

OFFICIAL CODE INTERPRETATION

This interpretation supercedes all previous interpretations on this subject.

CODE SECTION: S. 101.14, Stats. and Comm 14.47; S. 101.14(1)(a)-(bm) is broader in scope than the scope and application of Comm 14.

(a) The department may make reasonable orders for the repair or removal of any building or other structure which for want of repair or by reason of age or dilapidated condition or for any other cause is especially liable to fire, and which is so situated as to endanger other buildings or property and for the repair or removal of any combustible or explosive material or inflammable conditions, dangerous to the safety of any building or premises or the occupants thereof or endangering or hindering fire fighters in case of fire.

(b) The secretary and any deputy may at all reasonable hours enter into and upon all buildings, premises and public thorough-fares excepting only the interior of private dwellings, for the purpose of ascertaining and causing to be corrected any condition liable to cause fire, or any violation of any law or order relating to the fire hazard or to the prevention of fire.

(bm) The secretary and any deputy may, at all reasonable hours, enter the interior of private dwellings at the request of the owner or renter for the purpose of s. 101.145 (6) or 101.645 (4).

Comm 14 reflects the language found in s. 101.14(2), Stats. Comm 14.002 applies only to public buildings and places of employment [see exceptions]. Comm 14.003 applies only to the use and operation of public buildings and places of employment and the inspection, testing and maintenance of all fire safety features as specified in this chapter, for all public buildings and places of employment. Comm 14 does not apply to the design and construction of public buildings or places of employment. The Comm 14 notes are not part of the code and are not enforceable.

Comm 14.47 (2)(a) The chief of the fire department shall be responsible for having all public buildings and places of employment within the territory of the fire department inspected for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of any law or ordinance relating to fire hazards or to the prevention of fires.

QUESTION: Is it the intent of S. 101.14(1)-(2) and COMM 14.47(2)(a) to give the Department's designated deputies such as the Fire Chief, fire inspectors and Commerce Fire Protection Coordinators the ability to enforce fire hazard related provisions of the Electrical Code, Building Code and every other administrative code that has been promulgated by the Department of Commerce based on the wording "or any violations of any law or ordinance?"

ANSWER: Yes. The intent is that the fire chief, as the deputy of the Department of Commerce, is given the broad authority and powers to enforce those portions of the Commerce Administrative Codes [e.g. electrical code, building code, etc.] that relate to fire hazards and the prevention of fire. The Administrative Code has the force of law and in the absence of more stringent local ordinances or changes in statutory language, is to be enforced. For example, frayed wiring insulation is a fire hazard and can be directly cited and enforced by the fire chief under Comm 16. The Comm 16 electrical rules which are not related to fire hazards should be referred to a qualified electrical inspector.



BY:

Bernice A. Mattsson, Administrator
Division of Environmental and Regulatory Services

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