherever in this subchapter or during code enforcement practices reference is made to nationally recognized good or safe practice, the intent is that the practice to be followed shall be reasonable and safe, as determined by Fire Chief.
- (2) The Fire Chief may refer, among other standard publications, to the National Fire Code, as published by the National Fire Protection Association, for determining what is reasonable and safe.
- (3) The Fire Chief shall maintain in his office, available for public inspection and use during regular office hours, a complete set of the National Fire Code and all other publications, which he may use as a basis for his decisions as to what is nationally, recognized good practice.
- (4) The Fire Chief, on request of any person affected by any decision as to what constitutes nationally recognized practices, shall identify the specific provisions of the National Fire Code or other standard publications on which he bases his decision. If any person is aggrieved by any decision he may appeal to the Town Board of Supervisors.
- (5) Any publications used to determine nationally recognized good practice shall be broadly construed to determine intent, but no provisions contrary to the Wisconsin Administrative Code or any other ordinance of the Town shall be used as a reference.
- (6) All standards referred to elsewhere in this subchapter providing test criteria as to the suitability of materials for their intended uses will be found in the most recent edition of the National Fire Code.

**5.22 PENALTIES** *[Revised 8/26/98]*  
*[Revised/Effective 7/1/02]* *[Revised*  
*7/28/03]* *[Revised 12/19/05, Eff. 2/15/06]*

Scope: The scope of this section is to identify the penalties that maybe levied for failure to adhere to the provisions set forth in the Town of Menasha Fire Prevention Code. These penalties are guidelines and any violation that is subject to judicial review may include additional penalties as seen fit to levy by the court. Charges will appear in the Town of Menasha Municipal Code Appendix C Fines and Penalties, reference this code section.

(1) Any person, firm, association or corporation who shall violate any of the provisions of this Chapter, specifically sections 5.03, 5.08 through 5.19 shall, upon conviction of such a violation, be subject to a penalty, as outlined in the Town of Menasha Municipal Code, Appendix C Fines and Penalties, reference this code section. Penalties increase with frequency of offenses.

(a) **First Offense Penalty.** Any person, firm, association or corporation who shall violate any provisions of this ordinance shall be subject to a penalty and shall, upon conviction thereof, forfeit an amount as set forth in Appendix C Fines and Penalties, reference this code section; together with the costs of prosecution, and in default of such payment of said forfeiture and costs of prosecution, shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 60 days. *[Amended 11/28/05]*

(b) **Second Offense Penalty.** Any person, firm, association or corporation who shall violate any provisions of this ordinance who shall previously have been convicted of violation of the same provision, shall, upon conviction thereof, forfeit an amount as set forth in Appendix C Fines and Penalties, reference this code section; together with the costs of prosecution, and in default of such payment of said forfeiture and costs of prosecution, shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 60 days. *[Amended 11/28/05]*

(c) Each violation, and each day a violation continues or occurs, shall constitute a separate offense. Nothing in this ordinance shall preclude the Town of Menasha from maintaining any appropriate action to prevent or remove a violation of this ordinance.

(2) Any person who shall violate any of the provisions of the Town of Menasha Fire Prevention Code Section 5.08, hereby adopted; or shall fail to comply therewith; or shall violate or fail to comply with any order made therewith; or shall violate or fail to comply with any order made there-under; or shall build in violation of any details, statements, specifications, or

plans submitted or approved there-under; or shall operate not in accordance with the provisions of any certificate, permit, or approval issued there-under, and from which no appeal has been taken; or who shall fail to comply with such an order as affirmed or modified by the Deputy Fire Chief/Fire Marshal or by a court of competent jurisdiction and noncompliance, respectively be guilty of a misdemeanor punishable by a fine identified in the Town of Menasha Municipal Code, Appendix C Fines and Penalties, reference this code section, or by imprisonment for not more than sixty (60) days, or by both such fines and imprisonment. The imposition of a penalty for any violation shall not excuse the violation nor shall the violation be permitted to continue. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

*[Amended 11/28/05]*

(3) Penalties for the violation of Section 907 of the IFC, reference Equipment and Testing as described in that section, shall, upon conviction thereof, forfeit the amount identified in the Town of Menasha Municipal Code, Appendix C Fines and Penalties, reference this code section, together with the cost of prosecution and any other applicable court costs. *[Amended 11/28/05]*

(4) Penalties for the violation of Section 5.06 of the Town of Menasha Fire Prevention Ordinance, Hazardous Materials Response – Hazardous Materials Release shall be as follows:

(a) Any person, firm, or corporation in violation of this Section 5.06 of this Ordinance shall forfeit to the Town upon conviction thereof the amount identified in the Town of Menasha Municipal Code, Appendix C Fines and Penalties, reference this code section, plus the costs of prosecution and in default of payment thereof, imprisonment in the County jail for ninety (90) days. Each day of violation shall constitute a separate offense. Outstanding penalties will be assessed to the tax roll for facilities within the Town of Menasha. *[Amended 11/28/05]*

(5) Penalties for the violation of Section 5.10 of the Town of Menasha Fire Prevention Ordinance, Installation Permits shall be the amount identified in the Town of Menasha Municipal Code, Appendix C Fines and Penalties, reference this code section. The penalties are assessed in addition to the required fees related to: *[Amended 11/28/05]*

(a) Installations initiated without local plan review.

(b) Installations completed without Installation Permit.

(6) Penalties for the violation of Section 5.16 of the Town of Menasha Fire Prevention Ordinance, Burning, may result in the issuance of a citation with fines in the amount deemed appropriate by the Municipal Court. Additional fees may be assessed based upon the

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magnitude of the incident which may include reimbursement to the Fire Department for equipment and staffing expenses.

- (7) Penalties for the violation of Section 5.17 of the Town of Menasha Fire Prevention Ordinance, Flammable/Combustible Liquids Tank Program shall be as follows:

(a) Any person, firm, association or corporation who shall violate any of the provisions of Section 5.17 shall, upon conviction of such violation, be subject to the penalties identified in the Town of Menasha Municipal Code, Appendix C Fines and Penalties, reference this code section. Penalties are assessed: *[Amended 11/28/05]*

1. **First Offense Penalty:** A stop work order shall be issued until compliance has occurred, and a forfeiture of the amount outlined in the Town of Menasha Municipal Code, Appendix C Fines and Penalties, reference this code section; together with the costs of prosecution, and in default of such payment of said forfeiture and costs of prosecution, imprisonment in the county jail until such forfeiture and costs are paid, but not exceeding sixty (60) days.
2. **Second Offense Penalty:** Same as for a First Offense Penalty; however, the forfeiture shall be the amount outlined in the Town of Menasha Municipal Code, Appendix C Fines and Penalties, reference this code section.
3. Each violation, and each day a violation continues or occurs, shall constitute a separate offense. Nothing in this ordinance shall preclude the Town of Menasha from maintaining any appropriate action to prevent or remove a violation of this ordinance.

- (8) Penalties for the violation of Section 5.18 of the Town of Menasha Fire Prevention Ordinance, Fireworks shall be as follows:

(a) Any person, firm, co-partnership, or corporation violating the provisions of this act upon conviction thereof shall be punished by a fine in the amount identified in the Town of Menasha Municipal Code, Appendix C Fines and Penalties, reference this code section, or by imprisonment in the county jail not exceeding ninety (90) days, or by both such fine and imprisonment. *[Amended 11/28/05]*

- (9) **False Alarms** – State Statutes section 60.55(2)(b), provides the Town Board may charge property owners the cost of fire protection provided to their property according to a written schedule established by the Town Board. Furthermore, s. 60.55(2)(d) provides

that the Town Board may levy taxes on property served by a particular source of fire protection to support the source of protection. Therefore, all users of fire alarm systems in the Town of Menasha shall be subject to the following:

(a) The user of any fire alarm system which, upon activation, elicits a response from the Fire Department of the Town of Menasha, which is a false alarm as defined in this chapter, shall be subject to the charges identified in the Town of Menasha Municipal Code, Appendix C Fines and Penalties, reference this code section, relative to the frequency of false alarms within any 12-month period. *[Amended 11/28/05]*

- (10) **Hazardous Materials Release/Spill.** Any person, firm or corporation who is responsible for a hazardous materials release or spill shall be liable for the expenses incurred by the Town of Menasha Fire Department in an amount identified in the Town of Menasha Municipal Code, Appendix C Fines and Penalties, reference this code section. Penalties assessed shall include the per vehicle/per hour cost, the actual payroll expense for any firefighters responding to the incident and reimbursement costs for materials provided by the Town of Menasha Fire Department. *[Amended 11/28/05]*

- (11) **Charges in Association with Motor Vehicle Incident Response.** A motor vehicle incident shall be described as any call for service which occurs on any State highway, County road or Town street where the Fire Department offers assistance for but not limited to victim care, victim extraction, fire suppression or fluid spill cleanup. Fees are identified in the Town of Menasha Municipal Code, Appendix C Fines and Penalties, reference this code section.

- (12) **Repeat Fire Prevention Visits.** State Statute requires that the Fire Department performs fire prevention visits, the purpose of which is to identify and offer corrective actions to abate hazards. The Town of Menasha Fire Prevention Bureau will perform repeat visits as necessary when we do not receive communication from a building owner/business occupant that all hazards have been abated. The charges for repeat fire prevention visits are identified in the Town of Menasha Municipal Code, Appendix C Fines and Penalties, reference this code section. The penalties are assessed based upon the frequency of repeat visits. All efforts will be made to work with building owner/business occupants to attain code compliance.

**5.23 FEES** *[Adopted/Effective 07/01/02] [Revised 12/19/05, Eff. 1/1/06]*

Scope: The scope of this chapter is to establish fees for plan review, systems installation and certain Fire Department services. The fees associated with the following sections of the Town of Menasha Fire Prevention Ordinance are as follows:

- (1) **Plan Review and Installation Fees.** The fee to review fire sprinkler and fire alarm and detection systems and related equipment shall be the amount identified in the Town of Menasha Municipal Code, Appendix B Fee Schedule, reference this code section. The amount of the fee is based upon incremental square footage.
- (2) The fee for plan review and installation permits for specific hazards fire protection systems and/or associated equipment shall be the amount identified in the Town of Menasha Municipal Code, Appendix B Fee Schedule, reference this code section. The types of systems that require plan review and installation permits are:
  - a. Automatic fire-extinguishing systems
  - b. Fire pumps and related equipment
  - c. Private fire hydrants
  - d. Standpipe systems
  - e. Spraying or dipping
- (3) **Fees in Accordance with the Local Program Operation Tank Program** shall be as outlined by the Department of Commerce on Form ESR-9 and identified in the Town of Menasha Municipal Code, Appendix B Fee Schedule, reference this code section. *[Amended 11/28/05]*
- (4) **Fees in Association with Fireworks Displays** shall be as follows: *[Amended 11/28/05]*
  1. Any person, firm, association or corporation who shall wish to conduct a public display of fireworks must submit a permit application with a fee as identified in the Town of Menasha Municipal Code, Appendix B Fee Schedule, reference this code section.
  2. The person to whom a permit has been issued shall arrange for the detailing of one engine company of the Fire Department or such larger number as may be deemed necessary by the Chief of the Fire Department. Fire Department personnel shall be on duty from the time the fireworks are delivered at the site until the termination of the display and the removal of all fireworks and debris from the site. The expense for such firefighters shall be paid by the permittee, at a rate identified in the Town of Menasha Municipal Code, Appendix B Fee Schedule, reference this code section, for apparatus and payroll for firefighters serving the detail.

**5.24 SEVERABILITY**

Scope: The scope of this section is to identify those provisions where conflict exists with other parts of the Town Municipal Code.

The provisions of this Chapter shall be deemed severable, and it is expressly declared that the Town Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid, and if any provision of this Chapter or the application thereof to any person, firm, association or corporation is held invalid, the remainder of the ordinance and the application of said provisions to other persons, firms, associations or corporations shall not be affected thereby.

**5.25 APPENDIX [Wisconsin Statutes]**  
*[Revised, Adopted 1/1/06]*

*Presented in this format for convenience of the Town of Menasha Fire Prevention Code User.*

Scope: The scope of this section is to provide the user with a quick reference format for those State Statutes identified in this portion of the municipal code.

The following State Statutes noted in this code are provided as reference.

- (1) Section 101.01(11), Stats., reads as follows: "Place of employment" includes every place, whether indoors or out or underground and the premises appurtenant thereto where either temporarily or permanently any industry, trade, or business is carried on, or where any process or operation, directly or indirectly related to any industry, trade, or business, is carried on, and where any person is, directly or indirectly, employed by another for direct or indirect gain or profit, but does not include any place where persons are employed in private domestic service which does not involve the use of mechanical power or in farming. "Farming" includes those activities specified in s. 102.04 (3), and also includes the transportation of farm products, supplies, or equipment directly to the farm by the operator of the farm or employees for use thereon, if such activities are directly or indirectly for the purpose of producing commodities for market, or as an accessory to such production. When used with relation to building codes, "place of employment" does not include an adult family home, as defined in s. 50.01 (1), or, except for the purposes of s. 101.11, a previously constructed building used as a community-based residential facility, as defined in s. 50.01 (1g), which serves 20 or fewer residents who are not related to the operator or administrator.
- (2) Section 101.01(12), Stats., reads: "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

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in part as a place of resort, assemblage, lodging, trade, traffic, occupancy, or use by the public or by 3 or more tenants. When used in relation to building codes, "public building" does not include a previously constructed building used as a community-based residential facility as defined in s. 50.01 (1g) which serves 20 or fewer residents who are not related to the operator or administrator or an adult family home, as defined in s. 50.01 (1).

- (3) Section 101.61(1), Stats., reads as follows: "Dwelling" means any building that contains one or 2 dwelling units. "Dwelling unit" means a structure or that part of a structure which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.
- (4) Section 101.971(2), Stats., reads as follows: "Multifamily dwelling" means an apartment building, row house, town house, condominium or manufactured building, as defined in s. 101.71 (6), that does not exceed 60 feet in height or 6 stories and that consists of 3 or more attached dwelling units the initial construction of which is begun on or after January 1, 1993. "Multifamily dwelling" does not include a facility licensed under ch. 50.
- (5) Section 145.01(2), Stats., reads as follows: "Automatic fire sprinkler system", for fire protection purposes, means an integrated system of underground and overhead piping designed in accordance with fire protection engineering standards. The system includes a suitable water supply, such as a gravity tank, fire pump, reservoir or pressure tank or connection beginning at the supply side of an approved gate valve located at or near the property line where the pipe or piping system provides water used exclusively for fire protection and related appurtenances and to standpipes connected to automatic sprinkler systems. 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 a controlling valve and a device for actuating an alarm when the system is in operation. The system is usually activated by heat from a fire and discharges water over the fire area.
- (6) Section 167.07, Stats. reads as follows: "Manufacture, storage and distribution of matches."
  - (1) No person may manufacture, store, offer for sale, sell, or otherwise dispose of or distribute, any of the following:
    - (a) White phosphorus, single-dipped, strike-anywhere matches of the type popularly known as "parlor matches".
    - (b) White phosphorus, double-dipped, strike-anywhere matches, or other type of double-

dipped matches, unless the bulb or first dip of such match is composed of a so-called safety or inert composition, non-ignitable on an abrasive surface.

- (c) Matches which, when packed in a carton of 500 approximate capacity and placed in an oven maintained at a constant temperature of 200 degrees Fahrenheit, will ignite in 8 hours.
- (d) Blazer, or so-called wind matches, whether of the so-called safety or strike-anywhere type.
- (2)
  - (a) No person may do any of the following: Offer for sale, sell or otherwise dispose of or distribute any matches, unless:
    - 1. The package or container in which such matches are packed bears plainly marked on the outside thereof the name of the manufacturer and the brand or trademark under which such matches are sold, disposed of or distributed.
    - 2. Open more than one case of each brand of matches of any type or manufacture at any one time in a retail store where matches are sold or otherwise disposed of.
    - 3. Keep loose boxes or paper-wrapped packages of matches on shelves or stored in a retail store at a height exceeding 5 feet from the floor.
  - (b) All matches stored in warehouses, except manufacturers' warehouses at the place of manufacture, that contain automatic sprinkler equipment shall be subject to each of the following conditions:
    - 1. The matches shall be kept only in properly secured cases.
    - 2. The matches shall not be piled to a height exceeding 10 feet from the floor.
    - 3. The matches shall not be stored within a horizontal distance of 10 feet from any boiler, furnace, stove or other similar heating apparatus.
    - 4. The matches shall not be within a horizontal distance of 25 feet from any explosive material kept or stored on the same floor.
  - (c) All matches shall be packed in boxes or suitable packages, containing not more than 700 matches in any one box or package. If

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more than 300 matches are packed in any one box or package, the matches shall be arranged in 2 nearly equal portions, with the heads of the matches in the 2 portions placed in opposite directions. All boxes containing 350 or more matches shall have placed over the matches a center holding or protecting strip, made of chipboard, not less than 1.25 inches wide and the strip shall be flanged down to hold the matches in position when the box is nested into the shuck or withdrawn from it.

- (3) All match boxes or packages shall be packed in strong shipping containers or cases; maximum number of match boxes or packages contained in any one shipping container or case, shall not exceed the following number:

Number of Boxes	Nominal Number of Matches per Box
One-half gross	700
One gross	500
Two gross	400
Three gross	300
Five Gross	200
Twelve gross	100
Twenty gross	Over fifty and under 100
Twenty-five gross	Under 50

- (4) No shipping container or case constructed of fiber board, corrugated fiber board, or wood, nailed or wirebound, shall exceed a weight, including its contents, of 75 pounds; and no lock-cornered wooden case containing matches shall have a weight, including its contents, exceeding 85 pounds; nor shall any other article or commodity be packed with matches in any such container or case; and all such containers and cases in which matches are packed shall have plainly marked on the outside of the container or case the words "Strike-Anywhere Matches" or "Strike-on-the-Box Matches".
- (5) Any person, association or corporation violating this section shall be fined for the first, and for each subsequent violation not less than an amount set forth in Appendix C Fines and Penalties Schedule, reference this code section. *[Amended 11/28/05]*
- (7) Section 941.10, Stats. reads as follows: Negligent handling of burning material
  - (1) Whoever handles burning material in a highly negligent manner is guilty of a Class A misdemeanor.
  - (2) Burning material is handled in a highly negligent manner if handled with criminal negligence under s. 939.25 or under circumstances in which the person should realize that a substantial and

unreasonable risk of serious damage to another's property is created.

- (8) Section 941.11, Stats. reads as follows: Unsafe burning of buildings. Whoever does either of the following is guilty of a Class D felony:
  - (1) Intentionally burns his or her own building under circumstances in which he or she should realize he or she is creating an unreasonable risk of death or great bodily harm to another or serious damage to another's property; or
  - (2) Intentionally burns a building of one who has consented to the destruction thereof but does so under circumstances in which he or she should realize he or she is creating an unreasonable risk of death or great bodily harm to another or serious damage to a 3<sup>rd</sup> person's property.
- (9) Section 943.02, Stats. reads as follows: Arson of buildings; damage of property by explosives.
  - (1) Whoever does any of the following is guilty of a Class B felony:
    - (a) By means of fire, intentionally damages any building of another without the other's consent; or
    - (b) By means of fire, intentionally damages any building with intent to defraud an insurer of that building; or
    - (c) By means of explosives, intentionally damages any property of another without the other's consent.
  - (2) In this section "building of another" means a building in which a person other than the actor has a legal or equitable interest which the actor has no right to defeat or impair, even though the actor may also have a legal or equitable interest in the building. Proof that the actor recovered or attempted to recover on a policy of insurance by reason of the fire is relevant but not essential to establish the actor's intent to defraud the insurer.
- (10) Section 943.03., Stats. reads as follows: Arson of property other than building. Whoever, by means of fire, intentionally damages any property of another without the person's consent, if the property is not a building and has a value of \$100 or more, is guilty of a Class E felony.
- (11) Section 943.05, Stats. reads as follows: Placing of combustible materials an attempt. Whoever places any combustible or explosive material or device in or near any property with intent to set fire to or blow up such property is guilty of an attempt to violate either s. 943.01, 943.012, 943.013, 943.02, 943.03 or 943.04, depending on the facts of the particular case.

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(12) Section 943.01, Stats. reads as follows: Damage to property.

- (1) Whoever intentionally causes damage to any physical property of another without the person's consent is guilty of a Class A misdemeanor.
- (2) Any person violating sub. (1) under any of the following circumstances is guilty of a Class D felony

(13) Section 943.012, Stats. reads as follows: Criminal damage to or graffiti on religious and other property. Whoever intentionally causes damage to, intentionally marks, draws, or writes with ink or another substance on or intentionally etches into any physical property of another, without the person's consent and with knowledge of the character of the property, is guilty of a Class E felony if the property consists of one or more of the following:

- (1) Any church, synagogue or other building, structure or place primarily used for religious worship or another religious purpose.
- (2) Any cemetery, mortuary or other facility used for burial or memorializing the dead.
- (3) Any school, educational facility or community center publicly identified as associated with a group of persons of a particular race, religion, color, disability, sexual orientation, national origin or ancestry or by an institution of any such group.
- (4) Any personal property contained in any property under subs. (1) to (3) if the personal property has particular significance or value to any group of persons of a particular race, religion, color, disability, sexual orientation, national origin or ancestry and the actor knows the personal property has particular significance or value to that group.

(14) Section 943.013, Stats. reads as follows: Criminal damage; threat; property of judge.

- (1) In this section:
  - (a) "Family member" means a parent, spouse, sibling, child, stepchild, foster child or treatment foster child.
  - (b) "Judge" means a Supreme Court justice, court of appeals judge, circuit court judge, municipal judge, temporary or permanent reserve judge or juvenile, probate, family or other court commissioner.
- (2) Whoever intentionally causes or threatens to cause damage to any physical property that belongs to a judge or his or her family member

under all of the following circumstances is guilty of a Class D felony:

- (a) At the time of the act or threat, the actor knows or should have known that the person whose property is damaged or threatened is a judge or a member of his or her family.
- (b) The judge is acting in an official capacity at the time of the act or threat or the act or threat is in response to any action taken in an official capacity.
- (c) There is no consent by the person whose property is damaged or threatened.

(15) Section 943.05, Stats. reads as follows: Arson with intent to defraud. Whoever, by means of fire, damages any property, other than a building, with intent to defraud an insurer of that property is guilty of a Class D felony. Proof that the actor recovered or attempted to recover on a policy of insurance by reason of the fire is relevant but not essential to establish the actor's intent to defraud the insurer.